

# The Use of Sustained Restorative Dialogue to Address Sexual Harm at University

*Examining agency in sexual harm discourse and  
evaluating a restorative model for prevention*

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*Dedicated to my mum, for all her love and support,  
and to my dad, who was always my biggest fan*



# Abstract

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The ubiquity of sexual assault and harassment has been illuminated on a global scale in the wake of #MeToo and other like movements, foregrounding the need for strategies that aim to combat and reduce sexually harmful behaviour. As in other areas of society, there is a critical need for innovative and proactive processes that look to address the issue on universities campuses, where sexual harm is rife. While many policies and programmes have been designed to respond to sexual misconduct in the campus setting, cultivating forums for honest and respectful communication may be a more effective way to address harm and the culture that gives rise to it.

This study investigates a Sustained Restorative Dialogue, a proactive initiative that uses restorative circle practice to better understand the issue of sexual harm in the community, and identify practical steps that aim to reduce it. I undertake a linguistic analysis of language use within the dialogue practice, contextualised by qualitative knowledge gained from participant-observation, to investigate what takes place in restorative dialogue and what it is able to achieve. Specifically, I use syntactic and semantic analysis of discourse to evaluate how individuals engage with the process, and how this goes on to shape their actions and beliefs after the dialogue has taken place. In order to illuminate how participants express their individual and shared experiences, I adopt the concept of agency as an analytic focus.

The analysis in this study is in two parts. The first involves an examination of the linguistic strategies that participants use to claim, ratify, negotiate, and deflect agency, which sheds light on how agentive positions are encoded and enacted within sexual harm discourse, and the wider social issues and structural constraints that such positions are connected to. This focus on agency is also able to demonstrate the layered and collaborative way in which meaning is co-constructed in restorative practices, and how structured, intentional dialogue can foster resistant, pro-social discourse and collective agentive expression.

The second stage is an evaluation of the outcomes of the restorative practice, through further analysis of discourse from within the dialogue sessions and post hoc interviews with participants. The analysis shows a number of positive outcomes are associated with participation in the process, such as an increased proclivity to communicate about sexual harm, an enhanced awareness and understanding of the issue, and a great deal of personal benefit for those members of the group who had directly experienced harm.

This research indicates that Sustained Restorative Dialogue can and should be implemented in campus communities as part of an effective sexual violence prevention strategy. This is of particular relevance to students entering university, where there is considerable potential for dialogue around sexual harm to build on and help provide a practical, agentic platform for sex and consent education.

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## Chapter 1: Introduction

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Sexual harm is an ubiquitous social problem. Despite its increasing scrutiny in the public domain, it remains unclear how members of society can actively work to change the cultural and societal norms within which sexual harm is systemically entrenched. There is an acute need for responses that attempt to highlight and transform the status quo. Sexual and gender-based harms are typically the outcome of a complex interplay of individual, relationship, community, institutional, and societal factors. Given this, prevention strategies must also work at these multiple levels (Flood, 2015). Initiatives should aim to enhance individual knowledge, build relationships, involve and develop community, improve institutional cultures, and promote healthy societal norms around sex and gender. Restorative processes may offer an accessible way to achieve these aims in a much needed arena: on university campuses.

The pervasive and traumatic nature of sexually harmful behaviour in the university context demands innovative and proactive strategies that focus on its reduction. Central to effective reduction and prevention strategies is the need to address cultural norms, as the prevalence of campus sexual harm is closely linked to the wider campus culture (Karp & Williamsen, 2020; Wooten & Mitchell, 2015), which in turn reflects the dominant models of our society. Proactive restorative practices can offer the space and tools to both challenge a harmful climate and promote a positive campus culture. To date, restorative initiatives implemented at tertiary institutions have largely focused on practices that respond to past episodes of wrongdoing, rather than including proactive processes that aim to develop social bonding (Wachtel & Miller, 2013) and can strengthen young people's sense of agency. However, it is the restorative practices that function proactively to foster inclusive, equitable and empathetic relationships between those who live, work and study together (Marshall, 2018), that have the greatest potential to prevent sexual harm in campus communities.

The university provides an ideal environment for such practices, and the values and aims of restorative justice befit the overarching goal of universities to educate their students in such a way that prepares them to become informed, responsible, and ethical members of society (Kaplan, 2017). Furthermore, in attempting to motivate a societal shift away from a culture that gives rise to sexual harm, the university is a fitting place to start; they are a transition point for young people as they enter adulthood, and in some ways, they are microcosms of wider society<sup>1</sup>. At university students are often negotiating sexual conduct with varying degrees of education and experience, and learning social norms that will shape their future behaviour. Moreover, it is an environment in which people are exploring, in many domains, their potential as social agents and the structural constraints on their agency.

In recent years, as attention to the issue of campus sexual violence has increased, and the limitations of an adversarial system have become clearer (Karp, 2019), a search for alternative models has begun (Karp et al., 2016). Yet while a substantial amount of research has examined both the problem of campus sexual assault and the impact of restorative justice, there is surprisingly little that focuses specifically on the use of restorative processes to address campus sexual harm (Kaplan, 2017). Nevertheless, scholarly interest is growing, in large part due to the work of the PRISM (Promoting Restorative Initiatives for Sexual Misconduct) Project, an international network of scholars and practitioners invested in using restorative approaches to reduce and respond effectively to campus sexual misconduct (Karp et al., 2016). The PRISM project advocates for restorative interventions after an incident of harm occurs, and for restorative processes that promote community-building, in order to establish appropriate sexual conduct norms and counteract the hostile climate often referred to as 'rape culture' (Kaplan, 2017; Karp et al., 2016). Rape culture can be understood as the social, cultural, and structural discourses and practices in which sexual

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<sup>1</sup> I say 'in some ways' here to acknowledge that universities are often not reflective of the entire population in terms of class, race, able-ism, etc.

violence is accepted, tolerated, eroticised, minimised, or trivialised (Henry & Powell, 2014). Processes that aim to counter such environments are significant, as instances of sexual harm are not simply the isolated acts of individuals but ultimately derive from and are perpetuated by oppressive and systemic social norms. Indeed, the Campus PRISM Project suggests that proactive community-building approaches may ultimately prevent incidents of sexual harm by providing community members with a forum in which to collectively develop a safer and more respectful culture. However, as noted above, there are considerably fewer of these processes currently in use on university campuses and, consequently, a dearth of research that examines their mechanisms and their outcomes.

## **1.2 The focus and aims of this study**

This research involves a case study investigation of a Sustained Restorative Dialogue (SRD), an initiative that uses restorative circle practices to better understand the issue of sexual harm in the community, and to identify practical steps that aim to reduce it. This thesis employs linguistic analysis of language use within the SRD, contextualised by qualitative knowledge gained from participant-observation and post hoc interviews, to investigate what takes place in restorative dialogue and what it is able to achieve. Aided by the tools of sociolinguistic inquiry and discourse analysis, it aims to understand the SRD process at a communicative level, to offer insight into how proactive restorative practices work for dealing with issues of significant harm. It thereby furnishes grounds for assessing the merits of implementing such practices in university communities, and beyond, to address sexual harm and the culture that engenders it.

In order to do so, this study uses the concept of agency as an analytic focus. Agency as a conceptual goal is highly relevant as, on the one hand, restorative practices are fundamentally concerned with affording people agency, yet on the other, sexual harm is an essentially agency-stripping phenomenon. Paying close attention to the nuanced and varied

ways in which agency is enacted, and the environments that enable or constrain it, sheds light on what restorative dialogue can offer, both at the level of the individual and the role it can play in sexual harm prevention strategies more broadly.

### **1.3 The value and contribution of the research**

To the best of my knowledge, this study is one of the first to examine, at the level of discourse, what happens in a proactive restorative dialogue process. It aims to provide empirical evidence of how restorative dialogue works in practice, the outcomes it can produce, and its potential in the area of sexual harm. As restorative processes are inherently dialogue-based, linguistic analysis is foundational to such an endeavour, and this thesis attempts to show the ways in which linguistics and restorative justice analyses might inform each other.

The findings from this study have important implications for using restorative dialogue to address issues of high emotional impact, such as sexual harm, particularly by its ability to enhance awareness of, and increase communication around, sensitive issues. Sexual assault and harassment are not only pervasive issues in many communities but also insidious ones; there is a notable taboo associated with speaking about sexual harm, meaning that for many members of society it is often hidden, unacknowledged, or insufficiently understood. Therefore, findings that indicate that the SRD process can increase both understanding and communication are of considerable value.

This study also presents an evaluation of the SRD process, through discourse analysis of the SRD itself and via evaluative observations and commentary made by participants in interviews conducted three months after the dialogue sessions. This is important, as it illuminates how individuals engage with restorative dialogue and how it continues to shape their actions and beliefs after the dialogue has taken place. Evaluative research in the area

of circle practices is still limited. As Umbreit & Peterson Armour (2011: 182) state, “circles tend to be grassroots efforts that function outside of legislative processes and concerns. Consequently, there is less interest and investment in evaluating their effectiveness.”<sup>2</sup> Therefore, the present study makes an important contribution by expanding the knowledge base of proactive restorative practices.

Additionally, this thesis aims to demonstrate how, alongside the well-established notion of accountability, restorative justice theory might benefit from a sharper focus on agency as a conceptual goal (cf. O’Mahony & Doak, 2017). A notable observation in the data of this study is the way in which practices like the SRD encourage the exercise of agency in the interests of enhanced accountability. Importantly, this is in stark contrast to the dominant expressions of agency and accountability that exist in adversarial resolutions of harm, that is, where agency is often deflected in order to avoid accountability. The hope is that this, and other processes of agency explored in later chapters, will also contribute to linguistic scholarship concerned with the discursive enactment of agentive (and non-agentive) positions. The SRD provides a fruitful site for an examination of the ways agency is linguistically encoded, how moral agency is claimed and negotiated, and how agentive stances emerge collectively in interaction. Furthermore, such an analysis is able to illuminate the layered and collaborative way in which meaning is co-constructed in dialogue.

This research is timely, as many institutions, both internationally and in Aotearoa New Zealand, are exploring restorative practices as an alternative to punitive models for the remediation of harm. The hope is that this study will help to clarify some of the uncertainties involved in moving towards restorative models and encourage the implementation of processes like the SRD in campus communities. They can offer an innovative means for strengthening knowledge, understanding, and communication around

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<sup>2</sup> The authors note that an exception to this is sentencing circles, used to develop consensus on an appropriate sentencing plan to respond to crime or wrongdoing.

sexual (and other forms of social) harm, as well as for promoting the kinds of positive, inclusive, community-based connections that will ultimately be integral to a shift in culture.

#### **1.4 My research position (what this thesis is, and what it is not)**

As this study aims to contribute to the fields of both linguistics and restorative justice, it is perhaps useful to stress from the outset that it is a transdisciplinary endeavour. While it seeks to incorporate paradigms from both disciplines, it is not strictly a linguistics thesis, nor is it definitively a restorative justice thesis, and thus may not always align with the norms and expectations in the respective fields. For example, while I undertake a syntactic and semantic analysis of discourse, I do not follow the dominant, present-day tradition of discourse analysis. Rather, this study aims to create a framework within which knowledge from the fields of linguistics and restorative justice is integrated, to the mutual benefit of both disciplines; it is intended to be a transdisciplinary piece of research which takes seriously the move towards breaking down silos across the social sciences.

This is an important objective for me not only for theoretical and philosophical reasons, but also for personal ones. It derives from my strong conviction that, as someone who is trained in linguistics, the set of tools I have can be applied in practical and constructive ways outside of the canonical scope of the academic field. As a praxis-oriented study I hope to demonstrate the benefit of bringing a critical lens to the discourse that takes place (including how agency is enacted) in restorative practices. Since restorative justice is an emerging paradigm for handling conflict in the area of sexual harm, little has so far been published by way of evaluation of discourse and the dialogue processes. Thus, offering a linguistic perspective on them will be of real value to advancing practice.

My desire to make a positive and practical contribution with this study also aligns with wider objectives in the areas within which my research is situated. Restorative justice is



fundamentally praxis-based and aims to transform how communities perceive and respond to harm by promoting restorative values through practical, accessible programmes and processes. Moreover, in a field like language and gender, the linguistic subfield that underpins many parts of this thesis, there is an obligation as a researcher to make a positive contribution, as gender is an area that society is still struggling with enormously. Within a broader landscape that includes the explicitly gendered problems society faces (e.g. the gender pay gap, sexual violence) the ways in which we talk about gender is significant and influential. How we enact such social categories in our everyday lives is invariably affected by how we communicate about them. With the importance of language in mind, we turn now to some notes on terminology used in this thesis.

### **1.5 A note on language**

What we say and do with words has meaningful consequences, and for this reason I wish to clarify some of the terms I use frequently throughout this thesis which have the potential for ambiguity or fluidity.

#### *Sexual harm and gender-based harm*

First and foremost, I use the term *sexual harm* to refer to all behaviour of a sexual nature that results in harm. This includes verbal and physical sexual harassment, sexual coercion, sexual assault, rape, and online harm (e.g. revenge porn, unsolicited explicit images, harassment of a sexual nature). At times I also refer to *gender-based harm*, as some harmful behaviour is not specifically sexual, yet is inherently linked to someone's gender. However, I acknowledge that there is some debate around the use of this term: it has been criticised for ignoring the fact that men predominantly harm women, and the problem cannot be addressed effectively if we use language that renders male violence invisible (Cameron, 2020). Nevertheless, while it is indisputable that the majority of sexual harm is experienced by women and perpetrated by men, I employ the term in acknowledgement of the fact that

an overwhelming number of transgender and non-binary people also experience harassment, discrimination, and violence, because of their gender (Cantor et al., 2020; VAWnet, 2020).

### *Campus and the university setting/environment*

I use the terms *campus* and *university setting/environment* interchangeably to refer to both the physical areas of a university's precincts (e.g. lecture and tutorial rooms, offices, study spaces, residential accommodation, recreational facilities, licensed venues) and university-related activities outside the physical bounds of the institution (e.g. professional placements, field trips, university events, student parties). The latter of these is treated as such in order to reflect the full extent of the student experience, and the fact that sexual harm that occurs 'off campus' can still have a profound impact on a student's daily life at university, particularly if the person responsible is a fellow student or a staff member (Australian Human Rights Commission, 2017).

### *Dialogue*

The term *dialogue* in this context (i.e. restorative dialogue) is slightly different from the conventional meaning of a conversational exchange. That is, from a linguistic perspective the use of the term may appear somewhat aberrant, as the process does not include the kind of standard turn-taking that dialogue usually involves. Within circle practice (the structure of circle practice will be discussed in following chapters), people do respond to each other, but contribute to the discussion in a different way. In the victim-offender conferencing model in restorative justice, the parties communicate back and forth about an issue, as in regular conversation. But this kind of exchange does not typically happen in the circle structure. Yet it still possesses a key element of dialogue in that speakers have an impact on and are impacted by what one another says; they create a shared reality. As Shor & Freire (1987) note, dialogue is where humans meet to reflect on their reality as they make and remake it, whatever form the conversation takes.

## **1.6 Outline of thesis**

In this chapter I have outlined the context for this research and introduced the theoretical frameworks within which the study is situated. I have identified the key themes of the project and discussed the research aims, as well as the contribution this study hopes to make, in light of these goals. The remaining chapters are organised as follows:

Chapter 2 contextualises the study in the relevant literature and provides a review of the factors that led to the development of the SRD model. It also presents a detailed exploration of the notion of agency, as it is employed in this thesis.

Chapter 3 is an account of the various research methodologies and approaches to analysis that informed this study. It clarifies the specific research questions I seek to address, examines the particulars of the research design, including an overview of the SRD sessions, and explains the background and origins of the present study.

Chapter 4 comprises an analysis of agency in the SRD: the various ways it was discursively enacted, claimed, negotiated, and at times deflected, within the dialogue. This chapter includes micro-analysis of linguistic features in order to demonstrate how participants interactionally construct themselves as active agents and passive experiencers, and to illuminate the themes that emerge as salient in sexual harm discourse.

Chapter 5 analyses the key outcomes of the SRD. It describes the impacts of the process and how it affected group members, both inside and outside of the circle, drawing on evaluative commentary provided by participants.

Chapter 6 discusses the main findings of the analysis, how they inform the major themes and research aims of this study, and the wider implications they carry for the relationship

between restorative practices and sexual harm. It argues that wider implementation of restorative dialogue in the university setting carries very real potential as a sexual harm prevention strategy.

Chapter 7 returns to the research questions posed in Chapter 3 to consider, in light of the analyses and subsequent discussion, the extent to which this study has achieved its goals. It reviews the larger implications of the research findings and concludes with some final reflections.

## Chapter 2: Literature Review

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### 2.1 Introduction

The purpose of this literature review is to provide an overview of the key themes of this study: restorative justice, campus sexual harm, and the discursive positions of agency. The first half of the chapter will outline restorative justice theory and how it can inform the issue of sexual harm in the university setting. It discusses the theoretical frameworks and specific practices that led to the development of the SRD model. The second half of the chapter will explore the notion of agency, focusing on those approaches and conceptualisations that align with the expressions of agency in the data of this study, and subsequently inform my analysis.

### 2.2 Restorative justice

Restorative justice is a collaborative and peacemaking approach to conflict resolution that is fundamentally based around the intrinsic human values essential to healthy relationships, such as respect, equality, trust, and inclusion. Its core goals are to repair damage brought about by harm and to restore relationships within a community by focusing on the needs of its members. Restorative justice involves a range of processes that can respond to individual incidents of harm as well as to the broader cultural contexts that enable harmful behaviour, and its practices are rooted in the basic human impetus to sit together and deliberate on an issue (Karp et al., 2016). At the macro-level, restorative justice is about peacemaking; at the micro-level, it is about relational repair (Hayden & van Wormer, 2013).

Restorative justice differs from traditional approaches to wrongful or harmful behaviours in a number of important ways. Rather than focusing on punishment, the emphasis is on addressing the needs and obligations of those involved in the harm or conflict. That is, while

the needs of the harmed party (or parties) are central to restorative practices, meeting the needs of those who have caused harm are also a key focus, in the form of support, accountability, and the opportunity to take responsibility for their actions. In a criminal context, restorative practices seek to provide an alternative framework for considering justice. Rather than viewing crime as a violation of the state and asking *what laws have been broken?*, restorative justice views crime as a violation of people and relationships, and instead asks, *who has been harmed?*. When a crime takes place, it is not just the law that needs to be restored, but people's lives (Zehr, 1990).

The focus on law breaking in conventional justice systems results in victims of crime having little role or voice in the proceedings and their outcomes, which can result in feelings of marginalisation and additional injustice (Umbreit & Peterson Armour, 2011). In contrast, a restorative approach is grounded in the belief that those people directly affected by a conflict or wrongdoing should play an active role in attempting to resolve it. Instead of being passive bystanders, they should be given the opportunity to determine what they need for their own healing or restoration. Further, people who cause harm should take an active role in making amends to the best of their ability.

Rather than using the severity of punishment as its measure, restorative justice relies on the testimonies of harmed parties and concrete measures of behavioural change. Braithwaite & Roche (2001) make a distinction between passive and active accountability, and argue that punishment (particularly court-ordered incapacitation) is usually passive and leaves little room for active responsibility, the repairing of harm, or effective rehabilitation. Conversely, they demonstrate how active choice, as opposed to passive receipt, and the embedding of that choice in networks of social support, are associated with successful rehabilitative outcomes. While some harms cannot be undone, active responsibility signals a recognition of the harm and a commitment to restoration (Karp & Schachter, 2018). As Karp et al. state, "rather than simply assigning passive offender accountability, in which punishment is

delivered but change is not measured, RJ cultivates active accountability in which offenders can repair harm and demonstrate responsible behavior” (2016: 3). As we will see in the latter parts of this chapter, this distinction between passive experiencer and the expression of active accountability strongly aligns with the focus on agency in this study.

In addition to this fundamental shift in vantage point, restorative justice also expands the circle of stakeholders in an incident (or culture) of harm to include the many different people who are affected by it. That is, it widens the recognised stakeholders to include not only the person or people who have suffered the harm, but community members (e.g. family, whānau<sup>3</sup>, friends, colleagues) who have also been affected by what has taken place.

Restorative practices seek to promote inclusion, collaboration, and truth-telling, and avoid the sometimes overly simplistic binary of guilty and innocent. They have the potential to strengthen communities and empower harmed parties by giving them a voice. Furthermore, they can support those who have caused harm by providing them the opportunity to do what they can to repair, restore, and contribute to their community. As Liu reasons, “all human beings, including criminal offenders, respond to some moral community whose standards they have internalised and to whom they are answerable” (2007:39). Importantly, in addition to addressing the consequences of harm, restorative justice also seeks to identify its root causes, i.e. what personal or cultural factors led to the harm being inflicted.

In the 1990s, as the field of restorative justice was taking shape and gathering momentum, the role that restorative practices could play in schools was identified as central to creating a more restorative society as a whole (Morrison, 2013). Much like in wider society, traditional discipline in the education system focuses on punishment, which fails to turn disciplinary violations into learning experiences; something that is particularly problematic

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<sup>3</sup> Extended family.

in the context of education due to the socialising function that schools perform (Suvall, 2009). It was suggested that a paradigm shift away from a punitive model (e.g. using suspension and expulsion) and towards one that promotes relationships and community, would be more effective in responding to student misconduct and reducing recidivism (Abregu, 2011; González, 2012; Suvall, 2009). Initially the aim of restorative practices in schools was to respond to problematic behaviour and repair harm. Yet many schools soon began to develop proactive processes as well, designed to build social and emotional intelligence — the ability to identify and navigate emotions in oneself and with others — and connection within the school community, so that the normative environment is safe and respectful (Abregu, 2011; Morrison, 2013). Nowhere are the goals of proactive practices more advantageous than in schools (and indeed universities) as they are micro versions of society at large, where people learn the foundational elements of socialisation and citizenship.

Rather than being a particular programme or blueprint (Zehr, 2015), restorative justice is perhaps better understood as a set of guiding principles. As Morris claims, “it is the adoption of *any* form that reflects restorative values and which aims to achieve restorative processes, outcomes and objectives” (Morris, 2002: 600). Zehr (2015) stresses that restorative models are culture-specific and therefore should be built by communities from the bottom up, by assessing their needs and resources, and applying the principles to their own situations. As we will see, the SRD represents an optimal example of this – a model developed to address a need within the University community. As Braithwaite asserts, “there are many different versions of restorative justice...The strengths and weaknesses of these versions depend on the contexts in which they are deployed” (2018: 2). Recognising the importance of context, we turn now to the use of restorative practices specifically in Aotearoa New Zealand.



### 2.3 Restorative justice in Aotearoa New Zealand

New Zealand is one of several countries that has received international recognition over the last few decades for being at the forefront of the restorative justice movement. In particular, the 1989 introduction of Family Group Conferencing for youth offenders has been hailed as a pioneering model of restorative justice (Schmid, 2002). New Zealand was the first country to establish family group conferences in a statutory framework (Johnstone & Ness, 2013), and restorative conferencing is now central to the entire youth justice system (*How the Youth Justice System Works*, 2019). The application of restorative justice was subsequently extended into the adult jurisdiction, and has since developed into a wider social movement for change across many areas of society.

In the criminal context, restorative justice is offered after a person has entered a guilty plea or been found guilty, but before sentencing. A judge is required to consider any agreements made at a restorative conference when deciding on a sentence. Proponents of restorative justice emphasise its positive potential for those involved, but also highlight the negative consequences of the conventional system's over-reliance on responses to offending that prioritise penalties and custodial sentences. These outcomes are not only costly but have proven to be ineffective in protecting the public or deterring (re)offenders (G. M. Maxwell, 2007). Moreover, the conventional system consistently fails to take into account the needs of victims, offenders, and their communities (Morris, 2002).

Of particular salience in the New Zealand context is the restorative principle of putting the power of decision making back in the hands of local communities so they can restore relationships among their members, as it resonates strongly with tikanga Māori, that is, customary Māori traditions and practices. Before many Māori moved into urban areas (post-World War 2) the iwi, hapū<sup>4</sup>, and whānau managed disputes and administered justice

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<sup>4</sup> Tribe and sub-tribe, respectively.

via traditional systems that relied on the social cohesiveness of a moral community (Liu, 2007). Considering the enormously disproportionate number of incarcerated Māori in New Zealand, there is a critical need for alternative processes that challenge ineffective aspects of the criminal justice system. Aligning with the traditional Māori focus on restoring and empowering communities is a promising avenue towards achieving systemic change.

Outside of the criminal justice system, restorative practices are now being offered and implemented in a range of sectors (*Restorative Justice Aotearoa*, n.d.), and other initiatives, such as Whanganui's vision of becoming a Restorative City, are taking place. More locally still, Victoria University of Wellington has made considerable advances towards becoming a restorative university (Pointer, 2017). The Diana Unwin Chair in Restorative Justice was established in 2013; in 2016 the University began using restorative processes to handle incidents of student misconduct within residential halls; and most recently, the student conduct statute was modified to make restorative justice the default mode for addressing instances of general misconduct.

As will be discussed shortly, the application of restorative justice in cases of sexual harm is one of the more contested areas for the use of restorative practices. Nevertheless, in the New Zealand setting there is evidence to suggest there is a demand for alternative processes to respond to sexual offending.

## **2.4 Restorative justice and sexual harm**

Sexual harm is a serious and ubiquitous problem in New Zealand. According to recent statistics, one in three women (34%) and one in eight men (12%) have experienced sexual violence at some point in their lives (*New Zealand Crime and Victims Survey: Topline Report*, 2018). In 2015, the New Zealand Law Commission published a major report on *The Justice Response to Sexual Violence*, which, among other things, recommended the development

of an alternative track outside of the criminal justice system for addressing the problem, citing widespread support for such a proposal from the victims' advocates (*The Justice Response to Victims of Sexual Violence*, 2015). In June of 2019, Te Uepū Hāpai i te Ora - the Safe and Effective Justice Advisory Group published a comprehensive report that examined how a diverse range of New Zealanders viewed the current criminal justice system. The report found that victims of sexual harm do not always want the same thing from the criminal justice system and may not see it as an appropriate forum for addressing their harm and trauma at all. For example, many do not want a formal prosecution but feel there are few other options that provide redress and ensure some offender accountability. As a result, the report states that there is a strong voice calling for the availability of alternative responses to sexual offences, such as restorative justice. Such options would better meet the needs of many victims, offenders, and their communities, than the traditional response, which tends to result in either a decision not to prosecute, an acquittal, or a lengthy period of imprisonment (*He Waka Roimata: Transforming Our Criminal Justice System*, 2019).

Sexual offences are currently dealt with by the justice system through standard adversarial processes. However, access to restorative justice for adult victims is still available to those who want it, not as an alternative to prosecution but as an additional process prior to sentencing. Furthermore, Project Restore is a community-based, government-funded organisation that provides restorative justice processes specifically designed to address sexual violence. Project Restore accepts referrals from both the courts and from victims in the community who do not wish to involve the police (Julich & Bowen, 2015).

Research on restorative justice in cases of sexual harm is limited, yet growing (Daly et al., 2013). Over the past two decades there has been much debate about the appropriateness of using restorative justice in cases of sexual violence, with critics suggesting that restorative processes may diminish the responsibility of offenders, put undue pressure on victims to forgive, and fail to send a clear message that condemns sexual violence in the way that

formal punitive measures do (e.g. Stubbs, 1997). Critics typically emphasise the risk to victim safety, the potential for perpetuating power imbalances, and the possible re-victimisation of the harmed party (Daly & Stubbs, 2006). Conversely, it has been argued that in sexual assault cases, the victimising effects of the formal court process can be more severe than the effects of restorative conferencing. Moreover, the predominant focus on conviction and penalty does not necessarily address the harms suffered by the victim (Daly, 2006). Indeed, there is a widely held view among those who work in the sexual violence service sector that the adversarial nature of conventional criminal justice systems is not geared to meet the needs of victims (Jülich, 2010) — a sentiment echoed (as noted above) by many people affected by sexual harm in New Zealand, and reflected in the Law Commission report.

As previously mentioned, a restorative approach differs by focusing on the “justice needs” of harmed parties, including the need for voice, agency, and accountability. It provides the opportunity for people to articulate how a harm or conflict has affected them and what they need for healing and a sense of justice (Jülich & Bowen, 2015). However, the above debate on the applicability of restorative justice has focused almost exclusively on the *reactive* use of restorative practices (i.e. attempts to resolve or respond to incidents of harm after they have occurred). Little attention has been given to the use of proactive or preventative processes as an effective way to combat harmful sexual behaviour and attitudes. The need for such preemptive processes in the university context seems particularly pertinent.

## **2.5 Sexual harm in the campus setting**

There is an unequivocal and timely need to address sexual harm in the university setting. In a 2016 survey<sup>5</sup> that examined experiences of sexual violence in New Zealand tertiary

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<sup>5</sup> Thursdays in Black Students’ Survey: Student experiences of sexual violence prior to and during tertiary education (2016). The survey was taken by 1403 respondents (*‘In Our Own Words’ Thursdays in Black Students’ Survey*, 2017).

education, over 80% of students who responded said they thought sexual violence in student communities was a problem, and 53% of those asked indicated that they had experienced some form of sexual harm during their time as a tertiary student (*Thursdays in Black Students' Survey*, 2017). While this is only a partial representation (where respondents may have self-selected based on their experiences), similar statistics have been reported in larger surveys in the U.K. (Bingham & Goldhill, 2015; Revolt Sexual Assault, 2018). Further, a comprehensive student survey<sup>6</sup> across all 39 of Australia's universities found that one in four students were sexually harassed in a campus setting in 2016 (Australian Human Rights Commission, 2017), and the largest survey of this kind<sup>7</sup> found that, in the U.S., more than a quarter of female undergraduate students are experiencing non-consensual sexual contact while at university (Cantor et al., 2020).

The ubiquity of sexual assault and harassment has been illuminated on a global scale in the wake of the #MeToo campaign and other like movements, and recent media coverage exposing the toxic culture that still exists in many professions in the New Zealand context powerfully demonstrates that this is both a global and a local issue. Perhaps most notable of these is the Russell McVeagh scandal in 2018, which revealed a pattern of sexually harmful behaviour towards young female interns by a number of senior male lawyers, at one of New Zealand's most prestigious law firms (Roy, 2018). A recent, and extensive<sup>8</sup> survey by the New Zealand Law Society found that the situation at Russell McVeagh was representative of the wider legal profession, as it showed that 31% of female lawyers (and 5% of male) have been sexually harassed during their working life (*Workplace Environment Survey*, 2018).

Within a broader movement to address sexual assault and harassment, there is a necessity to focus on what is happening in the campus setting, where dynamics can be more complex

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<sup>6</sup> The survey measured the experiences of over 30,000 students.

<sup>7</sup> The survey gathered data from 33 universities and had 181,752 student respondents.

<sup>8</sup> The survey was taken by 3516 lawyers in New Zealand and was commissioned to measure general workplace wellbeing, and to establish the prevalence and characteristics of sexual harassment and bullying.

than in the workplace — there is often no obvious power differential between students, there is a culture of considerable alcohol consumption (Connor et al., 2010), and young people have varying degrees of education around sex and consent. While the same could be said for some workplaces, the university setting is distinct in that (particularly for first year students) a large number of young people are suddenly immersed in an environment commonly associated with ‘hook-up’ culture. For example, in 2014 it was reported that around half the users of the Tinder app were young adults (aged 18-24) based at university (Evans & Barnett, 2015). Furthermore, many university students are in the 18 to 24 year age bracket, which both international and national research has shown to be a particularly vulnerable cohort in terms of experiencing sexual harm (*An Overview of Sexual Offending in England and Wales*, 2013; *Sexual Abuse Statistics*, n.d.; Australian Human Rights Commission, 2017; Koss et al., 1987).

Ideally, students at tertiary level would have already had adequate and effective sex and consent education by the time they arrive at university, but for many this is simply not the case. For instance, only two of the participants in the present study reported feeling that the sex education they received at school was sufficient. Research on sex education suggests that effective programmes are ones that promote “sexual literacy” (Shtarkshall et al., 2007). That is, going beyond simply distributing information to include the development of personal knowledge and skills, with an emphasis on the social and emotional aspects of sex, sexuality, sexual health, and consent. The absence of “sexual literacy” is a breeding ground for harm, as (in addition to health issues such as STIs and unwanted pregnancy) it can result in young people not having a clear understanding of their sexual autonomy. Further, inadequate sex education can reinforce the types of hegemonic masculinity ideologies that give rise to sexual violence (Grose et al., 2014). A high level of communication on campus is therefore necessary, in order to establish and promote sexual conduct norms and expectations that are appropriate and consensual.

‘Campus climate’ has been described as, “the set of attitudes, behaviors, and community norms (spoken and unspoken) that support or limit each person’s ability to experience an environment that affirms their sense of self” (Barbosa, 2019: para. 1). Developing a campus climate where positive behaviour and attitudes are normalised has the potential not only to reduce incidents of sexual harm but to effect societal change more globally. Universities and halls of residences perform a socialising function and it is reasonable to assume that young people who are learning (and practising) healthy sexual conduct norms in their student lives are more likely to carry such norms into their lives after university. This includes the workforce, where as we know, sexual harassment and assault is still a very real problem. In this respect, as Grigoriadis comments, students “offer us a preview of where the country might be going next” (2017: para. 5).

Sexual harm on campus can take many forms, such as harassment (both in person and online), assault, rape, stalking, and intimate partner violence. One of the obstacles to effectively responding to the issue is that many students do not make official complaints. This is especially true of minority groups (i.e. non-Pākehā<sup>9</sup> and LGBTQ+ students) who may have lower expectations that an institutional process will be responsive to their needs (Karp et al., 2016). Much like in the criminal justice context discussed above, in the campus setting there is a disconnect between the needs of victims of sexual harm and the institutional systems that are in place to respond to it. Specifically, many people who have experienced harm at university feel as though the disciplinary system does not truly listen to their stories, meet their needs, or take seriously the harm that sexual misconduct can cause (Kaplan, 2017). Thus, it is important to develop non-adversarial approaches that can help address this gap, and attend to students’ needs in ways that traditional disciplinary procedures often fail to.

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<sup>9</sup> Not of European descent.

## **2.6 Restorative approaches to campus sexual harm**

Although restorative justice moved into schools relatively soon after it emerged in the criminal justice system, it has only recently made its way into university settings (Pointer, 2017). While campus sexual assault and restorative justice are both well-researched areas independently, not a great deal of scholarship has analysed the use of restorative practices to address sexual harm at university. Moreover, the aforementioned debate around the suitability of restorative justice in cases of sexual harm raises a specific set of concerns in the campus setting. For example, students may feel coerced into taking part in a restorative process based on their young age and the power imbalance between themselves and the university administration (Kaplan, 2017). Specifically, harmed parties may feel pressured into accepting a reparation plan that suits the university's needs rather than their own, and responsible parties may feel coerced into participating due to the prospect of more severe penalties (e.g. expulsion) if they opt for the conventional disciplinary procedures.

It has also been observed, in the United States context, that students of colour have had markedly different experiences with restorative processes than their white counterparts: they have reported a lower level of satisfaction with the process and their ability to voice their perspectives (Kaplan, 2017). As Kaplan cautions, when expanding restorative practices to sexual misconduct, an issue with a history of racial injustice, we “must explore and seek to remedy these racial disparities” (2017: 706). Such disparities may not apply in the same way in the New Zealand student context, partly because of the close alignment between the central elements of restorative processes and tikanga Māori. Nonetheless, in the ever-expanding multicultural landscape of New Zealand, considerations around the experiences of all non-Pākehā groups must be taken into account.

Although not specifically related to students, researchers have noted that social class can influence a person's ability to successfully participate in restorative processes, since socio-



economic background can affect an individual's linguistic development (Willis, 2018). That is, not all participants are equally equipped with the necessary linguistic skills to give expressive, and thus effective, answers to questions in restorative conferences, and therefore benefit from the opportunity. Willis (2018) argues that when taking into account the recurrent concerns about power imbalances in restorative practices (most apparent in debates around sexual violence) we must also pay attention to subtler forms of power disparity, such as the unequal communicative abilities of participants. As most campuses will encompass students from a range of socio-economic backgrounds, this is a legitimate consideration in the university context.

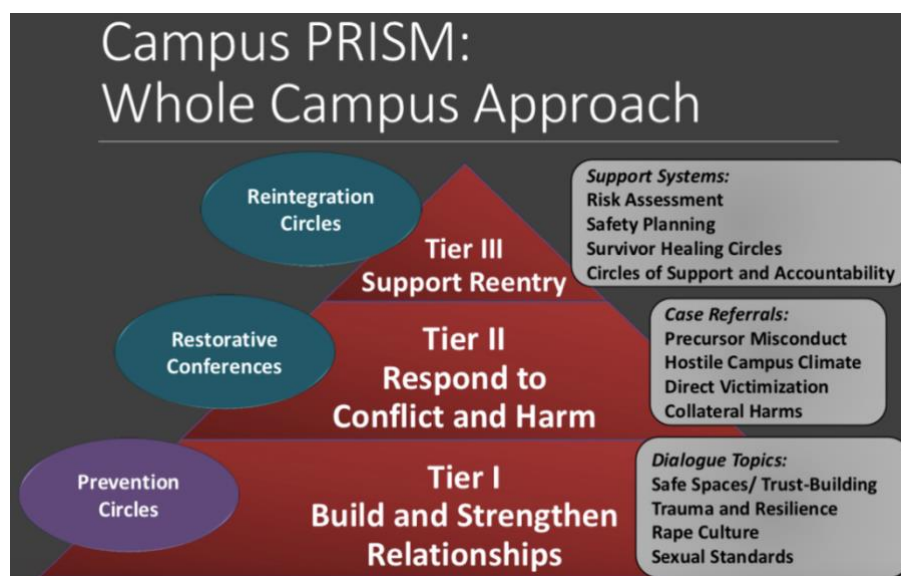
However, while the above concerns are valid, and societal power imbalances must be considered in both theory and practice, restorative initiatives on campus can be extremely beneficial in responding to sexual harm and the campus climate that gives rise to it. In recent years there has been increasing interest in, and support for, applying restorative approaches to sexual harm in the university setting (*An Alternative Approach to Campus Justice - The New York Times*, 2015; Karp et al., 2016; Koss et al., 2014). In the United States there is a significant social movement underway on campuses, largely due to the work of the Campus PRISM project.

In 2016, the Campus PRISM project published a comprehensive report promoting restorative initiatives for addressing sexual harm on university campuses, highlighting the value of using restorative justice not only as a response to sexual misconduct, but also as a prevention and education tool. Specifically, proactive relationship-building processes that attempt to transform harmful climates such as rape culture (Kaplan, 2017; Karp et al., 2016), or “the cultural practices that reproduce and justify the perpetration of sexual violence” (Rentschler, 2014: 67). While some behaviours and attitudes may not be violations of campus misconduct policies by themselves, they can feed an environment and create conditions in which more significant forms of violence are tolerated, and therefore more

likely to occur (Karp, 2019; Karp et al., 2016).

In order to address this, the PRISM Project recommends that universities incorporate proactive, preventative processes into a ‘whole campus approach’ that includes three tiers of intervention. As is illustrated in Figure 1, Tier I provides for prevention education and includes circle-based discussions in which community members can work to co-create a safe and responsible campus climate, while Tiers II and III involve restorative interventions and reintegration after an incident of harm has occurred.

**Figure 1: Three tier approach to campus sexual harm** (Draper et al., 2018)



At this point in time, Tier II processes are the most commonplace of all three, with many campuses in the United States offering restorative conferencing after instances of misconduct.<sup>10</sup> While the Campus PRISM Project clearly advocates for preventative restorative processes that promote relationship-building and culture change, there are

<sup>10</sup> A 2009 survey showed 14% of the 245 U.S. universities that responded offered restorative justice as a conduct resolution option, however, more recent statistics are not known (Karp & Schachter, 2018).

significantly fewer examples of these initiatives being utilised on university campuses (Wachtel & Miller, 2013). Yet as Marshall (2018) notes, it is this combination of reactive and proactive measures that is central to the vision of being a restorative university.

While restorative practices have been shown to have successful outcomes in specific instances of campus sexual assault (e.g. Karp & Schachter, 2018) and may be suitable for responding to a range of (though not all) cases of harm, the focus of this study is on a Tier I initiative. Namely, a proactive, preventative process that aims to encourage communication and transform a culture of unhealthy norms and attitudes to sexual conduct. We turn now to the specific practices that have contributed to the development of the SRD model.

## **2.7 The circle process**

The fundamental elements of the circle process draw on indigenous cultural practices, blended with insights from modern communications theory. As Pranis (2005: 3) explains, modern circle practices combine “ancient tradition with contemporary concepts of democracy and inclusivity in a complex, multicultural society.” Circles have a universal, intuitive quality, as they operate from a few basic premises about human beings and our human condition (Pranis et al., 2003). Central to these premises is the innate need people have to be connected to others in positive and meaningful ways. Pranis et al. (2003) illustrate how the circle process, like other restorative practices, can offer a radical paradigm shift in how we respond to harm and create social order. It shifts the emphasis from individual blame or revenge to healing and community restoration, and combines both individual *and* collective accountability.

Circle practices are designed so that participants engage in an inclusive and non-hierarchical way. All participants, regardless of role, status, age, or experience, are of equal importance, with equal voice (Umbreit & Peterson Armour, 2011). The basic structure of the practice is a

simple one, though some involve more ritualised practices than others. Participants sit in a circle formation (on chairs or on the ground) and a facilitator or ‘circle keeper’ introduces the process by explaining the basic guidelines or ground rules: listen and speak with respect, only speak when you have the ‘talking piece,’ and honour each other’s confidentiality. The facilitator then introduces the talking piece (usually an object with some significance to that person) and poses a question to the circle, with the talking piece passing consecutively from person to person as they respond. The circle progresses through several rounds of questions (or themes), with all participants afforded an equal opportunity to share as much or as little as they wish. By using very intentional structural elements (talking piece, facilitator(s), guidelines, and consensus decision-making), circles aim to create a space where participants are safe to be their most authentic self (Pranis, 2015).

The facilitator(s) participate as fully contributing members of the circle rather than taking a detached observer role, which would be in opposition to core values of inclusivity, power-sharing and egalitarianism. Facilitators “engage in the circle process just like everyone else, which includes stating perceptions, expressing emotions, and sharing personal stories” (Pranis et al., 2003: 92). This allows the circle to benefit from the collective experience and insight of everyone present, while helping to create a sense of equality. This shared space can offer people an opportunity to reflect on their individual realities and experiences, while also constructing shared norms and pro-social behaviours, that is, behaviours and actions intended to benefit other people (rather than oneself) or society as a whole (Batson & Powell, 2003). Furthermore, as the circle is comprised of multiple voices and perspectives it can provide a holistic view of an issue, out of which innovative solutions can emerge. Because of this, circle practices have a great deal of potential for resolving large scale systemic issues, and are often used for incidents that have caused widespread harm or are linked to ongoing conflict (Llewellyn et al., 2015), which sexual harm can be understood as.

The circle process can be used both reactively, to respond to harm or conflict after it has

taken place, and proactively, to strengthen relationships and address issues affecting a community. Importantly, proactive circles have significant potential for addressing the issue of sexual harm on campus; they can be used for individual and group reflection, facilitated discussions about sexual (mis)conduct, and developing commitment to pro-social behavior (Karp et al., 2016). Indeed, these favourable outcomes align with findings from the present study, as we will see in Chapters 4 and 5. Moreover, proactive circle processes offer an innovation in the area of prevention strategies and can enhance current sex and consent education, which as previously discussed is an important consideration at tertiary level institutions. A circle-based approach allows for the sharing of important technical and legal information that is universal to prevention education, but does so in a meaningful learning space that allows participants to collectively analyse their personal views and experiences, while at the same time making the learning process individually relevant (Karp et al., 2016).

Discussing social norms surrounding sexual conduct and consent, in circles that are framed by values and communication guidelines, can provide students with a safe space to explore difficult and complex topics often not discussed in their everyday lives. For example, research on college campuses in the U.S. has indicated that, to avoid embarrassment, young people tend not to have direct conversations around sexual consent and instead rely on non-verbal, passive signals (Johnson & Hoover, 2015). If they perceived that their sexual partner would react negatively to them directly communicating about sex, they were less likely to exhibit sexual consent behaviours (cf. Frith & Kitzinger, 2001). Humphreys & Brousseau (2010) found that the normative sexual scripts of young (heterosexual) adults do not include affirmative consent;<sup>11</sup> and instead they use lack of response or lack of resistance to pursue continued sexual activity. This is particularly concerning, as framing

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<sup>11</sup> For a clear and detailed definition of affirmative consent see <https://system.suny.edu/sexual-violence-prevention-workgroup/policies/affirmative-consent/>

consent in terms of whether or not someone resists is hugely problematic in the context of sex and sexual harm (Fisher et al., 2010), a factor that will be examined in more detail in the discussion of agency to follow.

As a substantial majority of campus sexual harm happens between students (Australian Human Rights Commission, 2017; Baker, 2019), who are likely to know each other, the normalisation of sexual communication could be a significant factor in the reduction of non-consensual sexual conduct in the university setting. As Karp et al. argue,

In their avoidance of clear sexual communication, students are enacting sexual scripts and communication norms based on embedded gender roles. Building a true consent culture among such students would thus require not only individual recognition of campus policies, but a shift in cultural norms that would affect communicative behaviour (2016: 19-20).

Circle practices that encourage and normalise communication around consent may also help address the grey-area behaviours that a considerable number of women experience at university (Fisher et al., 2010). Within the 'grey-area' exist a range of behaviours that are not necessarily criminal but can still have seriously detrimental effects, such as sexual coercion, indecent exposure, and unwanted exhibitionism. While these are clearly not new phenomena, they have been accentuated in the wake of the #MeToo movement, particularly by high-profile celebrity cases such as Aziz Ansari and Louis C.K. However, while these have been the catalyst for much discussion and debate (in the media, anecdotally, and in the data of the present study), there is a lack of effective responses to such behaviours. Stewart (2019) argues that because such actions are not criminal per se, more attention must be paid to making sure grey-area offenders understand the impact they have on those they harm in order to avoid people simply enduring the repercussions of their actions (e.g. suspension) before returning to their former proclivities. As Stewart claims, "under this

outcome, #MeToo would have been a brief aberration in an ultimately immutable power structure that, though it may newly have condemned subtle and systemic trespasses, simply was not equipped to build long-lasting solutions” (Stewart, 2019: 1715). Restorative approaches that highlight and communicate the harm caused by grey-area behaviours are therefore advantageous in both reactive and proactive contexts.

Finally, the use of circle practices for the development of shared values and norms around sex, sexual harm, and the factors that contribute to it, can lead to specific plans of action among circle participants. Take bystander intervention, for example, which is a key component of harm prevention. Participants could agree to engage in certain actions when faced with a given situation that calls for intervention (Karp et al., 2016). Clear and direct conversations about how to respond to harmful behaviour are greatly needed, as many students feel they are not effective bystanders and want clearer scripts to follow (Baker, 2019), and adapt as necessary. Indeed, this is a concern raised by several of the participants in this study, as we will see in following chapters.

As mentioned above, there are significantly fewer proactive than reactive restorative initiatives currently in use on university campuses. Yet there are some notable examples. Following a successful healing circle that had taken place to respond to a specific incident of sexual assault in an academic department, a restorative justice practitioner at the University of California, Santa Cruz organised a circle to address sexual violence on campus more generally (Karp, 2019). This was an open invitation to all members of the university community and circle members discussed (in groups of four after the initial opening rounds) what was important for them with regards to addressing the issue. After reassembling, facilitators led a whole group discussion to brainstorm how their shared goals might be actioned (Karp, 2019). A further example is the Consent/Community-building Circle Modules at the University of California, Berkeley. As part of the prevention education curriculum, restorative circles were used over a period of ten modules to teach consent culture and

build community, “through a common understanding of official rules, personal perspectives and collective agreements regarding consent” (Karp et al., 2016: 20). This longitudinal approach offers clear benefits to standard consent education which is often limited to an introductory online course or a group presentation, i.e. a one-off event that, ultimately, is unlikely to affect a change in the wider culture (Karp et al., 2016).

While not always labelled as ‘restorative’ per se, variations of this continued or sustained means of communicating around a specific topic have been in use on university campuses for some time.

## **2.8 Sustained Dialogue**

The Sustained Dialogue process was developed by American diplomat Harold Saunders and first used by a group of students at Princeton University in 1999, in an effort to improve deep-seated issues around race relations on campus. Since then it has been implemented in universities around the world (Sustained Dialogue Institute, 2018). The Sustained Dialogue is a straightforward concept. It involves members of the community (often individuals who would otherwise not interact) coming together over a series of meetings to build relationships, discuss issues of emotional impact, and effect social change. The process is carefully defined but open-ended, and traditionally focuses on transforming relationships within communities that are strained along racial, religious, or other lines. Often over deep-rooted differences of identity, power, or misconceptions about groups other than their own (Parker, 2006).

Much like the restorative focus on repairing relationships within communities, the fundamental philosophy of Sustained Dialogue assumes that transforming community issues means changing the underlying relationships. The framework follows a naturally evolving process of relationship-building that Saunders, with a background in peacekeeping,



observed whilst moderating and rebuilding communities in the aftermath of civil war (Parker, 2006). Saunders (2005) presents this natural progression of relationship-building as a five-stage process (though notes that they are by no means rigidly chronological): (i) coming together around an issue and deciding to engage in dialogue, (ii) mapping the problem, naming it, and framing the choices available, (iii) deliberating and setting a direction for change, (iv) scenario building and planning courses of action, and (v) collectively acting. Each stage of this relationship-building process can be viewed as an exercise of collective agency, a concept which is of great salience to the present study.

Sustained Dialogues offer a tangible process for members of the community to repair relationships and engage in social change. As Saunders maintains, “some things only governments can do...But some things only citizens outside government can do—transform conflictual human relationships, modify human behaviour, change political culture” (2005: 1). Furthermore, Sustained Dialogues in the university setting allow students to take responsibility for shaping and reshaping their campus climate (Parker, 2006), and there is compelling evidence to suggest that the approach, and others like it (e.g. ‘intergroup dialogue,’ Gurin et al., 2013) have been effective in changing discriminatory attitudes.

However, some have noted shortcomings in the Sustained Dialogue model associated with its lack of structure. That is, conversation is often monopolised by a few of the more dominant participants, and groups have a tendency to get stuck lamenting a particular aspect of a topic without a distinct structure to move the discussion forward (Pointer & Giles-Mitson, 2020). Based on these observations, Lindsey Pointer, an experienced restorative justice practitioner and circle facilitator, and colleagues began to see the potential in combining the transformative structure of the circle process, the logical progression of a restorative inquiry, and the extended format of the Sustained Dialogue (Pointer & Giles-Mitson, 2020).

## 2.9 The Sustained Restorative Dialogue model

The SRD model was designed by the Victoria University of Wellington Chair in Restorative Justice team and piloted in July 2018 as a proactive restorative process for holding difficult conversations around issues affecting the community. It was a *sustained* dialogue in that it took place over four sessions with the same participants. It was a *restorative* dialogue in that it made use of the restorative circle process and the conversation moved in sequential sessions through the main steps of a restorative analysis: What is happening? What are the impacts? Who is responsible? What is needed to make things right?

Due to heightened sensitivity following the #MeToo movement and the pervasive problems it helped illuminate, the issue of sexual harm on campus was an obvious choice for the inaugural dialogue group. The aim of the dialogue was to encourage open and honest conversation around the issue, to better understand the wider culture that gives rise to sexual harm, and to explore potential ways to reduce it. As we will see, there is evidence to suggest that the model has potential as a tool to broaden awareness and understanding, which will ultimately help transform campus climates and affect positive societal change.

This potential for social change addresses a prominent critique of restorative justice, namely, that it fails to take into account the structural dimensions of conflict. Critics argue that restorative justice focuses too heavily on interpersonal experiences of harm, thereby ignoring the deeper systemic issues of inequality that exist around class, race, and gender (Dyck, 2008). Such a critique maintains that restorative policies and practices need to extend their goals beyond the immediate crisis and response, to include a focus on prevention strategies and a deeper understanding of the root causes of harmful behaviour at both the level of the individual *and* society at large (Dyck, 2008). That is, the new target for restorative justice should be social, not criminal justice, and consider the macro-level causes of conflict alongside goals of interpersonal healing and transformation (Clamp,

2014). The SRD model emerged in part as a response to this critique, as an investigation into the potential restorative practices have in achieving social and structural transformation (Pointer & Giles-Mitson, 2020).

The importance of structural considerations is inherently linked to the focus on agentic expression in this study, and the SRD, in its capacity as a tool to promote structural change, is an ideal site for an investigation into constructions of agency. Restorative practices encourage participants to take up agentic roles and, as will become clear in Chapters 4 and 5, participation in the SRD process is associated with increased agency.

The interconnected relationship between restorative justice and agency is central to this thesis, so it is perhaps timely to examine the notion of *agency* in more depth. The remainder of this chapter will explore the concept as it is used in this study, i.e. the multifarious frameworks that have influenced my understanding of agency.

## **2.10 Agency**

Ahearn (2001: 110) aptly notes that, “in most scholarly endeavors, defining terms is half the battle.” This is certainly true of agency, a concept that has been the focus of much discussion and theoretical debate in a wide range of academic disciplines. Agency is complex, dynamic, and difficult to define. Moreover, while the term is used frequently, definitions of agency are often vague, left unaccounted for, or to be assumed. Yet the theoretically elusive and definitionally ambiguous status of agency is understandable, for expressions of agency can be nuanced, multidimensional, and entirely capable of appealing to more than one conceptualisation simultaneously. Therefore, I begin my discussion of agency by acknowledging that it can be definitionally and conceptually opaque, and that multiple perspectives are necessary to attain the nuanced understandings of agency in interaction. The following overview does not intend to be an exhaustive delineation of the

theoretical debates, but rather, a discussion of the epistemological traditions that I am orienting to when I talk about agency, i.e. those approaches that will inform my analysis and align with the manifestations of agency that emerge from my data.

To help shape my discussion, I draw from Ahearn's (2001) review of the scholarship on agency and its conceptualisations in various academic fields. In addition to being a well-considered and systemised survey of the literature, Ahearn's review highlights directions for future study of agency that align with my analytic focus. These include a focus on linguistic interactions to illuminate the micro and macro processes of agency, the need to distinguish among types of agency (while recognising that multiple types are exercised in any given action), and the field of language and gender as a promising area for examining the relationship between agency and wider social issues.

It is perhaps important to note at the outset that I am not particularly concerned with those approaches that treat all human action as agentive, which is the standard conception of agency (or action theory) within philosophy, and states that any intentional act<sup>12</sup> is an exercise of agency (Schlosser, 2015). Action theorists have a tendency to equate agency with free will (Ahearn, 2001; Schlosser, 2015; Segal, 1996), which is inadequate for the conceptualisation employed in this study. This will become clearer in the analysis of my data in Chapter 4, yet let me briefly illustrate the insufficiency of the above definition with the example of one of my participants, Gina, recalling how she got off the train before her stop because she distrusted another (male) passenger. Within action theory, Gina was exercising agency simply by performing an intentional act (i.e. getting off the train). Her embodied behaviour was agentive. However, such an interpretation is overly simplistic. In fact, the situation was fundamentally agency-stripping; the threat of (sexual) violence made Gina feel that getting off the train at the wrong stop was the only action available to her, i.e. her agency was constrained. Moreover, she was further constrained by then having to make her

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<sup>12</sup> And in many cases an unintentional act that is derived from an intentional act.

way home from the wrong stop. Although she was able to make a choice, it was not a free choice.

Despite the shortcomings of action theory for the purpose of this study, the concept of *intention* is of significance in any discussion of agency, as understanding human agency requires understanding intentions (M. N. Smith, 2017). Consider the so-called ‘accordion effect’ (Feinberg, 1965; Giddens, 1984; M. N. Smith, 2017) of a single action: a person turns on a light in a room which happens to alert an intruder, the intruder flees down the road and runs into a policeman who then arrests him, and he is consequently imprisoned. Only the first of these acts was intended by the original agent (the turning on of the light), which leaves the question of where the agency is located in the series of actions. Opponents of the standard conception (noted above) argue that agency cannot be reduced to acting (or having the capacity to act) intentionally (Schlosser, 2015). While I agree with this, the degree of intentionality can still be of importance when identifying expressions of agency. To unpack the example of Gina’s train journey further, if the man who made her feel uncomfortable was being intentionally threatening, I would argue he was exercising agency to a much greater degree than if he was oblivious to the effect he was having.

This example demonstrates the nuances in the interpretation of agency. Yet regardless of whether Gina’s actions are viewed as an example of agency being exercised or constrained (or both simultaneously), they were motivated by the (often very real) fear of violence that is ultimately situated within a broader socially structured reality, one in which your gender can dictate your level of safety.

## **2.11 Structure and agency**

A central debate in a number of fields concerns the degree to which action is governed by social structure. Following early theorists such as Marx and Durkheim, the interconnected

and co-dependent concepts of agency and structure have been given a great deal of attention, with a key focus on which takes primacy in human action and interaction. Practice theory is an approach that seeks to understand how human action can be interpreted through social processes, while simultaneously, social processes are created through meaningful human action (Ortner, 1989). Ortner has defined practice theory as “a theory of the relationship between structures of society and culture on the one hand and the nature of human action on the other” (1989: 11). Human actions are central to the approach, yet they are never considered in isolation from the social structures that shape them.

Sociologist Anthony Giddens, perhaps the most notable practice theorist, focuses his influential theory of structuration on the fundamental principle that people and their actions are both products of, and serve to reproduce, their social structures (Giddens, 1984). Giddens’ theory proposes the ‘duality of structure,’ which refers to the essentially recursive quality of social practices. Structures are dual in that they are “both the medium and the outcome of the practices which constitute social systems” (Giddens, 1981: 27). Further, they are “always both constraining and enabling, in virtue of the inherent relationship between structure and agency” (1984: 169). Giddens conceptualises human agents as ‘knowledgeable’ (they know both what they are doing and how to do it), and agents act by putting their structured knowledge into practice (Sewell, 1992). His concept of duality connects the practice(s) of social interaction with the reproduction of social systems across time-space (Giddens, 1981).

In earlier work, Bourdieu (1977) demonstrates the circular process of action and structure in his notion of ‘habitus,’ or “the system by which people make sense of the world” (Darvin & Norton, 2015). Habitus is comprised of the socialised norms and tendencies that guide a person’s actions, thoughts and culturally constructed meanings. Giddens’ duality of structure draws clear parallels with Bourdieu’s approach, as habitus both reproduces and reconfigures itself through social practices (Bourdieu, 1977). Much of Bourdieu’s work has

focused on social power dynamics and his approach highlights how the recursive nature of the habitus can serve to reinforce and reproduce structural inequalities, and the constraints that society creates which limit or enable the exercise of agency.

To illustrate the ways in which gender as a social structure (Risman, 2004) can have constraints on agency, Kukla (2014) explores how gender can shape the pragmatics of speech, in what she terms 'discursive injustice.' Kukla argues that when women (yet makes the point that 'women' could be replaced with any disadvantaged group) use standard discursive conventions to perform a speech act, the result can have a different, and less empowering impact than if the speech act were uttered by a man. In her view, women are victims of discursive injustice when they face a systematic inability to produce specific speech acts with the performative force that they intended them to have (and are entitled to expect they have). Put simply, when women cannot use "standard conventions in the standard way" (Kukla, 2014: 445). Kukla argues that this discursive injustice can result in women's utterances being distorted in ways that enhance social disadvantage, and reduce agency.

In order to demonstrate this injustice (how someone's gender can impede their ability to exercise agency through speech), Kukla provides a real-life example of a female manager in a male-dominated workplace. Specifically, the workers in a machinery factory (of which 95% are male) think their female manager is a "bitch" and compliance to her instructions is low. Kukla suggests that while this could simply be sexism and insubordination, another explanation is that the workers are interpreting their manager's orders as *requests*, as her gender prevents her from employing regular discursive conventions to mark her speech as orders. Therefore, the workers respond to her orders as if they were optional, as "granting a request is never obligatory; it is essentially a favour" (Kukla, 2014: 446). Her speech acts then fail to have the performative force she intended (and orders are not followed), thus enhancing her disadvantaged status as a female manager in an androcentric workplace by

compromising her agency and social position.

Kukla's consideration of discursive injustice parallels Langton's (1993) notion of illocutionary silencing. An illocutionary act, or what we mean to *do* when we speak (as opposed to simply what we say), is silenced when one is unable to perform the speech act they intend to based on their limited power. For example, a woman is silenced when, despite producing an utterance, she fails to achieve the action she set out to achieve, due to constraints that exist because of her gender. Her speech is stopped from "counting as an action" (Langton, 1993: 299). As Hornsby & Langton (1998: 21) state, "the silenced person is deprived of illocutionary potential; she does not have it in her power to do with language what she might want to."

Meyerhoff (2004) draws attention to the similarities between the silencing of women's speech that Langton identifies, and Lakoff's (1975) observation that women can be silenced not only by restricting the words they can use, but by the fact that their ideas and intentions are not afforded the same weight as a man's. That is, even when *what* a woman says isn't restricted or prohibited, there is still the possibility that her intentions will not be recognised due to her subordinate status to men, as illustrated by the factory manager example above. While Lakoff highlights the social preconditions for the way that women are silenced, and Langton focuses on the specific linguistic dimensions in which this silencing takes place (Meyerhoff, 2004), they both ultimately attribute the silencing to social structure and the subordinate status of women within it.

The closely related concepts of discursive injustice and illocutionary silencing shed further light on the problematic definition of agency as any intentional act. Kukla's analysis reveals how women's linguistic expressions can, despite what they specifically intended, be uttered in a social context which ultimately deflates their agency. The utterances are embedded in a social context which enhances already existing disadvantages (that attach to gender),



thereby affecting a woman's ability to successfully use discursive conventions as tools for communication and action. This discursive reproduction of inequality resonates strongly with the notion of a recursive relationship between structure and the individual.

The (re)enactment of gender inequality is clearly relevant in any discussion of sexual harm, and it will be imperative to examine the interplay of structure, agency and gender (e.g. Apter & Garnsey, 1994) in my data. However, while theorists such as Giddens and Bourdieu offer invaluable insight into the complex relationship between structure and agency, and how these lead to the persistence of structural inequalities, within their frameworks there is a deficiency in addressing how a structure (or habitus) can produce social transformation. That is, there is little attention given to resistance or social change (Ahearn, 2001; Sewell, 1992), considerations that lie at the heart of this study.

In contrast, Jeffery's (2011) exploration of the significance of agency theory to the field of social welfare focuses on the role that agency can play in achieving social change. While taking inspiration from Giddens' theories, Jeffery considers agency in the context of welfare practices and highlights the transformative potential of individual agency, and the capacity it has to improve clients' quality of life. Her work examines the relationship between structure and agency in order to establish how people (either individually or collectively) can both affect and be affected by structures in their lives, and how this in turn influences the future shape of society. Although Jeffery (2011: 95) concedes that agency is "an elusive concept that is hard to pin down," her own definition is certainly worthy of note:

Put simply, 'agency' implies the ability of individuals or groups to act on their situations, to behave as subjects rather than objects in their own life, to shape their own circumstances and ultimately achieve change" (Jeffery, 2011: 6).

Resistance(s) should also be given attention in discussions of agency; however, as Ahearn (2001:115) cautions, “while one can certainly understand the impulse behind equating agency with resistance, agency should not be reduced to it.” Therefore, an approach that includes resistance as *one* form of agency, that exists within a complex and multifarious conceptualisation, is required.

Ortner (2001: 78) proposes two modes of agency that are both distinct and interconnected: (i) agency of power, and (ii) agency of intentions. The first of these, the “forms of power people have at their disposal, their ability to act on their own behalf, influence other people and events, and maintain some control in their own lives,” can take the form of both resistance and domination. That is, people in positions of power can be viewed as possessing high agency, yet those who are dominated always have the capacity to exercise influence to some degree. As MacLeod (1992) asserts, even as subordinate players, women always play an active role that goes beyond the dichotomy (established by feminist theorists) of victimisation and acceptance. Thus, resistance is a form of ‘power agency.’ Ortner (2001: 78) contrasts the agency of (unequal) power with an agency of intentions that relates to “people’s projects in the world and their ability to both formulate and enact them.” This agentic mode refers to the culturally constituted projects and desires that infuse life with meaning and purpose, and that emerge from, and reproduce, different socially constituted positions and subjectivities. In other words, “people seek to accomplish things within a framework of their own terms, their own categories of value” (Ortner, 2001: 80).

These modes of agency are by no means mutually exclusive, and indeed are often inseparable. As Ortner (2001) suggests, perhaps resistance to power is fundamentally concerned with protecting projects, and the right to have them. For example, in her discussion of Tswana women, she notes how their agency of resistance moves towards a more active status that begins to resemble a ‘project,’ as they begin to develop intentions

that go beyond a reactive opposition to power.

Both Ortner's 'agency of power' and 'agency of intentions' emerge as salient in my data, most explicitly in the discursive ways in which participants (particularly those that are self-positioned feminists) resist the unequal power structures that are at play in their own lives, while attending to the desires and 'projects' that have developed from these structures of inequality.

## **2.12 Agency in language**

Before returning to the issue of agency in discourse, it is perhaps worthwhile to clarify how the linguistic notion of *agent* is to be understood in this discussion. Following Ehrlich (2001), I borrow Duranti's definition of agent as "willful initiator of an event that is depicted as having consequences for either an object or an animate patient" (1994: 125). An agent, therefore, must act (or have the capacity to act) upon someone or something.

Duranti (2005: 452) has noted a challenge associated with "combining the intuitions expressed in linguistic studies with those expressed by social theorists dealing with human action abstracted from verbal interaction." He argues that social theorists have not sufficiently developed the linguistic implications of their theories, while linguists have kept their models largely devoid of social considerations. Following Ahearn's (2001) assertion that scholars interested in agency should look closely at language and linguistic form, Duranti (2005) proposes two basic dimensions of agency that attempt to take into account both the linguistic notions and the definitions expressed by theorists in different fields: (i) the performance of agency, and (ii) the encoding of agency. Duranti explains that while separate, the two dimensions are in fact mutually constitutive, as the enacting (performance) of agency both relies on and affects how action is presented through linguistic means (encoding).

Duranti's (1994) ethnographic analysis of speech communities in Western Samoa illustrates how linguistic forms must be studied in order to understand the assumptions and outcomes of a speech event. He examines the role of grammar in the construction of agency and responsibility in both political and everyday discourse, and shows how powerful speakers within the community use particular linguistic constructions more frequently than others, which has the effect of reinforcing their own political role within the community. Specifically, the matai<sup>13</sup> in the community used more ergative subjects. Like the 'agent' defined above, the ergative subject<sup>14</sup> of a transitive clause<sup>15</sup> is distinct from other subjects in that it must act upon either an object or patient. For example, in *the boy chased the dog* and *the boy went to America*, the boy is an ergative subject in the first clause (as the dog is being acted upon) but not the second.

Duranti found that in this speech community the use of ergative subjects was common in utterances that express negative assessments such as complaints and accusations, as well as praise for something accomplished: "the attribution of agency to a party typically coincides with an implicit or explicit assignment of responsibility" (1994: 129). This, Duranti suggests, accounts for the use of ergative subjects in the senior orator's speech, in that in his role of chairman he typically acted as prosecutor or instigator in the meetings where data was collected. Further, he argues that the very act of using statements with explicit agents (especially when coinciding with accusations or blame) constitutes an assertion of a person's power to speak their mind, thus indexing their political position and reinforcing their status. Duranti shows how the use of ergative subjects amounts to "a grammar of praising and blaming" (1994: 4) that is used to linguistically constitute a moral world. One where stories are told not only to encode information but to present the speaker's stance with respect to important social values in the community, and where people are judged as

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<sup>13</sup> Samoan leaders or chiefs.

<sup>14</sup> The person or thing about whom a statement is made.

<sup>15</sup> A clause in which the verb takes an object.

responsible moral agents by such terms and values.

Such an analysis demonstrates how in order to attain a full understanding of an utterance, it cannot be looked at independently from the socio-cultural context in which it exists, and importantly, how the choice of linguistic framing of people's actions and beliefs does not simply reflect existing power structures, but helps to establish them.

Duranti's distinct, yet interdependent, conceptions of agency align with the analytic focus of this study, as both grammatical and broader socially agentive expressions will be sites for analysis. Furthermore, the concept of moral agency (which will be discussed in more detail shortly) is highly relevant in discussions of sexual harm, and to the wider restorative framework this research is situated within. However, the suggestion that the very act of speaking is in and of itself an agentive action (Duranti, 2005) (which has been directly challenged by Kukla above) is not especially useful for the sociolinguistic analysis used to investigate the speech data in this study. Indeed, the considerable consequences of using language to reject or resist an agentive position (e.g. Ehrlich, 2001) forms part of the foundation for the concept of agency employed in this thesis.

We turn now to examine how the use of linguistic strategies affect inferences of agency, before returning to the notion of moral agency, what it is and how it manifests in linguistic form.

The significance of linguistically positioning oneself as a non-agent is comprehensively illustrated in Ehrlich's examination of the language used in sexual assault trials (Ehrlich, 2001). Her analysis demonstrates how the linguistic encoding of violence against women can affect individuals' interpretation of harm and responsibility. Based on the trial of a student accused of two counts of sexual assault in two different Canadian settings (a university tribunal and a criminal trial), Ehrlich shows how the defendant used linguistic

constructions to diffuse and eliminate his personal agency, and therefore responsibility for the acts of sexual aggression. When referring to the sexual activity that took place, both the defendant and his representatives used linguistic representations that lacked clear and overt agents. Specifically, they employed agentless passives, such as *our pants were undone*, *those words were said*, which Ehrlich argues are a grammatical strategy designed to obscure and conceal the defendant's responsibility for the actions being discussed. Furthermore, while the existence of an agent can be inferred in an agentless passive, the defendant also made use of unaccusative constructions, for example, *the sexual activity, the intimacy began*, which erase the agent altogether: "while agentless passives suggest an agent is lurking in the background, unaccusative constructions completely eliminate the agent from the representation of the event" (Ehrlich, 2001: 50).

These grammatical strategies serve to remove the defendant from an agentive position, while presenting his acts of sexual aggression as autonomous and having a life of their own. Ehrlich concludes that by using a 'grammar of non-agency' (i.e. systematically mitigating, diffusing, obscuring and/or eliminating agency linguistically) the defendant presented a version of events that denied responsibility for non-consensual sex acts. To borrow Duranti's terminology, the defendant and his representatives used linguistic encoding to present a performance of (non)agency.

Interestingly, Ehrlich (1999) further demonstrates how in the university tribunal the members adjudicating the case represented the women (both the victim and a witness of the assault) as having choices and exercising agency, in a manner which worked in favour of the defendant, as they framed the sexual assault as something the victim chose not to resist. This view of agency as comprising the choice to resist, or act differently, is highly problematic in the context of sexual harm, as the impact of fear and trauma renders many individuals immobile and incapable of active (physical) resistance (Jordan, 2008; Möller et al., 2017). As Hazelwood & Burgess (2017) stress in response to assumptions frequently

made by police investigators, it is quite possible that the only control needed over a victim is the presence of the offender. As was the case in the university tribunal, “too often investigators, prosecutors, and judges form opinions on a victim’s response based entirely on what they *believe* they would have done in a similar situation” (Hazelwood & Burgess, 2017: 84). Even in cases where there is only the threat or possibility of harm (as we saw in the example of Gina on the train), a person’s agency can be reduced or constrained despite the fact that in a literal sense they can still make choices and change their course of action.

Ehrlich also considers the extent to which the defendant’s linguistic representations of the events were given legitimacy and authority in the contexts where this case was tried. Specifically, her analysis reveals how the judge in the criminal court setting invoked the male sexual drive discourse (Hollway, 1989) which constructs male sexuality as active and uncontrollable, and locates the cause of male sexual aggression outside of the offender (Ehrlich, 2001). In other words, agency is located within the male sex drive rather than the individual. This is a stark reminder of how language (and other forms of human action) cannot be considered independently from structural discourses and ideologies. Comparable kinds of negative societal discourses or ideologies materialise in this study’s data, for example, the taboo associated with sexual discourse (within which agency is constrained) which will be explored in Chapter 4.

Henley, Miller, & Beazley (1995) further illustrate how the choice of linguistic form has been shown to have significant effects on the way people interpret degrees of agency and responsibility. Henley et al. found the use of either the active or the passive voice affected males’ (but not females’) interpretation of reports of violence against women. When the violence was reported in the passive voice the male participants attributed less harm to the victim and less responsibility to the offender. As Ehrlich (2001: 40) notes, “the diminished linguistic agency associated with agents in the passive voice relative to the active voice seems to have consequences for the way subjects understand their responsibility — it is

diminished.”<sup>16</sup>

The way in which people attribute behaviour again diverges along gender lines in LaFrance’s (1992) analysis of the role language plays in assigning agency and causality. LaFrance examined the causal inferences that people make in response to sentences where a male or a female is described as doing something to, or feeling something about, another male or female. By eliciting responses to sentences containing two types of interpersonal verbs commonly associated with particular kinds of causal inference, namely, action (e.g. *help*) and state (e.g. *admire*), LaFrance reveals how apparently neutral uses of the verbs invoke different inferences about who has the power to act and who can only be acted upon. Her findings indicate that when a female is on the receiving end of another’s actions or feelings the subject becomes salient. Yet when the sentence has a female agent and a male recipient, there are fewer inferences about the subject than in any other gender composition: “a female agent recedes from causal view if the person she is acting on or has feelings about is male” (LaFrance, 1992: 342). These findings suggest a linguistic bias against women that LaFrance terms the “disappearing agent effect” (1992: 342), and is further evidence (as articulated above in Kukla’s ‘discursive injustice’) of how language can serve to reflect and reinforce the unequal status of disadvantaged groups of people. Indeed, we will examine a compelling example of the way in which language can aid in the reproduction of gender hegemony in Chapter 4.

We return now to the concept of moral agency, that is, the capacity human beings (both individuals and groups) have not simply to act, but to evaluate, reflect on and be responsible for their actions, relative to a moral ideal. As O’Connor (1995) stresses, human action can entail moral aspects of responsibility, not just the physical aspect of ‘doing.’ In this kind of agency, “a person struggles to become a good family member, a good student, a good member of the community or a good friend, according to that person’s standards for

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<sup>16</sup> *Subjects* here refer to study participants, as opposed to the grammatical category noted above.



goodness” (Rymes, 1995: 498). To be a moral agent, therefore, is to be capable of acting with reference to a sense of morality. To expand on this definition, Taylor (1985:26) observes the relationship between action and reflection on that action by noting, “a reflection on the kinds of beings we are takes us to the centre of our existence as agents.” A similar view is shared by Bandura (2006) who argues that self-reflectiveness, or the capacity to reflect upon oneself and the adequacy of one’s thoughts and actions, is the most distinctly human core property of agency. As Bandura (2006: 165) states,

People are not only agents of action. They are also self-examiners of their own functioning. Through functional self-awareness, they reflect on their personal efficacy, the soundness of their thoughts and actions, and the meaning of their pursuits, and they make corrective adjustments if necessary.

In this view, not only the action but the act of reflecting on (and talking about) the action is an exercise of agency, a notion which emerges as significant in the data, as participants reflect on both themselves and others (e.g. the University) as moral agents.

Both Rymes (1995) and O’Connor (1995) have explored agency located in the speech of disenfranchised members of society. Rymes considers the construction of moral agency in a group of under-privileged high-school dropouts, who, despite seemingly having little control over their lives, are consistently agentive in their narrative (co)construction of a moral framework. Her analysis suggests that people, through speech, “are actively narrating themselves relative to a moral ideal of what it is to be a good person,” (Rymes, 1995: 498) and notes that this kind of agency involves people operating in a constructed moral world which is largely context-dependent, and not necessarily universal in its particulars. Much like the analytic approach taken in this study, Rymes investigates expressions of agency both at clause-level and in a more global sense. Her analysis concludes that while the young adults used grammatical strategies and limiters (such as *just* and *so*) to narrate their own

lack of agency, they systematically frame themselves as moral agents, making choices (cf. Ehrlich, 1999) that adhere to a shared morality.

O'Connor (1995) demonstrates how grammatical constructions are used to present varying degrees of agency in the narratives of prison inmates, as they position themselves in relation to past acts of violence. When comparing the prisoners' pronoun and verb choices when relaying events, O'Connor found that they commonly used directly agentive language to claim agency, e.g. *I've always did what I wanted to do, I shot him*, in addition to language that deflected agency, e.g. *we had to exchange gunfire*. However, they also used constructions that problematised their agency, characterised by epistemic statements such as *I don't know what made me do it, I don't know why I shot him*. In these statements, where there is evidence of the speaker reflecting on past actions, O'Connor argues there is the potential for rehabilitative discourse and the development of moral agency (cf. O'Neill, 2000).

The problematising of personal agency aligns with what Bamberg (2011a, 2011b) has termed *the agency dilemma*: speakers select narrative devices from along a continuum, which at one end suggests a person-to-world direction of fit, and at the other, a world-to-person direction. That is, a person-to-world stance makes use of discursive strategies that mark the speaker as high-agency, and "lend themselves to the construction of a heroic self—a person who comes across as strong, in control, and self-determined" (Bamberg, 2011a: 106). In contrast, a world-to-person stance utilises linguistic devices that position the speaker as low-agency, and aids in "the construction of a victim role—or at least as less influential, powerful, responsible, and, in case the outcome of the depicted action is negatively evaluated, as less blame-worthy" (Bamberg, 2011a: 106).

This navigation between agentive positions (what I have termed negotiating agency) becomes salient in this study's data, as participants negotiate their own (in)action and moral

stances as individuals. However, moral agency is also exercised and negotiated as a collective, as the group develops and orients itself to a shared moral framework.

### **2.13 Collective agency**

Collective agency, that is, a way of conceptualising action (and thought processes) as collaborative and interactive (Al Zidjaly, 2009; Bakhtin, 1981; Sewell, 1992; Wertsch et al., 1993), plays a significant role in the notion of agency adopted in this study. The concept of intersubjective action (often labelled *joint activity* or *co-construction*) is pertinent to sociolinguistic inquiries, as language is a joint action (Croft, 2009) and is increasingly theorised as negotiated and collaborative behaviour (Meyerhoff, 2001). This becomes particularly relevant in the data as the group, over time, begins to co-construct agentive positionings and conceptualise pro-social action.

Wertsch et al. (1993: 337) argue that agency “extends beyond the skin,” in that it is frequently a property of two or more people rather than the individual. Their view challenges the basic assumptions made by psychologists that mental processes are carried out by isolated individuals, and instead demonstrate how the group is often a more appropriate unit of analysis. Wertsch et al. (1993: 339) use Hutchins’ (1991) analysis of how naval crews function together to complete their tasks, in order to illustrate how cognition is “socially distributed.” This results in a type of agency that is attributed to the group, rather than the individual. In the New Zealand context, we have recently witnessed what could be understood as an exercise of collective agency at a nation-wide level, as the country went into lockdown to combat the spread of Covid-19. Collective action by all members of society was necessary in order to accomplish such a goal, hence the agency (and accountability) involved in carrying out the task was distributed amongst a large group of people, referred to both colloquially and in political rhetoric as ‘the team of five million.’ The kind of agency that exists within a joint enterprise is of relevance to this study, as the dialogue group, like

the naval crew and the ‘team of five million,’ have clear temporally bounded and materially consequential enterprises.

A dialogic approach to agency draws on Bakhtinian notions of dialogue as multivocal. As Bakhtin (1981: 293) asserts, “the word in language is half someone else’s. It becomes ‘one’s own’ only when the speaker populates it with his own intention.” Put in another way, any utterance involves two or more voices: the speaker who produced the utterance, and those before them that have used the same words or patterns of discourse (Wertsch et al., 1993). This dialogic approach rejects the traditional view in which action emerges out of a prior structural condition, and instead views structure as collaboratively arising out of socially situated action (Ahearn, 2001). This concept of agency strongly resonates with the co-constructed manifestations of agency found in the speech of my participants. Moreover, Bakhtin’s understanding of language as collaborative and dynamic aligns with observations in the data, such as the capacity for linguistic expressions to transform and develop meaning through their use within the circle.

An example of the collaborative nature of agency in interaction can be found in Al Zidjaly’s (2009) analysis of three participants (herself, her friend, and her friend’s sister) jointly rewriting an official letter on behalf of her paraplegic friend. Al Zidjaly illustrates how agency is negotiated moment to moment through a variety of linguistic strategies that attempted to claim, ratify and/or reject the participants’ agentive stances. To demonstrate this, Al Zidjaly utilises Goffman’s (1981) notion of ‘production format’ in order to deconstruct the various roles each participant occupies in the conjoint action. Goffman’s production format highlights the inadequacy of the term ‘speaker’ to define the range of roles that exist in an utterance. For instance, ‘speaker’ often implies that the individual speaking is formulating their own text or stating their own beliefs, when often such roles are divided between multiple participants. In order to address this inadequacy, Goffman’s framework provides different categories of speaker, which include: the animator, who

verbally produces the utterance, the author, who actually creates the utterance, and the principal, who is socially responsible for the position implied in the utterance. Together, the notions of animator, author, and principal provide information about the production format of an utterance, and this division of roles enhances the analysis of social interaction, by illuminating the complex stances speakers can take towards social context and the speech they are producing (Goffman, 1981). Furthermore, this deconstruction of speaker roles is a valuable framework for examining how agency collaboratively emerges in interaction (Al Zidjaly, 2009). Indeed, as we will observe in Chapter 4, the three-way distinction provided by Goffman's model is a useful tool for my own analysis of agency.

A further way agency can be viewed as 'extending beyond the skin' in Wertsch et al.'s (1993) model draws from Vygotsky's notion of 'mediation.' Vygotsky claims that a critical feature of human action is that it is mediated by tools (both technical and psychological) and signs. To demonstrate this concept of mediation they give the example of humans using computers to carry out tasks, and reflect on who is responsible for their completion, i.e. should the computer or the individual be attributed agency? Wertsch et al. (1993: 342) argue that neither one or the other is sufficient and it is the "individual(s) functioning together with mediational means" which should be the unit of analysis for understanding agency. In this view, individual(s) bear the primary responsibility for an action (or agentive position), yet the possibilities for following certain paths of action are shaped by mediational means, such as language and discourse, and in the case of this study, the circle process itself. Taking the view that mediation is the way in which humans establish a relationship between their mental representations and the world, the circle can be viewed as a tool and a mediator between the participants and the outputs or goals the group aimed to achieve. Thus, agency can be located not only in the individual participant but in the group as a whole, functioning within, and being shaped by, the circle process.

## 2.14 Summary

This chapter has provided a broad overview of the key concepts, theories, and issues that this thesis aims to contribute to. It presented an outline of restorative justice theory, which included the core values and goals of restorative practices, and the important ways in which they differ from traditional institutional approaches to harm and injustice. It then considered the issue of sexual harm both in Aotearoa New Zealand and in the campus setting, before offering a discussion on the benefits (and concerns) involved in the use of restorative processes to address this ubiquitous problem. Specifically, we saw how in recent years, in large part due to the work of the campus PRISM project, there has been increased support for the use of restorative practices not only as a response to sexual harm, but also as a prevention and education tool. Importantly, it was the potential that proactive community-building initiatives, such as restorative circles and Sustained Dialogue, have in improving campus climates that led to the development of the SRD model.

In the second half of this chapter, we reviewed the way agency is discussed and understood in scholarly approaches that inform and support the concept as it is employed in this study. We observed how practice theory is necessarily embedded in any understanding of agency, since it is impossible to consider the concept in isolation from structure and structural constraints. However, attention also needs to be given to approaches that identify and illuminate the potential for social transformation, an objective that lies at the heart of this study.

The concept of moral agency is of great salience to the intersecting themes of this piece of research: discursive positions of agency, sexual harm, and restorative justice. Furthermore, moral agency in a broader societal sense (i.e. a sense of moral responsibility that extends beyond being accountable for an action after the fact) is perhaps an inevitable precursor to the kind of culture shift that is necessary before we see a reduction in sexual harm.

Finally, we have seen that agency is collective as well as individual. It exists in collaborative projects and in the exchange of language and the tools that mediate it. This multilayered understanding of agency demonstrates the dynamic fluidity of the concept, to account for the varying manifestations it takes in the speech of my participants.

We turn now to Chapter 3, which provides an account of the various approaches taken to analysis and methodology, including an overview of the research design, and the specific research questions this study will seek to address.

## Chapter 3: Research Approaches and Methodology

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### 3.1 Introduction

This research is a qualitative inquiry that incorporates the complementary approaches of discourse analysis and restorative justice theory. The following chapter provides an overview of the methodological and analytic approaches I make use of in this study. It then presents the specific research questions I will address, some background to the origins of the study, and the particulars of the research design. The chapter ends with a brief discussion of some methodological considerations that arose during the course of the study.

### 3.2 Case Study Research

As this research comprises the in-depth analysis of the inaugural SRD, it may be considered a case study. The case study approach, in which the particularities and complexities of a single case are studied (Stake, 1995), contributes uniquely to our knowledge of individual, organisational, social, and political phenomena (Yin, 1994), and rather than a research method is perhaps best understood as a research tradition, in which the object of inquiry is singular (Pearson Casanave, 2010).

Gerring (2007: 1) differentiates the case study from cross-case analyses with the following analogy: “there are two ways to learn how to build a house. One might study the construction of many houses...Or one might study the construction of one particular house.” Case studies tend to involve more detail, richness and depth for the unit of study than does cross-unit analysis (Flyvbjerg, 2011), and their purpose (in most cases) is to enhance our understanding of a person, process or group, rather than compare, experiment and generalise to other populations (Pearson Casanave, 2010). Proponents of the case study approach argue that we gain better understanding of the whole by focusing on a key part



(Gerring, 2007). In the context of this study, the whole can be understood as the wider use of proactive restorative practices to address sexual harm, and the restorative dialogue as a key site for in-depth investigation. As Gerring asserts,

The case study – of an individual, group, organization or event – rests implicitly on the existence of a micro-macro link in social behaviour....Sometimes, in-depth knowledge of an individual example is more helpful than fleeting knowledge about a larger number of examples (2007: 01).

Case studies are said to be intensive studies, the purpose being to get as complete a picture as possible of a situation, a phenomenon or event. As was discussed in the previous chapter, at this stage there is only a small number of proactive restorative processes currently in use on university campuses, and therefore a lack of empirical research that examines them. Because of this, the use of a case study here is advantageous, as it allows for an intensive investigation into an under-researched phenomenon. A detailed analysis of this singular restorative event is able to shed light on the complex and nuanced aspects of both the practice as a restorative model and the interactional processes of the participants. This is enhanced by the analysis of agency which, as previously discussed and will continue to be demonstrated, is of great salience in the context of sexual harm.

Because the SRD is an innovative process, having intensive and specific empirical evidence of how it functions is advantageous. Merriam (2009) notes how case studies are particularly suited to applied fields (i.e. those fundamentally concerned with practice), such as restorative justice, as they can be examined in detail in order to enhance understanding, that in turn can affect, and perhaps even improve practice. It has also been observed that studying individual cases in-depth often results in garnering information that was not anticipated (which was the case in the present study, as will be discussed in Chapter 5),

meaning that case study research is beneficial for creating hypotheses. Such hypotheses can aid in structuring future research. Therefore, case studies can play an important role in furthering a field's knowledge base (Merriam, 2009).

Yin (1994) argues that the distinctive need for case studies arises out of the desire to understand complex social phenomena. This is particularly relevant here, as both the restorative dialogue itself and the present study seek to gain a deeper understanding of the complex social factors that contribute to (and resist) a cultural climate where sexual harm is prevalent. Moreover, Stake (1995) notes that we study a case when the case itself is of special interest, which again is relevant in the context of this research, as the SRD process is both novel and has the potential to produce positive real-world outcomes and applications, as we will explore in following chapters.

While the strength of a single case study is that it allows for a rich and detailed analysis, the specificity raises issues concerned with the generalisability of results. However, there is increasing support for social scientists to rethink the traditional notion of generalisability (e.g. Donmoyer, 2009; Guba & Lincoln, 1989; Simons, 2009), with claims that it is too restricted and inconsistent with contemporary views and epistemologies. Furthermore, it may be particularly limiting for research in applied fields (Donmoyer, 2009). As Donmoyer (2009) argues, it no longer makes sense to think of generalisability as synonymous with the use of large samples and statistical procedures designed to accurately represent the population, as even statistically significant findings cannot be applied to particular individuals in particular situations.

Generalisability is not the goal of case study research. Nevertheless, this does not mean that case studies cannot produce generalisations (Simons, 2009). In order to address the issue of generalisability in this study I draw from two distinct yet interconnected processes that are concerned with the application of findings to other situations and contexts: (i) analytic

generalisation and (ii) transferability. Both of these models have been described as mechanisms for dealing with the apparent paradox of qualitative inquiry: its focus on the particular and its simultaneous interest in the general and abstract (Polit & Beck, 2010; Schwandt, 2011).

### **3.2.1 Analytic Generalisation**

Analytic generalisation can be defined as a two-step process. The first involves a conceptual claim whereby the researcher attempts to link findings from a specific case study to a particular theory or theoretical construct (Yin, 2012). That is, a previously developed theory is used as a template with which to compare the empirical results of the case study (J. A. Maxwell & Chmiel, 2014). While the case study is not regarded as a definitive test of the theory, it is used as evidence to support, contest, refine, or elaborate on the theoretical model or concept (Schwandt, 2011).

The second step involves applying the same theory to implicate other, similar situations where analogous events might also occur. If the theory is supported by the research findings (as is the case in the present study), the researcher needs to show how the theoretical advances can be generalised to situations other than those examined as part of the single case study (Yin, 2012).

Yin contrasts this mode with statistical generalisation (or the relationship between samples and their population based on numeric estimates), and states that rather than trying to generalise to the population, analytic generalisation “should seek to develop and then discuss how its findings might have implications for an improved understanding of particular concepts” (2011: 100).

Yin (2011) also observes that although not commonly recognised as such, analytic

generalisation is regularly practiced in research and can be found in any number of studies, including those highly esteemed in their academic field. In order to illustrate this point, he gives the example of Allison & Zelikow's (1999) famous case study of the Cuban missile crisis. Allison & Zelikow positioned their work as one that would examine not only the specifics of the missile crisis, but the broader theoretical domain of how superpowers confront one another. They argue that their findings can be applied to a wide range of other superpower confrontations, including those that involve different countries, and are in a different era, from the Cuban missile crisis.

This is comparable, in design, to the present study in that this research explores both the specifics of the restorative dialogue pilot and the wider theoretical scope for the use of restorative dialogue to address sexual harm. Moreover, I would argue that the findings from this study can be applied to other similar dialogue-based practices. It is this capacity for applying the findings from one study to another which defines the second model I make use of, case-to-case transfer, or transferability.

### **3.2.2 Transferability**

Transferability involves a transfer of knowledge from a study to a specific new situation, and some qualitative researchers have proposed that this is a more appropriate basis (than traditional modes of generalisation) on which to judge naturalistic case studies (Chreim et al., 2007; J. A. Maxwell & Chmiel, 2014; Simons, 2009). As Simons (2009) claims, when conducting case study research we have an obligation not necessarily to generalise, but to demonstrate how and in what ways our findings may be transferable to other contexts. While analytic generalisation by definition involves a degree of transferability, the latter differs in a key way: it is not concerned with broad theoretical constructs or previously developed theories. Furthermore, where in the process of analytic generalisation it is the responsibility of the researcher to show how the theoretical advances can pertain to

situations other than those examined as part of the original study (Yin, 2011), transferability is much more concerned with the consumers of the research. In case-to-case transfer it is the researcher's job to provide detailed descriptions that allow readers to make inferences about extrapolating the findings to other settings (Polit & Beck, 2010). It is the responsibility of the consumers of the research to evaluate the extent to which the findings apply to a new situation. As Polit & Beck claim, "it is the readers and users of research who "transfer" the results" (2010: 1453).

These models are not mutually exclusive and both are relevant to the present study. The findings are able to follow a process of analytic generalisation as they are cast in relation to, and able to inform, existing restorative justice theory in such a way that implicates other analogous situations. Furthermore, transferability is of salience, as one of the goals of this research is to present findings that can contribute, and be applied to, future processes of a similar nature.

We turn now to an overview of the various theoretical approaches that inform my analysis of the data in this study.

### **3.3 Approaches to analysis**

Due to the interdisciplinary nature of this study, I will make use of a range of theoretical frameworks, informed by both sociolinguistics and restorative justice. Approaches from these two disciplines are complementary and have a number of correlative principles, as we will see in the discussion of the four frameworks that are to follow: Critical Discourse Analysis, Positive Discourse Analysis, Interactional Sociolinguistics, and restorative justice analysis.

Before I address the suitability of the following approaches, it is perhaps pertinent to note

why other discourse-based modes of analysis were disregarded for the purpose of this study. The type of data that the circle process produced was a key factor in this, as the structure of the circle meant that certain types of analysis were much less suitable than others. For example, key aspects of Conversation Analysis such as conversational openings and closings, turn-taking, and sequences of related utterances (Paltridge, 2012) are all problematic sites for analysis in the context of the circle. Specifically, the 'conversation' is invariably opened (in this case in the form of a question) and closed by a facilitator, i.e. highly structured relative to an ordinary conversation. Similarly, turn-taking within the circle is rigidly ordered, not only verbally but with the addition of a physical object, meaning that regular turn management (e.g. signalling the end of a turn, holding on to a turn, taking up a turn) is redundant in this context. The same can be said for adjacency pairs (sequences of related utterances produced by successive speakers), as the organisation of the conversation is controlled by the circle structure rather than the speakers.

As we will observe in Chapters 4 and 5, there are areas of the data that are relevant sites for narrative analysis, as at times speakers present their responses in the form of anecdotes and past experiences. That is, there is evidence of participants positioning 'characters' in space and time, in order to explain or make sense of the information they are trying to convey (Bamberg, 2012). However, while narrative analysis could be a very useful tool for a more specific exploration of these distinct parts of the data, they were not commonplace enough to warrant taking a narrative approach. Rather, I orient to frameworks which reflect the prominent themes in the data, and the overall objectives of this study. In other words, the approaches that I utilise are fundamentally concerned with achieving goals of equality and social change.

### **3.3.1 Critical Discourse Analysis**

This study is situated within the theoretical framework of Critical Discourse Analysis (CDA),

an issue-oriented approach that focuses on societal relations of power, dominance and inequality, and the ways these are reproduced or resisted by social group members through discourse (e.g. Fairclough, 1995; van Dijk, 1993). CDA attempts to reveal discourse that reinforces dominant power structures and ideologies, such as the kinds of discursive strategies that help perpetuate a culture where sexual harm is pervasive (e.g. hegemonic masculinity) or concealed (e.g. the taboo associated with sexual discourse, to be discussed in Chapter 4).

An approach that identifies discursive practices that help (re)produce unequal social relations is pertinent for current language and gender research, as major power imbalances in terms of gender continue to exist in systematic and predictable ways (Lazar, 2014). CDA is particularly applicable to this study as critical discourse analysts have identified the variation in agentive positionings constructed by distinct syntactic forms (like those highlighted in the discussion of agency above) as ideologically significant (e.g. Ehrlich, 2001; Sykes, 1988; van Dijk, 1988).

CDA is often focused on, and defined in terms of, abuse of power and emancipation from oppression. As Wodak & Meyer (2016: 07) claim, critical discourse studies “produce and convey critical knowledge that enables human beings to emancipate themselves from forms of domination through self-reflection.” The approach also tries to formulate and sustain strategies that counter, challenge and resist oppressive structures and ideologies (van Dijk, 1995). However, although CDA explicitly theorises both oppression and resistance, the overwhelming majority of literature in critical discourse studies focuses on the former (Hughes, 2018; Martin, 2004). While this focus is imperative in understanding the complex array of forces that lead to dominance and inequality there is a significant need for more attention to resistance, much like the deficiency observed in the practice theory frameworks discussed in Chapter 2.

The CDA approach attempts to highlight obstacles to social justice by emphasising where discourse has a negative impact. However, as Bartlett (2010) suggests, this emphasis on the negative is based on an understanding of power that does not reflect the various ways that people can be powerful (we are reminded here of resistance in Ortner's 'agency of power'), and therefore fails to recognise potential challenges to the status quo. Conversely, Positive Discourse Analysis attempts to shift the focus from oppression to where discourse *works*, and to highlight forms of resistance that can motivate social change.

### **3.3.2 Positive Discourse Analysis**

Positive Discourse Analysis (PDA) is a small, yet progressive, branch of CDA which focuses on positive discourses that counter and challenge oppressive social structures. It is important to clarify that PDA does not assume that societal issues and inequalities are somehow resolved, nor does it intend to be an alternative to CDA. Rather, it should be viewed as a necessary complement to critical discourse studies aimed at progressive social change (Hughes, 2018). PDA is not a new approach, but a shift in analytic focus (Rogers & Wetzel, 2013).

The term PDA was first introduced by Martin (2004), who suggests that social science research systematically favours critiques of processes that disempower over those that make the world a better place. Instead of encouraging accounts of progress we see discouraging analyses of oppression, which leads to a dearth of information when it comes to designing improved processes. As Martin states,

The lack of positive discourse analysis (PDA) cripples our understanding of how change happens, for the better, across a range of sites – how feminists re-make gender relations in our world, how Indigenous people overcome their colonial heritage, how migrants renovate their new environs and so on.



And this hampers design, and perhaps even discourages it (2004: 7-8).

Martin, and other proponents of PDA, argue for a shift in focus away from the critique of existing dominating discourses towards the design of emancipatory alternatives (Bartlett, 2012). This notion of design, a concept that scholars have begun calling for increased attention to in critical discourse studies (e.g. Hughes, 2018; Kress, 2000; Martin, 2004), draws from the work of Kress (2000), and forms part of the theoretical foundation of PDA. Kress (2000) argues that in periods characterised by extensive change, as is our rapidly transforming social world, design is the essential pedagogic and political goal and should take primacy over critique. That is, critique focuses on the present through means of past production, while design “sets aside past agendas, and treats them and their products as resources in setting an agenda for future aims” (Kress, 2000: 160). Analysing *resistant* discourse entails design, as the focus is on emancipatory agendas and alternatives to dominating discourses.

This focus on the design of improved processes highlights the value of both the case study and the notion of transferability discussed above. That is, an intensive focus and evaluation of the design of a process is made possible by the case study, and the potential for case-to-case transfer is a relevant test of the design.

Such a view by no means rejects the necessity of critique. As Kress stresses, ‘negative’ critique is integral to ‘positive’ design, and in order to understand what is needed for progress we must first understand the underlying problems that exist. While critical discourse studies are not limited to negative critique, CDA methodologies often position resistance as secondary to oppression (Hughes, 2018). Domination and oppression are of course hugely relevant to any inquiry that examines sexual harm, yet resistance is equally important. Restorative dialogue is a productive site for fostering resistant discourse, and there is compelling evidence of the participants in this study discursively resisting the

structural power imbalances and hegemonic ideologies that exist in their lives.

Even resistance can be understood as a negative response to hegemonic discourse, as opposed to a potential for discourse to offer real emancipatory alternatives (Bartlett, 2012). As Bartlett (2012: 06) observes, the majority of PDA has been reactive, and has focused on how people resist hegemony rather than “analyzing how the counter-discourses celebrated can gain a foothold within those institutional contexts in which they will be expected to operate.” I would suggest that the SRD model, and the discourse that has emerged from it, address this concern. Within the dialogue data there is a clear focus on counter-discourses which promote positive communication and action, and centre on the ways in which positive strategies can be implemented within the University community to address sexual harm. Furthermore, Bartlett (2012) advises that positive discourse analysts must *evaluate the potential* for counter-discourses to be adopted, seen as legitimate, and become assimilated into existing discourse practices; considerations that will be addressed in terms of the SRD process in Chapter 6.

PDA is highly appropriate to this study as it correlates with the overarching goal of both the research and the restorative dialogue model: identifying ways to effect positive social transformation. Moreover, the approach aligns with the central theme of agency in this study, as PDA is a framework that enables a shift in focus towards liberation and agency (Rogers & Wetzel, 2013). It focuses on resistance, which “calls our attention to the agency of the individuals engaged in reshaping structural constraints” (Hughes, 2018: 196). As Rogers and Wetzel note, shifting toward a positive orientation in the analysis of discourse and social processes “will warrant areas that have previously been undertheorized to garner more attention. This does not mean ignoring the constraints of structure but more fully recognizing moments of agency” (2013: 90).

Finally, PDA has a clear relationship to restorative justice. Indeed, Martin (who as we will

recall coined the term PDA) has recently focused his work on the analysis of linguistic structures within restorative practices in the Australian context (Martin & Zappavigna, 2016; Zappavigna & Martin, 2017). PDA, like restorative justice, offers a “complementary focus on community, taking into account how people get together and make room for themselves in the world” (Martin, 2004: 6-7).

Martin (2004) has suggested that the relationship between CDA and PDA should be understood as yin and yang (i.e. both are necessary and complementary), and it is perhaps helpful to view deconstructive and constructive analyses as both separate yet inextricably interrelated (Hughes, 2018). As Bartlett (2012) argues, critical discourse studies must encompass and interconnect instances of top-down domination and bottom-up change. In this study I aim to take a positive discourse analysis approach which highlights the possibilities for progressive social transformation, while also paying attention to the underpinnings of domination and hegemony that exist around gender and sexual harm.

### **3.3.3 Interactional Sociolinguistics**

This study will also make use of Interactional Sociolinguistics (IS) methodology. IS is an interpretative approach that examines how social meaning emerges in interaction (e.g. Gumperz, 1982). It highlights the importance of social context and the ways in which culture underlies discourse, shaping how language conveys meaning in interaction (Tannen, 2004). IS methodology involves careful micro-analysis of linguistic features in the context of the information gained through qualitative knowledge (e.g. observations of naturally-occurring speech and participant-observation) (Gordon, 2011), which was strengthened in this study by the addition of post-recording interviews (cf. Tannen, 1984, 2005).

My analysis will draw from IS in that it will, in parts, include a micro-analytic approach considered within a broader socio-cultural context. Socio-cultural context is of salience in

discussions around sex and sexual harm, and indeed is of palpable relevance to the data in this study, as people's backgrounds and experiences, as well as wider societal influences (e.g. the taboo associated with discussing sexual conduct), invariably shape the discourse. As IS expressly recognises how socio-cultural context affects interactions, it "allows us to take explicit account of the unstated assumptions and background knowledge the participants in an interaction bring to bear as part of the interpretive process" (Stubbe et al., 2003).

The analysis of my data will be enriched by paying attention to what Gumperz (1982) terms 'contextualization cues,' or the features "by which speakers signal and listeners interpret what the activity is, how semantic content is to be understood and how each sentence relates to what precedes or follows" (Gumperz, 1982: 131). Furthermore, an IS analysis can provide a greater understanding of the restorative dialogue as a social practice through which participants create a sense of community, as it enables researchers to gain insights into social processes through which individuals build and maintain relationships (Gordon, 2011). This is largely relevant to the present study as the ways in which participants build community, and importantly, a sense of collective agency, has significant implications for how individuals engage with restorative dialogue, and the potential it has to shape future attitudes and actions.

An IS approach is often taken to data characterised by relationships of unequal status and power between participants (Roberts et al., 1992), while the research site in this study is an intentionally and fundamentally egalitarian space. However, the content of the interactions is based on a subject that is inherently about power and inequality. Further, particularly in sessions 4 and 5, a great deal of the dialogue is focused on a relationship that is exceedingly unequal in terms of power, i.e. the students and the University (a dichotomous relationship that will be explored in detail in Chapter 4). IS is complementary to research situated within CDA, as it offers a means of performing micro-analysis of interaction in light of macro-

societal issues (Gordon, 2011) such as gender-based inequality. Like CDA (and several of the approaches discussed above with regards to agency), an IS approach considers the reciprocal relationship between language and the influences of social structure, which aligns with the analytic focus on agency in this study.

The area of this thesis that moves away from detailed linguistic analysis in order to focus on a broader evaluation of restorative dialogue to address sexual harm, will utilise a restorative justice analysis. As we will see, this is consistent with the approaches discussed above in a number of ways.

### **3.3.4 Restorative justice analysis**

As discussed in Chapter 2, restorative justice is based on a set of fundamental values that are essential to humans and their relationships, such as respect, equality, trust, and inclusivity. A restorative justice analysis is both underpinned by its core values and guided by the main steps of a restorative analysis:

- What has happened?
- Who has been affected and in what way?
- Who is responsible for the harm and what are their obligations?
- What needs to be done to make things right and how can similar harm be prevented in the future? (adapted from 'Restorative Justice Practices', 2006)

While these questions form the basis of the dialogue itself, they also act as a conceptual framework to guide the analysis in the area of this study that seeks to evaluate the use of restorative dialogue. That is, the key restorative principles will inform both the project and the subsequent analysis. This is particularly fitting in the given context, as values and process are inseparable in restorative justice: the values determine the process and the

process makes visible the values (Bowen et al., 2004). As Zehr (2015) emphasises, restorative justice is essentially a set of guiding questions to inform the real-world search for solutions.

A restorative justice framework is complementary to the linguistic based approaches discussed above, as their central principles are closely related. Primarily, both CDA (and PDA) and restorative justice come from an explicit stance and are guided by goals of social justice and transformation (see Lazar, 2014; Umbreit & Peterson Armour, 2011). Restorative justice is fundamentally concerned with respect and equality — all human beings have inherent and equal worth irrespective of their race, gender, sexual orientation or status in society etc. (Bowen et al., 2004). In a similar manner, CDA and PDA seek to identify, challenge and resist practices that obstruct equality and oppress marginalised groups.

Parallels can also be drawn between principles of restorative justice and IS. As noted above, an IS approach highlights the wider socio-cultural context within which language and interaction take place. Similarly, a restorative perspective understands the significance of social context on human behaviour and recognises the effect of relationships and social structures on people's capacities and decisions (Umbreit & Peterson Armour, 2011).

Finally, a restorative justice analysis is consistent with the focus on agency in this study. As we will see in chapters to follow, restorative values are aligned with various forms of agency that materialise in the data, and restorative processes are promising sites for the production of agentive stance and expression.

The approaches I have summarised here offer compatible and complementary perspectives that will guide and inform my analysis, and subsequent discussion. I turn now to the specific questions this research aims to address and the overall design of the study, including the methodological learnings and issues involved in an innovative research project.

### 3.4 Research questions

This study combines detailed linguistic analysis of interaction with a broader evaluative examination of restorative dialogue in the area of sexual harm. Specifically, I aim to address the following:

1. *How do people interactionally construct themselves as active agents or passive experiencers within dialogue about sexual harm? For example, how are lexical and grammatical resources used to construct positions of personal agency or diminished responsibility?*
2. *How can a sociolinguistic analysis of discourse around sexual harm highlight the broader, structural implications of our societal culture? I.e., what specific moves or phrasing allow the discourse to be interpretable as emerging naturally from the culture, rather than being the responsibility of individual speakers?*
3. *Can the development of a collective, shared space engender individual and group agency and accountability around complex issues such as sexually harmful behaviour?*
4. *Can Sustained Restorative Dialogue (and other like models) enhance current prevention education and achieve practical and beneficial outcomes? Does the implementation of them in tertiary institutions have the potential to motivate a shift in culture?*

In order to address these questions, it was necessary first to record and transcribe a SRD, the process of which is described below.

### **3.5 Research design**

Before presenting the specifics of the SRD, it is perhaps necessary to provide some background information as to how the process came to be the primary data collection site for this study.

#### **3.5.1 Background to the study**

After much deliberation on a topic of study that would encompass my primary interests and align with my desire to undertake research with practical real-world applications, with the help of my supervisory team I decided on a research project that examined a restorative approach to addressing sexual harm. The importance of the topic of sexual harm was fairly obvious — I struggle to think of a single woman I know who hasn't encountered some kind of sexual harassment or assault. However, what I could not have foreseen was that by the end of the year it would be one of the most widely reported and globally discussed topics in the media.

Even before the #MeToo movement, there had been numerous news stories about sexual harm within the New Zealand Defence Force (NZDF), and the then Chief of Defence, Tim Keating, had gone on record saying they were committed to change. After a damning report which revealed that sexism and abuse are persistent within the forces, the NZDF developed an organisation-wide action plan, Operation Respect, in an attempt to address the unhealthy culture that exists. The NZDF was therefore considered an optimum site for research due to (i) the obvious issues around sexual harm and (ii) the potential for a restorative approach to benefit an organisation supposedly committed to exploring effective ways to change the culture.

Tim Keating was approached on my behalf via my supervisor, Professor Chris Marshall, as



they were known to each other in a professional capacity. Initially, the NZDF were open and receptive, and indicated that they would be happy to support external research and for me to focus my doctoral study on Operation Respect. However, after several months they withdrew their support and declined any involvement in my research, stating that the risk of sociolinguistic inquiry would outweigh any benefit for the organisation. In June 2020, an independent review of the NZDF's progress with the Operation Respect programme found that, after four years of implementation, sexual harm persists and there is a lack of transparency and accountability in addressing and preventing it. Moreover, a 'code of silence' prevails, meaning many personnel will not report harm as they fear the repercussions and do not trust NZDF processes and systems (Teale & MacDonald, 2020).

Although the NZDF's change of heart was a disappointing setback, it led me to focus on the harm within our own campus community, which ultimately provided me with an excellent research site, with the potential for positive and practical research outcomes. Nevertheless, the campus setting was not without issue, as it became clear that there was a comparably risk adverse culture within the University. The idea of having a dialogue around sexual harm was met with resistance from a number of areas, and there was a pervading feeling that as an institution it was safer to do nothing than to do anything that could be perceived as having an element of risk, i.e. discussing a potentially traumatic issue. This was felt most deeply when the initial dialogue group, that was set to take place in Residential Halls, had to be cancelled because Accommodation Services withdrew their approval. This was especially disappointing as university halls have been identified as particularly problematic sites for incidents of sexual harm.

As Residential Halls were no longer an option, students from within the Faculty of Law were identified as another group with enhanced exposure to the issue. Law students were considered to be a particularly appropriate cohort as they have a heightened awareness of sexual harm in the wider profession due to the recent Russell McVeagh scandal (as

discussed in Chapter 2), which illuminated the toxic culture that still exists in many corners of the legal profession. Law students also have their own campus at VUW, and therefore share a considerable amount of common social, academic, and vocational space, where harmful behaviours can occur. After a meeting between Professor Marshall and the Dean of the Law School, permission was given to recruit senior law students.

Before student participants were contacted, the Chair in Restorative Justice team met with student counseling, the campus sexual violence prevention network, and the student association leadership team in order to get their input and approval of the pilot. Some members from within these groups (and others in the University) were nervous about encouraging dialogue on a topic as sensitive as sexual harm. However, after several meetings with the restorative justice team, where, for example, information about the circle process was presented, the SRD was approved to take place.

After receiving approval, both from the stakeholder groups noted above and the Human Ethics Committee, students from within the Faculty of Law were invited (by email) to participate in the SRD pilot.

### **3.5.2 The Sustained Restorative Dialogue pilot**

The SRD model was designed as a proactive restorative process, in order to hold difficult conversations around important issues affecting the campus community. As previously mentioned, in the wake of the #MeToo movement and the clear need to address the prevalent issue in the campus setting, sexual harm was an obvious choice of topic for the pilot group. The SRD was identified as an opportune research site to investigate both the linguistic constructions of agency and restorative processes, in the context of sexual harm discourse.

The experienced restorative circle facilitators felt that twelve was an ideal number for a group and topic of this nature, in order to create an optimal balance between intimacy and a sense of a wider community being present. Any more could begin to impact on turn-taking time (making each round too long and thus losing focus and engagement) and circle dynamics. The dialogue group was comprised of nine students (five female, four male), two facilitators (one female, one male), and a researcher (myself). My role within the group was a classic participant-observer. That is, I was a fully participating member of the group, while also observing and recording in my role as researcher.

### **3.5.3 Participant-observation**

Vivanco (2018) describes the data collection method of participant-observation as an improvisational, unstructured, contextually sensitive practice that combines various modes of watching and doing. As a participant-observer, the researcher is able to discover, through immersion and participation, the “hows and whys of human behavior in a particular context” (Guest, Namey, & Mitchell, 2013: 75). As Jorgensen (1989: 12) states,

Through participant observation, it is possible to describe what goes on, who or what is involved, when and where things happen, how they occur, and why—at least from the standpoint of participants—things happen as they do in particular situations.

Participant-observation is especially appropriate for scholarly research when the phenomenon being studied is somehow obscured from the view of outsiders or hidden from public view (Jorgensen, 1989), which is often the case with sexual harm. Furthermore, I was advised by the restorative justice practitioners that not participating (i.e. only observing and/or recording) could have an adverse effect on the dynamic of the circle process, and the level of comfort and trust felt by participants. Much like the circle facilitators, as a

researcher I was a fully contributing member in each of the circles, which helped create a sense of equality and trust throughout the group. As a fully participating member of the process I was able to gain considerable insight into the emotional responses my participants were experiencing, as I was experiencing them too. This aligns with the methodological approach to case study research exemplified by Stake (2006: 3), as “qualitative understanding of cases requires experiencing the activity of the case as it occurs in its context and in its particular situation.” The researcher and the participants are positioned as partners in discovering and generating knowledge and meaning (Stake, 1995).

The dialogue group met for four evening sessions over the course of a week. Sessions were intended to be an hour long, but all but one ran overtime. After each circle discussion, dinner was provided and participants ate and talked together, for up to an hour on some occasions. This created an additional space for the forming of relationships within the group, my own included, and although the recording device was turned off, allowed me to gain additional knowledge of the group members. An optional fifth session was held at the request of the student participants one month later. The following is an overview of each session.

### **3.5.4 Overview of sessions**

The following outline is adapted from Pointer & Giles-Mitson (2020), where a full overview of each session can be found.

#### ***Session 1 (Relationship-building and norms)***

Session 1 provided an opportunity for the group to build relationships and establish group norms, that would then guide the circle process over the subsequent sessions. The circle questions invited the group to share a little about themselves, what drew them to participate in the dialogue process, and what they needed in order for the group to be a

safe and supportive space to discuss sexual harm. After the first session, the facilitators made a visual of the group's agreed upon guidelines, which was re-visited at each following session.

### ***Session 2 (What is happening?)***

Session 2 addressed the first restorative question: What is happening? After two relationship-building rounds, the circle questions invited participants to reflect on the messages they received about sex whilst growing up, the state of the wider community's culture in relation to sexual harm, and what aspects of the culture can prevent healthy sexual relationships.

### ***Session 3 (Who is affected and how?)***

Session 3 addressed the second restorative question: Who is affected and how? After being asked to reflect on something from their day and what had stuck with them since the last session, participants were asked who is affected by the issue of sexual harm and how they have been personally impacted. The final round offered an opportunity for participants to reflect on the circle, as this session was of particularly high emotional impact.

### ***Session 4 (What is needed to make things right?)***

Session 4 addressed the third and final restorative question: What is needed to make things right? The circle questions invited participants to reflect on the previous sessions, and then brainstorm on what is needed to make things right in their community. This included what they as individuals, and the group as a whole could do. Students shared a desire for the conversation to continue and the group planned for an optional fifth meeting to discuss the next steps in a more specific manner.

### ***Session 5 (What specific recommendations can we make?)***

Session 5 focused on specific recommendations that could be made to the University in order to address sexual harm in the campus community. This was a much smaller group of only six circle members (the facilitators, myself and three students), apparently due to the session coinciding with a women's suffrage event on the same evening. After two icebreaker style reconnecting questions, participants were asked to reflect on the circle process approximately one month after it had taken place. The circle was then asked what they thought the University needed to do to address sexual harm more effectively. The group then suspended the circle format and had a less structured discussion about how some of the recommendations that had been suggested could be practically implemented. This suspension of the circle structure was suggested by the facilitators for the purpose of having a free-flowing dialogue whilst brainstorming.

#### **3.5.5 Data set**

I audio recorded each of the five dialogue sessions using a Zoom H5 (omnidirectional built-in stereo microphone), and transcribed the audio using Elan software (Version 5.4, 2018). Elan allows the analyst to readily go back to specific extracts of audio to, for example, interpret laughter or prosody.

Immediately after session four (the last of the planned sessions), participants were sent an online feedback form where they were encouraged to give their impressions of the experience, while still fresh in their minds. In addition to the online feedback forms, eight of the nine participants took part in a follow-up interview approximately three months after the main dialogue sessions had taken place. These were also audio recorded and transcribed as detailed above. These interviews proved to be a source of invaluable insight into the impacts and outcomes of the process. Due to fact that I had built a rapport with the other members of the circle (which was no doubt a result of my participatory role, as

discussed above), the interviews were informal and conversational, and participants were relaxed and forthcoming. This not only provided rich supplementary data and additional knowledge of my participants, but meant I was able to capture their speech in a less structured environment, allowing for what I hope is a more insightful analysis of both their agentic positions and the impact that taking part in the process had on them.

The five dialogue sessions, the online feedback forms and the follow-up interviews comprise my data set for this study. The dialogue sessions (52,280 words) and follow-up interviews (approx. 45,000 words<sup>17</sup>) make up 9 hours of speech. These audio recordings provide rich data, which include important paralinguistic cues that aid in my analysis. However, the addition of the written feedback data offers a degree of triangulation, and also provides a longitudinal element to the participant feedback, as I was able to compare responses to the same (or similar) questions several months later in the interviews.

### **3.5.6 Participants**

The following is a summary of the 12 participants: where they are from, their ethnicity and gender identity, and a brief comment on what I perceived as representative of their overall character within the circle group. I also include a statement about the sex education that each participant reported receiving. The purpose of this is to provide some background for each individual and for the kinds of ‘formal’ discussion around sexual conduct that this specific group had prior to the dialogue. I then comment on factors regarding the distribution of the speech data I present in this thesis. Finally, I summarise the predominant identity features of the group. All participant names have been pseudonymised.

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<sup>17</sup> This is an approximate amount due to the fact that before and after some of the interviews took place there was brief ‘chit chat’ which I recorded but did not transcribe.

### ***Aaron***

Aaron is originally from Newcastle, England, and seems to identify as British, yet speaks with an Australasian accent (predominantly New Zealand but some of his vowels sound closer to an Australian accent). Aaron is of European ethnicity and identifies as male. He reports that the sex education he received was very 'mechanical' and separated from emotion and relationships. Aaron is perhaps the quietest of the male participants and was the only person to decline to take part in a follow-up interview.

### ***Bianca***

Bianca is from Whangarei. She is of European ethnicity and identifies as female. She considers herself to have had an open upbringing and was one of the two participants that reported having good sex education at school. Bianca is open and forthcoming in both the dialogue and follow-up interview.

### ***Cameron***

Cameron is from Tauranga. He is of European ethnicity and identifies as male. At the time of the dialogue, Cameron was involved in a community law justice project that included talking to high school kids about consent, although he notes that he was apprehensive about this due to the inadequate sex education he himself received at the all-boys high school he attended. Cameron has a very relaxed persona.

### ***Gina***

Gina is from Wellington. She is of European ethnicity and identifies as female. She went to a co-ed state school which she describes as 'pretty liberal,' but reports receiving very little sex education and expresses that she was raised in an environment where sex was not talked about at all. Gina comes across as chatty but also very reflective, and was the most verbal of the female participants.



### ***Jade***

Jade is from Wellington. She is of European ethnicity and identifies as female. She was the second of the two participants who reported having adequate sex education at school, yet felt she received conflicting messages from her parents, who disapprove of sex before marriage. Jade was one of the quieter members of the circle group, yet was very relaxed and talkative in the follow-up interview.

### ***Kala***

Kala was born in India and has lived most of her life in Wellington. She is of Indian ethnicity and identifies as female. At the time of the dialogue she was a member of the Feminist Law Society. She went to a co-ed state school and reported having very little sex education. Kala positions herself as 'a bit of an anarchist.' She has a calm and collected persona and was particularly communicative in the follow-up interview.

### ***Lily***

Lily is from Colorado in the U.S. She is of European ethnicity and identifies as female. Lily is one of the circle facilitators and is an experienced restorative justice practitioner. At the time of the dialogue, she was in New Zealand undertaking a PhD in restorative justice. Lily comes from a conservative area and received abstinence-only sex education at school, but describes her family as alternative and the household she grew up in as sex-positive. She leads the group in a gentle and supportive manner.

### ***Mia***

Mia is from Lower Hutt (Greater Wellington Region). She is of European ethnicity and identifies as female. At the time of the dialogue she was president of the Feminist Law Society and had recently signed up for Community Law. She was brought up Catholic and describes her upbringing and schooling as sheltered. She reported having no sex education

whatsoever. Mia has an open and confident persona.

### ***Peter***

Peter is a lawyer from Cebu, the Philippines, who specialises in professional malpractice. He identifies as male. Peter came to New Zealand to study a Master's in Law and returned to the Philippines in December of 2018. Peter is older than the rest of the group; I estimated him to be in his fifties. He reports that he comes from a place where talking about sex is risky and taboo, and something you are likely to be reprimanded for. Peter was very engaged in the group, yet took a quite different approach to most of the questions (discussed below).

### ***Rio***

Rio is from Hastings and is the second of the circle facilitators. He is of Māori/Pākehā ethnicity and identifies as male. Rio began studying restorative justice and training as a facilitator about 10 months prior to the dialogue. At the time Rio worked in Student Accommodation and was based in one of the Residential Halls at VUW. He went to a Catholic high school and received very little sex education. Rio facilitates the group in an easy going and engaging manner.

### ***Samuel***

Samuel is from Waiheke. He is of European ethnicity and identifies as male. Samuel describes his upbringing as open and liberal. He reports that he didn't engage with the material that was provided in terms of sex education. Samuel comes across as open and reflective, and was the most verbal of the male participants.

## ***Me***

I am from Wellington. I am Pākehā and identify as female. I went to Wellington High School, a co-ed state school that (at the time) had a reputation for being liberal and alternative, yet sex education when I was there (1995-1999) was non-existent. I come from a socially-liberal family and consider my upbringing as open and relaxed.

In my analysis in the chapters to follow, I will sample all but one (see below) of the above individuals in order to show how the data demonstrates meaning-making across the participants in this study. However, while I have made an effort to make sure everyone's voice is heard, I avoid taking a procrustean approach to the distribution of the data I sample in this thesis. This means that some participants will feature more than others in the speech extracts I present in order to illustrate my analytic focus. This is in fact advantageous in the context of my research, as one of the reasons I undertake this kind of analysis is that I am seeking to understand how ideas and concepts accrete and build up over speech turns. Thus, returning to the same participants on numerous occasions allows for a more compelling investigation of this accretion.

We will not be hearing from Peter in the data explored in this thesis, as he was distinct from the rest of the group in a number of ways. Namely, he represents a different age group, a different culture, and he speaks a different variety of English (a non-native speaker with English as L2 or L3). Most notably, Peter's motivation for taking part in the group and the angle from which he approached the circle questions established a significant point of difference. He was primarily concerned with the issue of sexual harm within the context of his professional career (e.g. cross examinations in court processes), and his responses seemed to reflect that.

We will also hear slightly less from Aaron, as he did not take part in the follow-up interviews. This meant that (i) I had significantly less data of his speech, and (ii) I was not

able to get the same level of insight into his reflections on the issue, and the process, that proved extremely valuable when it came to analysing the data. Finally, I have kept contributions from the circle facilitators, Lily and Rio, to a minimum. Although they were fully contributing members of the circle discussion, they only feature in dialogue data (i.e. not in the online or follow-up interview data), and the focus of this study is on the undergraduate students that participated in the process.

### **3.5.6.1 Identity features of participants**

As is described in the summaries above, the majority (three quarters) of the group are of European descent.

To the best of my knowledge, everybody was cisgender, i.e. their gender identity matches the sex they were assigned at birth. Sexuality was not discussed in any detail in the dialogue and the only participant to explicitly comment on their sexuality was Bianca, who identifies as bisexual. I am also bisexual. I inferred from various things they spoke about that all the males and most of the females in the group identified as straight. Therefore, I believe the majority of the group were heterosexual.

The ethnic and (presumed) sexuality identity breakdown of the group is in fact aligned with the statistical demography of wider New Zealand, i.e. predominantly European (70%) and heterosexual (96.5%) (*Stats NZ*, n.d.).<sup>18</sup> However, an interesting avenue for future research might involve a similar process with a more diverse sample of people.

Finally, it is worthy of note that all the participants in this study had a sophisticated level of communicative ability; they were all clearly well-educated and articulate speakers of

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<sup>18</sup> This information is from the 2018 census which did not ask about gender identity. The 2023 census will be the first to include gender identity options.

English. Again, a possibility for future research may involve a more diverse sample of participants. That said, considerations associated with power imbalances would need to be taken into account if some participants were linguistically disadvantaged (see, for example, Willis, 2018), whereas this was not the case in this study.

We turn now to some final methodological considerations involved in the design and execution of this research.

### **3.6 Methodological considerations**

As restorative practices are generally evaluated retrospectively (e.g. survey data, participant feedback, reoffending statistics) there is a limited number of studies that analyse actual discourse data, and those that do tend to take samples from restorative conferences, i.e. reactive processes after harm has occurred (e.g. Rossner, 2013; Zappavigna & Martin, 2017). Furthermore, as discussed in the previous chapter, the research setting is an innovative design and proactive processes are, at this point in time, under-researched.

While this is valuable in terms of this study's contribution to the theorising of restorative practices, the innovative nature of the process meant that there were a number of obstacles that had to be overcome before the dialogue group could be offered to students. For example, and as mentioned above, some representatives of University administration were apprehensive about the prospect of encouraging dialogue about sexual harm due to it being a highly sensitive and potentially traumatic topic. In all likelihood, this was a result of the process being unfamiliar to the majority of the University community and therefore a cause for uncertainty and concern.

Another of the obstacles to the commencement of the restorative dialogue involved the recruitment of male participants. Indeed, after the initial cancellation of the pilot in

Residential Halls, the first dialogue group with law students also had to be postponed due to a lack of male students signing up to participate. This is perhaps to be expected due to the gendered nature of sexual assault and harassment, i.e. that it affects women significantly more than men, meaning females are more likely to engage (and/or have experience) with sexual harm and therefore feel motivated to take part. However, anecdotal evidence from male participants in the follow-up interviews suggest that such a straightforward explanation is overly simplistic, and several factors come into play when inviting men to take part in conversations around sexual harm. For instance, the linguistic framing of recruitment emails and advertising of the process was found to be significant. These specific methodological considerations in terms of gender will be explored in Chapter 6.

This research will, of course, meet the stringent confidentiality and ethical requirements that are standard considerations in any sociolinguistic inquiry. However, I am aware that they require particularly scrupulous application in the context of my research, due to the topic of sexual harm being potentially distressing and traumatic to many. Thus, the wellbeing of my participants is of primary concern in this thesis and in any other outputs that this research produces.

Finally, a key aim of this project is to feed the findings into practical applications for the benefit of other students – an objective which, as will become clear in the following chapter, is shared by many of the participants in this study. In order to attend to this objective, I follow a model for responsible sociolinguistic inquiry which considers participants' own agendas (Cameron et al., 1992). Specifically, it advocates that research be undertaken *for* and *with* the study's subjects, i.e. what Cameron et al. (1992) term 'empowering research.'

### **3.7 Summary**

This chapter has provided an overview of the various approaches in which this study is

grounded, and that will inform my analysis in Chapters 4 and 5. This research can be understood as a case study as the object of inquiry is singular, and I aim to gain a greater understanding of a larger concept by focusing on the complexities of a single case. I make use of analytic generalisation to compare the empirical results of this case study to previously developed restorative justice theory and seek to show how its findings may have implications for an enhanced understanding of restorative processes, particularly in the area of sexual harm. Moreover, I note how transferability is of equal importance in this case study, as the aim is for its findings to be applicable to future dialogue-based practices.

We have seen how CDA is well-suited for both language and gender, and for sexual harm research, as it attempts to reveal discourses that reinforce unequal power structures. While PDA highlights *positive* discursive practices that counter oppressive social structures and has a focus that clearly aligns with both agency and restorative justice. These deconstructive (CDA) and constructive (PDA) analyses should be understood as both complementary and interrelated. Furthermore, IS (like CDA and PDA) takes into account the reciprocal relationship between language and the influences of social structure and involves the micro-analysis of linguistic phenomena. These linguistic-based approaches fittingly complement a restorative justice analysis as, through a focus on agency, they champion equality and share a common goal of social transformation.

This chapter has also clarified the specific research questions I will address, the background to the study, the particulars of the SRD and the research design, and some of the methodological issues I encountered. In the next chapter, I explore how agency is enacted within the SRD, thus illuminating the ways in which participants position themselves and others in dialogue on sexual harm.

## Chapter 4: An Analysis of Agency

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### 4.1 Introduction

In this chapter I analyse linguistic interactions from within the SRD, in order to illuminate how both the micro and macro processes of agency are encoded and enacted (e.g. Duranti, 2005) in the speech of my participants. The analysis moves from an initial focus on individual positions of agency in earlier sections, through to the collective expression of agency, in which the group is positioned as a unit, in the latter parts of the chapter. In between, I discuss agency in resistance, as it is salient in the data and particularly relevant to both sexual harm and PDA. I begin by acknowledging the morally agentive stances that group members adopted by their initial participation in the dialogue, before focusing on the use of linguistic strategies to negotiate, and deflect agency. I then investigate agency located in resistant discourse, and a relationship that characterised the theme of *us* and *them* in the data: students versus the University. The chapter concludes with an analysis of collective agency, which as we will see, is closely aligned with core restorative values and the effective use of restorative dialogue to address sexual harm. In this chapter I aim to show how my data does to a certain extent support critical analyses such as Ehrlich's (2001), yet fundamentally the restorative dialogue process provides a way of 'doing' agency in a virtuous way.

I begin with a brief discussion of moral agency for two reasons: (i) it is a key agentive mode in this study, and it underpins much of the data we are to explore in this chapter, and (ii) it is important to recognise the moral agency of the participants from the very beginning of the 'journey' that the circle group took together.



## 4.2 Moral agency

As we will recall from Chapter 2, moral agency refers to the capacity humans have to act, evaluate, reflect on, and be responsible for their actions, relative to a moral ideal. Moral agency is a pivotal concept that flows through many of the major themes of this study, and manifests in the data in multiple ways. It is highly relevant in the context of sexual harm, and to the values and aims which guide restorative justice.

Throughout this chapter we will see how the experience of participating in the SRD process is in many ways associated with the exercise of moral agency. However, from the outset participants displayed a morally agentive position. As the preliminary recruitment email (see Appendix 3) asked students to “help build a culture of respect and consent on campus,” simply choosing to take part is exercising a moral stance, as it demonstrates a degree of commitment to addressing an issue affecting the community. From the first session there is evidence of the participants positioning themselves as moral agents and presenting their choices, particularly regarding their participation in the group, as motivated by their sense of responsibility. The following excerpts are taken from Session 1, Round 3: *What made you sign up to participate and what would you like to get out of the conversation?*

### Excerpt 1

1. Jade: um I just saw it and thought like I couldn't like not join in
2. cause there's so many like-
3. so few options these days sort of talk about it
4. like especially people of our age and I know that like
5. whenever conversations about like consent and stuff
6. will just come up with like my friend or something
7. it's sort of dismissed and
8. I thought we should have more opportunities to talk about it

## Excerpt 2

1. Gina: ((clears throat)) um I think (1)
2. I said yes because when I got the invitation
3. it was something that I had never seen before and I thought
4. it's such a um important subject matter
5. and such a interesting and I think valuable approach
6. that if I-
7. I didn't want to say no to it
8. because I don't want to like ((laughs))
9. discourage more um practices like this

In Excerpt 1, Jade indicates that she chose to take part because there are so few opportunities to discuss sexual harm, and comments that when the subject arises in conversations with friends it is *sort of dismissed* (line 7). Given the opportunity then, Jade *couldn't like not join in* (line 1), as not participating would be at odds with the values she sets herself, or her terms of 'goodness' (Rymes, 1995). In other words, taking part in the process is in line with (and an expression of) her moral agency. This stance is echoed in Excerpt 2 by Gina, who, after stating how she perceived the approach as novel and of value (lines 3-5), remarks *I didn't want to say no to it* (line 7). Gina's reluctance to decline the invitation based on her perception that it would be discouraging to a practice that she considers worthy and important echoes Jade's sentiment that she couldn't *not* take part. Interestingly, both speakers use multiple negation in their phrasing (*couldn't like not*; *didn't want to say no*) which seems to suggest that they are orienting to an implication that the unmarked option is to 'not join' or 'say no.'

Gina's laughter in line 8 may indicate that she realises her next utterance is somewhat hyperbolic, i.e. she couldn't singlehandedly discourage such processes from taking place. However, this arguably only strengthens her morally agentic stance. That is, despite her

recognition that an individual in her position may not have the power to influence the implementation of such practices one way or the other, she feels compelled to take part regardless.

Both Gina and Jade appear to be not only positioning themselves as agents who are guided by their own moral framework, but as people whose actions and choices involve aspects of responsibility. Their stances here suggest that they feel a certain degree of social responsibility to be involved in something they deem socially important. A comparable moral stance is visible from Bianca, also taken from Session 1, Round 3.

#### Excerpt 3

- |    |         |  |
|----|---------|--|
| 1. | Bianca: | I think I'm a bit like everyone                |
| 2. |         | that I'm just wanting to be here to learn more |
| 3. |         | to hear more                                   |
| 4. |         | to know what more I can do                     |

Bianca's response makes it clear that she wants to actively engage with, and increase her knowledge around the topic (*to learn more, to hear more*), which in of itself can be viewed as a morally agentive stance. However, her comment in line 4, *to know what more I can do*, is a palpable demonstration of moral agency, as it suggests one of her motivations for participating was to determine the actions she can take to help improve the issue in her community.

The causal relationship between recognising the need for pro-social action and participating in the dialogue can further be observed in the following excerpt which, while taken from a follow-up interview, is once again in response to being asked, *what made you sign up to take part?*

#### Excerpt 4

Context: Follow-up interview

1. Cameron: um (2.5) so for me it was mainly an incident that occurred
2. in my first year in the halls
3. which was kind of on the topic
4. and I didn't really like how the university handled it
5. or my perception of how the university handled it
6. so when I saw something where you could kinda you know like
7. have a bit of a say around that
8. and like the university would kinda hear that and see that
9. that's why I was kinda like I may as well get in there and (1)
10. you know see if I can kinda make a change that way

Cameron's response here is highly agentive. Despite his frequent use of hedges<sup>19</sup> (e.g. *you know, kinda, a bit*) Cameron's inference is clear — his negative assessment of the University's handling of the incident in halls prompted him to take action when the opportunity to be heard (*have a bit of a say around that*) presented itself (*when I saw something*). In line 9 (*I may as well get in there*) we see him making a decisive choice to act, and in line 10 (*see if I can kinda make a change that way*), Cameron firmly positions himself as a moral agent with the capacity and desire to exercise pro-social behaviour and take action in an attempt to improve a situation he has seen to be flawed and/or incompetent.

It is this capacity for taking action that is explicitly identified in the final excerpt in this section, this time from Aaron in the closing round of Session 1.

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<sup>19</sup> This use of hedges is a common feature of Cameron's speech throughout the data.

### Excerpt 5

Context: Session 1, Round 5: *Any final takeaway thoughts?*

1. Aaron: yeah um I'd probably say that I'm looking forward to it
2. it's nice to see + you know young people because-
3. and obviously there's some older people here as well
4. but it's- it's nice to rebut that stereotype
5. that we're all just on twitter
6. and don't take any action

In this excerpt, Aaron positions he and his peers as a collective (*young people*) as morally agentic, by directly contrasting their involvement with the stereotype that young people are *all just on twitter*, and importantly, *don't take any action*. He clearly identifies participating in the dialogue as taking action, and his comment in line 4, *it's nice to rebut* (i.e. refute/rebut, or a blend of the two) *that stereotype*, indicates that doing so is representative of the moral framework within which they operate. As opposed to the disinterested or disengaged youth that *that stereotype* suggests.

The morally agentic stances demonstrated here provide the first glimpse into how the SRD on sexual harm should be understood as a *positive* discourse. While the topic itself is rife with distressing realities, both in the global sense and in terms of direct experience for several of the participants (as will be discussed below), from the outset there is clear evidence of an organic gravitation towards positive, pro-social stances, and goals of social change.

As we will observe throughout this chapter and the next, participants frequently frame themselves as agents with the capacity to act autonomously and with reference to a sense of morality. However, at times they appear to struggle with, or negotiate, the degree to

which they are capable of acting upon the world. We turn now to examine some notable instances of this negotiation in the data.

### 4.3 Negotiating agency

As will become clear in the following excerpts, Samuel's speech is an optimum site for investigating the way people discursively navigate their sense of agency.

#### Excerpt 6

Context: Session 3, Round 4: *How have you been affected?*

1. Samuel: I'm sort of like + just thinking that it in terms of friends
2. who might have had these incidents
3. I probably haven't acted (1) in line with my values
4. because I don't know what the model for that is ↑
5. + um ((tuts)) and +
6. yeah so I'm just starkly aware of my privilege and the fact that
7. I probably (2.5) should be + better as a friend
8. but that there's a lack of education or information
9. about what that looks like

Here we can see Samuel negotiating his agency as he positions himself as morally agentic, while simultaneously presenting circumstances as outside of his control. In line 3, Samuel takes an agentic position by acknowledging and reflecting on his actions (Taylor, 1985), while also making reference to his moral framework (*in line with my values*). Yet in the following line he seems to mitigate this by providing a reason, signalled by the causal conjunction *because*, for his actions (or inactions) that positions himself as low-agency, *I don't know what the model for that is*. Samuel moves from thematic role of agent (line 3) to

that of experiencer (line 4).

This agentive and non-agentive pairing of statements occurs once more in lines 7-8. Again, Samuel positions himself as a moral agent and strong evaluator (O'Connor, 1995; Taylor, 1985) in line 7, as he narrates himself relative to a moral ideal of what it is to be a good friend (Rymes, 1995). His choice of modal verb *should* implies a moral obligation, and his reference to being *better as a friend* suggests an aspiration for the kind of person he would like to be in the future (Darvin & Norton, 2015). However, Samuel then immediately switches back to a position of low-agency by indicating that he is constrained in his actions based on the limits of available knowledge of how to act. This time signalled by the adversative conjunction *but*, a discourse marker which functions to contrast what follows it with the proceeding utterance (Schiffrin, 1987).

At first glance, Samuel's use of this linguistic strategy (agentive statement + conjunction + non-agentive statement) can be viewed as an attempt to justify or defend his actions, or lack thereof. Nevertheless, while this could be true (either consciously or subconsciously) in part, Samuel's long pause before *should be better as a friend* suggests that this is not a throw away comment that he immediately negates with an 'excuse.' Rather, he has had time to think about his choice of words and is committed to this assessment, despite it being caused by something he considers out of his control, i.e. *a lack of education or information*. This view of education and information as inaccessible is interesting when we consider Samuel's role as a student. However, as will be discussed shortly, not feeling equipped to effectively respond to harmful behaviour is a common issue amongst tertiary students.

In the following excerpt, Samuel explicitly discusses the struggle he has with his sense of moral agency on the one hand, and on the other, the uncertainty or unease associated with taking actions that reflect his values.

### Excerpt 7

Context: Session 2, Round 4: *With regards to the culture around sexual relationships, what do you think people are just not getting?*

1. Samuel: the instance that I'm thinking of I was still left feeling like
2. wo I don't know what to do
3. like I don't know + how to engage + the- let's just say
4. like engage the friend who I think is crossed this line
5. like what's the action to take to be consistent
6. with the values I think I hold you know<sup>↑</sup>
7. like so we all think that we're gonna hold our peers
8. to a certain standard but when it happens in practice
9. we're like oh they're our friend oh there was alcohol involved
10. and so I think there's a real (1) lack of understanding about
11. how + as friends or (1.5)
12. you know whatever relation you have to respond +
13. when someone that you- you care about is involved
14. in one of these situations
15. so like it is kind of like a theory practice disjunct
16. that I think we need to (1) address
17. and so go a step further in our conversations about
18. what we do in these situations

The repetition of the epistemic stance marker *I don't know* in lines 2 and 3 positions Samuel's agency as impeded, yet elsewhere in the excerpt we see him discursively take up agentive stances (e.g. *you have to respond*, line 12; *we need to address*, line 16; *go a step further*, line 17). This switching between modes of agency conveys both his moral position and his struggle with responding to behaviour that challenges it. In lines 5-6, we can see this negotiation taking place as he moves from high-agency to low-agency within the same



sentence. In *what's the action to take* he positions himself as a moral agent, yet his use of the hedge *I think* in the latter part of the sentence seems to indicate uncertainty about the validity of his moral stance. This sense of uncertainty is heightened by the utterance-final *you know* (line 6) which arguably functions here as an appeal for reassurance or agreement (Holmes, 1986), coupled with the use of a high rising terminal (HRT) which, in this case, seems to be seeking verification (Warren, 2016).

In line 9, we see an interesting use of constructed dialogue (Tannen, 1989), *oh they're our friend, oh there was alcohol involved*. What Dubois (1989) terms 'pseudoquotation,' or speech that has the form of a direct quotation but is entirely constructed by the speaker. Trester (2009) suggests that the use of *oh* at the beginning of constructed dialogue helps the listener identify voicing boundaries and recognise it as separate information (cf. Heritage, 1998), for example, when speaker roles are shifting and a person is temporarily not the author and/or principal of an utterance (Goffman, 1981). Additionally, *oh* in this position can signal the speaker's evaluative stance towards what is being said (Trester, 2009). I would argue that the *oh* tokens here indicate a negative evaluation of the constructed dialogue, as they function like an adversative marker (e.g. *but*) which Samuel is using to illustrate how people excuse inexcusable behaviour.

Dubois (1989) claims that pseudoquotation serves to emphasise an important point, which is likely the objective here. However, it is also possible that Samuel is signalling a division in the speaker roles he is responsible for; while he is the animator and author of the speech, he is not entirely comfortable with the role of principal. Thus, it is perhaps worthy of note that Samuel seems to discursively distance himself at this point. Although (grammatically) he includes himself in the constructed speech (*we all think; we're like*) and uses it to illustrate the *theory practice disjunct* (line 15) he is struggling with, in line 10 Samuel uses an agentless construction (*there's a real lack of understanding*) and switches for the next few lines from the first person pronouns he has used up until then (*I; we*, lines 1-9) to the

generic pronoun *you*. While this indefinite *you* is often interchangeable with *we*, they are distinct from each other with regards to pragmatic implications (Kitagawa & Lehrer, 1990); *we* implies inclusivity while *you* is vague and need not include the speaker. Samuel then resumes his use of *we* in lines 16-18, as he makes agentive statements about the necessary actions to be taken.

As first person pronouns are associated with agentive speech (Ahearn, 2001), Samuel's periodic use of them is potentially significant. Grammatical constructions can reflect (and affect) social realities (e.g. Duranti, 1994; Ehrlich, 2001), meaning what we are seeing may be a further example of Samuel shifting between high and low-agency positions (both grammatically and in a more global sense) as he evaluates his own and others' (in)actions, in relation to his terms of 'goodness' (Rymes, 1995).

To further investigate this negotiation of personal agency, let us now consider excerpts from Cameron, as he reflects on his first-hand experience with the unhealthy sexual culture at both his high school, and more recently in the university context.

#### Excerpt 8

Context: Session 2, Round 3: *What messages did you receive about sex while growing up?*

1. Cameron: like you look back and (you're like or) like
2. you kinda you shudder a little bit
3. at like some of the stuff that happened
4. and that we let happen<sup>↑</sup> um

#### Excerpt 9

Context: Session 3, Round 4: *How have you been affected?*

1. Cameron: and so even like more recently like (1)

2. with a quite a nasty one
3. that's happened to a good friend of mine
4. and it's like still I don't think we've like even talked about it
5. like the people who were involved
6. like obviously the victim has you know done her stuff
7. but like the wider- you know wide people
8. people who were around that the people (2)
9. ah I suppose that (1) we feel like we may have played a part in
10. that in + like the beginnings of-
11. I don't really want to get in to the situation
12. but like we (1) (X) kind of helped create the culture
13. that allowed that to happen↑
14. if that makes any sense↑ and it was just feelings of guilt
15. and that like why did we not know + what we were doing
16. was going to lead to something bad I suppose (1)

In both of the above excerpts, Cameron uses grammatical constructions which seem to deflect his personal agency, followed by highly agentive statements. In Excerpt 8, his use of an agentless construction, *some of the stuff that happened*, is immediately followed by the agency-claiming clause *that we let happen*. While the use of *and* between the two clauses indicates he is expanding on the information rather than self-correcting, the expansion suggests he was not comfortable with the first, agentless clause, where nobody was responsible for the events that took place. In Excerpt 9, lines 5-8, Cameron makes several references to the *people* involved, which has the effect of distancing himself from the incident, before choosing to explicitly position himself as someone who had a role in it (*that we feel like we may have played a part in*). Cameron pauses after his last use of *people* (line 8) before changing to *we*, which suggests that this switch between the somewhat

ambiguous *people* to the much more specific use of the first person is deliberate, once again positioning himself as a moral agent with a sense of accountability.

Cameron employs HRTs on both clauses in which he claims involvement in the incident he is describing (*we let happen*, Excerpt 8; *allowed that to happen*, Excerpt 9). His use of uptalk in these instances may be signalling important chunks of information (Bradford, 1997; Warren, 2016), i.e. that he feels an element of responsibility for the environment within which the incident took place. Conversely, the HRT on line 14, *if that makes any sense*, is more likely to be checking comprehension and, possibly, the group's reaction to the emotive information he is sharing.

This shifting between positions of agency is perhaps most notable in lines 12-16, as Cameron expresses the sense of responsibility he feels in *we kind of helped create the culture* and *why did we not know what we were doing was going to lead to something bad*. However, couched between these two sentences where he explicitly positions himself as morally agentive, Cameron uses a conspicuous agentless passive (*it was just feelings of guilt*), a grammatical construction which (as discussed in Chapter 2) deletes the agent and serves to obscure or diminish a person's agency (Ehrlich, 2001).

I would suggest that the negotiating of agency (and responsibility) in this context is primarily motivated by the issue, raised repeatedly by several of the male participants, of not knowing how to act or respond to harmful behaviour. This is by no means a problem specific to the participants in this study. Sexual violence prevention strategies in university communities making a significant commitment to addressing sexual harm (such as Australian National University; Baker, 2019), stress the importance of active and effective

bystander behaviour. The reality of this, however, is that thorough training (e.g. MATEs<sup>20</sup>) and unambiguous procedures are a necessity. For example, the 2017 report on sexual harm at Australian universities showed that the most common reason students did not take action after witnessing another student being sexually assaulted was that they did not know what to do (Australian Human Rights Commission, 2017).

This particular negotiation of agency is a gendered phenomenon in the data and is enacted primarily by male members of the group. However, discursively navigating between positions of high and low agency can also be observed in the speech of female participants. To illustrate this, let us consider an extract from Gina, in which she reflects on behaviour she considers problematic in the context of her university lectures.

#### Excerpt 10

Context: Session 4, Round 4: *What can you as an individual do?*

1. Gina: I think um (1.5) yeah I think it is just ((sighs))
2. like having a zero tolerance approach to +
3. any of that kind of bullshit
4. and like whatever it um sort of form it (1) is expressed
5. and by whoever and like even if there's a power imbalance
6. which is probably like maybe it's a simplistic of-
7. um simplistic view to take
8. because it can be really hard but like +
9. I think there are always um + options available
10. like something I do is sometimes sit in lectures and like

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<sup>20</sup> MATEs (Moving Australia Towards Equality) bystander program is a primary prevention program which examines gender-based violence and aims to develop leadership and effective bystander behaviour.

11. old white men say things that are just shit
12. and i- you- everyone- like no-one says anything
13. and I wish that I had the courage to throw my hand up
14. and be like that wasn't okay
15. um but I will probably never do that
16. but I could (1) send an email to my class rep or
17. I don't know put it in writing to the lecturer
18. or- or whatever just + you know do something else about it

Throughout this excerpt, Gina moves between positions in which she maintains a sense of self as someone with the capacity to act upon the world, and in which she feels constrained to do so. She begins her speech turn by expressing an explicit stance (*a zero tolerance approach to any of that kind of bullshit*) which presents herself as agentive. The force of her statement appears heightened both by the sigh that precedes it (line 1) and her use of an expletive, which arguably functions here as verbal emphasis, designed to underline the importance or emotional charge of the message (Stapleton, 2010). That is, this is a stance (which indeed she reiterates elsewhere in the data) that she clearly feels passionate about. Yet after she elaborates on it (*whatever...form; by whoever; even if there's a power balance*), Gina re-evaluates the simplicity of her position (*because it can be really hard*), relating it back to specific experiences she has had when she has recognised unacceptable behaviour and not taken any action to challenge it. Here we see Gina move to a position of low-agency (*I will probably never do that*), as she describes an action she would like to take (*throw my hand up*) but feels unable to do so. However, Gina then attempts to reclaim her agency as she brainstorms specific things she could do that are within her capabilities, i.e. that don't involve the face threatening (and potentially risky) act of 'calling out' a lecturer. In other words, she recognises the structural constraints and then attempts to invoke possible actions within them.

While identifying ways in which she can challenge or resist the displays of hegemonic discourse that occur in her everyday life (*old white men say things that are just shit*) is an exercise of agency (Hughes, 2018; Ortner, 2001), a closer examination of her phrasing suggests a level of uncertainty. Specifically, the final lines of this extract (lines 17-18) are peppered with hedges (*I don't know; or whatever; just; you know*). Perhaps the most noteworthy of these is *I don't know* at the beginning of line 17, an example of what Weatherall (2011) has identified as prepositioned (or preliminary) epistemic hedging. Weatherall shows that (in addition to a number of other functions), *I don't know* in this position (i.e. distinct from where it most commonly occurs, in response to questions) can function as an alert to uncertainty about what is about to be said. It indicates that the speaker is not fully committed to what immediately follows *I don't know* in the turn; in this case, *put it in writing to the lecturer*.

In contrast to the shifts between positions of agency we observed in Samuel and Cameron's speech (Excerpts 7, 8 and 9), which I have suggested are associated with uncertainty, Gina is fully aware of the actions she (and others) can take to challenge or highlight the problematic behaviour, but feels constricted in actually taking them. She recognises the ideal agentive stance, what could be done or said, yet her personal agency is constrained. Not, I would argue, by a lack of *courage* (line 13), but by the major structural and power imbalances that exist in the situation she is describing, i.e. an older male in a position of authority and a young female subordinate.

Interestingly, in line 9 Gina comments *I think there are always um options available*. We are reminded here of the relationship between agency and being able to choose a path of action. Gina explicitly affirms that she has choices; but are they free choices? For example, there could be real consequences for speaking out against something a lecturer has said. We have seen in the previous chapter how equating agency with choice can be problematic. In the context of sexual harm the choice not to resist (despite often being used as a defence

strategy in court, e.g. Ehrlich, 2001) is overly simplistic and not a valid measure of a person's consent to sexual contact. In this case, however, it is the choice to speak out which is constrained – this time by power imbalances in the institutional context rather than fear for physical safety.

Thus far, we have focused on the way participants navigate their personal agency, which sheds light on how people interactionally construct themselves as active agents or passive experiencers within dialogue around sexual harm. In the sections to follow, however, we begin to examine the way in which speakers attribute agency to others. In later parts of this chapter we will observe how group members ascribe agentive stances to a more powerful outgroup (the University), but first we turn to consider how agency can be obscured, which as we will see, raises some interesting considerations regarding the role of gender in this analysis.

#### **4.4 The gendered deflection of agency**

As we will recall from the discussion of agency in language in Chapter 2, linguistically positioning oneself as a non-agent (Ehrlich, 2001) can have serious consequences for the way responsibility is implied and understood in cases of sexual aggression. In this section, however, a series of examples are presented which show participants positioning others as low-agency. Specifically, female speakers using linguistic constructions which deflect or obscure the agency off of the male person(s) they are speaking about.

##### **Excerpt 11**

Context: Follow-up interview

1. Kala: to an extent I'm still + very careful
2. about how I speak about these kinds of issues
3. to certain groups of people um



4. Amy: can you give me an example?
5. Kala: I- a few of my friends are really like LA:DS um kind of guys
6. and I know them because of + like through my friend's partner
7. um so it's really difficult to-
8. Amy: yeah so you wouldn't just come in-
9. Kala: well I have ((small laugh))
10. I have challenged them on a few problematic things
11. but again they don't like fully understand
12. the impact of their words
13. so if I like call them out I'm called a crazy feminist (XXX)
14. if I call them out and I say stuff they'll like say oh sorry
15. but I don't think they like understand the impact of it↑
16. so I- I think I'm more careful in how I pick + my + spaces
17. to have those conversations but yeah I'm-
18. if there's an opportunity I definitely won't stay silent

While at several places in this excerpt Kala positions herself as agentive (e.g. *I have challenged them; if there's an opportunity I definitely won't stay silent*), she is simultaneously positioning the 'lads' she is discussing as low-agency, by their inability to *understand the impact of their words* (lines 11-12). The men are presented as unable to understand the consequences of what they say, which has the effect of diminishing their agency and responsibility for potentially harmful speech acts.

The framing of the men's behaviour in terms of being unaware (and therefore less accountable) draws parallels with the expressions of uncertainty we saw above in Excerpt 6, in that in both instances, *not knowing* (i.e. how to act or the impact your actions are having) seems to result in a deflection of agency. Furthermore, here we can observe an agentive

and non-agentive pairing of phrases (lines 10-11; lines 14-15) much like those in Excerpt 6, where the second half of the sentence, introduced by the adversative *but*, seems to reduce agency and responsibility. Here however, the agentive stances (*I have challenged them; I call them out and I say stuff*) belong to the speaker, and the non-agentive stances are given to the referents, by the speaker. While Kala is mitigating the men's agency she appears to be claiming personal agency, yet she does not seem to recognise the structural or interpersonal constraints on her exercise of it.

A compelling instance of this can be observed in the grammatical constructions she makes use of in line 13. When recalling the most negative or face threatening response to her challenges, she moves from the active voice (*so if I like call them out*) to the passive (*I'm called a crazy feminist*). Rather than using the active construction, *they call me a crazy feminist*, she switches to the passive and in doing so removes those responsible from the role of grammatical agent. As noted in Chapter 2, the use of passive voice over active, and in particular the agentless passive, is associated with obscured agency and diminished responsibility (Ehrlich, 2001; Henley et al., 1995).

This deflection of agency is interesting in terms of the main point Kala is making: that she is careful about the circumstances in which she speaks about these issues now (lines 1-3; lines 16-17). In line 16, her use of the comparative (*more*) indicates that she used to be *less* careful but has modified her behaviour based on the reactions of people like the 'lads.' In the sense of 'agent' they have in fact acted upon her, as their actions have altered the way she behaves. In this view, while Kala is adopting an agentive position (e.g. *I definitely won't stay silent; I pick my spaces*) it is also possible to view her agency as somewhat impeded, in a similar vein to Gina's in Excerpt 10 above, by social constraints.

This also takes us back to the issue of intention. In Chapter 2 I made the claim that the man on the train was exercising agency to a considerably lesser degree if he was unaware of the

impact he was having. It is conceivable, therefore, that the same argument could be applied to the men Kala is discussing above. Yet I would argue that the use of language is a key factor here. That is, as language is a form of action their remarks were active, unlike the passive state that the man on the train occupied (if indeed he was unaware of the effect he was having on Gina).

In order to examine this gendered deflection of agency further, let us consider Excerpt 12 in which Jade describes an inappropriate incident at her workplace.

#### Excerpt 12

Context: Session 4, Round 3: *What is needed to make things right?*

1. Jade: I think a lot of um + banter<sup>↑</sup>
2. or stuff that's labelled as banter that goes around
3. is like quite problematic
4. humour about um sexual issues and like um
5. power imbalances + um
6. and things like that and sort of it leaks
7. into the work situation as well like a-
8. um had a boss at work like crouched behind the coffee
9. machine and like um be eating a banana as a snack
10. and said like
11. Jade shall we have a deep throating competition<sup>↑</sup>
12. which was like REALLY inappropriate

In this excerpt, Jade elaborates on her point about problematic 'banter' by giving an example from personal experience. However, in her narration of the workplace anecdote she uses a striking lack of pronouns. In lines 8 and 9, the pronoun is deleted from every site

where we would expect to find one (e.g. *I had a boss, who crouched, he was eating, he said*). As ‘pronoun-drop’ (e.g. Feldmann, 2019) is not a feature of standard English this sentence reads somewhat strangely, yet it also has the effect of weakening the agency given to the person responsible for the event, i.e. her boss. While we can use pragmatic competence to infer who is responsible for the series of actions, the deletion of her boss as the grammatical agent serves to obscure his active role in the story, thus deflecting his agency.

Jade’s story, which is (grammatically, at least) deflecting agency from her boss, is couched between two clear and valid assessments (*I think...quite problematic; which was like REALLY inappropriate*) which position her as morally agentive and a strong evaluator (O’Connor, 1995; Taylor, 1985), and the stress on the intensifier *really* indicates a distinct evaluative stance. Furthermore, her use of uptalk on the reported speech of her boss (line 11) may well be further evidence of Jade’s negative evaluation; the rising intonation potentially functioning as an invitation for listeners to make a link between what is being said and her existing stance towards it (Warren, 2016). Nevertheless, the marked change in her language use as she tells the anecdote suggests a level of discomfort. Perhaps it was simply that the incident made her uncomfortable (either at the time or in the retelling), yet it is also possible that Jade is uneasy assigning blame or responsibility, and therefore is (potentially subconsciously) mitigating her boss’ agency.

Further evidence of linguistic strategies that obscure the agent can be observed in the next excerpt, taken from one of Lily’s speech turns.

#### Excerpt 13

Context: Session 4, Round 2: *What does a healthy sexual relationship look like?*

1. Lily: it came up this weekend actually kind of um
2. even you know I- my- I would consider
3. my partner and I having a healthy relationship

4. but ah we're getting to the point-
5. maybe partially cause we're American
6. and Americans do this earlier
7. but talking about marriage and
8. it came up around like the assumption
9. that I would change my name
10. or like who'll kids would name what they would have
11. and it's just interesting like
12. the number of things that kind of play into this
13. kind of just base inequality between men and women
14. that you really have to like + stop and examine
15. and then I feel like that kind of just inequality really exists
16. and everything ends up really heavily influencing
17. on sexual relationships and how how those go
18. and whether or not um voices are equally valued
19. and that and needs are equally valued

Despite the fact that Lily is clearly referring here to a conversation she had with her partner, she seems to avoid making a direct reference to either speaker, instead using a series of agentless constructions (*it came up*; *talking about marriage*; *inequality really exists*; *everything ends up*). This culminates at the end of the excerpt with her use of two palpable agentless passives, *voices are equally valued* and *needs are equally valued*.

Her omission of a grammatical agent is particularly noteworthy in line 8, *it came up around like the assumption*. The inference here is clear: her partner made the assumption, yet Lily's phrasing (which lacks an overt agent) has the effect of deflecting the agency involved in the speech act away from her partner. To use Goffman's (1981) production format framework,

both the author and principal roles of this utterance are somewhat covert, rather than being clearly assigned to the person responsible for them.

Lily is suggesting that *even* (line 2) in *a healthy relationship* (line 3) baseline inequalities still exist due to underlying structural biases associated with gender, yet she appears to be (either consciously or subconsciously) unwilling to position her partner in an agentive role in the story, despite him being the implied agent of *the assumption*. Like Jade in the previous excerpt, Lily is highlighting the sometimes overlooked issues that are at play in our day to day lives and giving an example to illustrate her point, while at the same time grammatically obscuring the agency from the responsible party in the given example.

While perhaps not individually harmful, issues raised in each of these examples are representative of conditions that are precursors to harmful behaviour and attitudes. This is perhaps most explicit in Jade's example, as (and indeed this is the point she is making) the labelling of sexual humour as 'banter' can be incredibly problematic. It can help maintain a sexist social order (Crawford, 2000), and serve to denigrate women whilst simultaneously conveying that the denigration lies outside the realm of moral scrutiny (Mallett et al., 2016). That is, sexist incidents or comments that are seen as funny are often deemed more acceptable and less discriminatory, thus avoiding the kinds of challenges or opposition that non-humorous sexism would likely incur (Bill & Naus, 1992; Mallett et al., 2016). Moreover, the risk and cost (i.e. social penalties) associated with challenging a sexist remark are much higher when the target may be accused of lacking a sense of humour, meaning women can be effectively silenced when deterred from speaking out for fear of social penalisation. When women do choose to speak up, the 'it's just a joke' rhetoric can be used to silence them by highlighting and challenging differences in perceptions of the illocutionary and perlocutionary force of an utterance. This is particularly problematic in the workplace context in terms of power imbalances (an issue Jade raises in Excerpt 12), as the performative force, or illocutionary potential of one's speech directly correlates with social

power more generally (Hornsby & Langton, 1998). As Langton asserts, “the ability to perform illocutionary acts can be viewed as a measure of authority” (1993: 316).

Excerpt 11 is more nuanced, yet not without issue. For example, Kala’s assertion that her male friends don’t fully understand the impact of their words is somewhat immaterial, as an offhand sexist comment can be oppressive even when the speaker does not intend it to be. As McGowan (2019: 4) argues, “because the remark is a contribution to broader social practices, it taps into normative features of those larger social structures.” While the oppressive power comes from those structures, they are brought to bear on that microenvironment by that single remark (McGowan, 2019).

Excerpt 13 is perhaps more subtle again, as it doesn’t describe inappropriate behaviour per se, but rather highlights gender imbalances that are so deep seated that they often go unnoticed. However, I would argue that in this excerpt particularly, the problematic stance (i.e. the assumption that Lily would change her name) is positioned as being outside of the man’s control (we are reminded here of the male sex drive discourse touched on in Chapter 2). This is also visible to some degree in Kala’s turn (Excerpt 11). That is, the responsibility, and therefore agency, lies in the social structures that exist rather than the individual. This is tenable to a certain degree, as Lily’s partner cannot be held responsible for societal gender inequalities around naming conventions (patronymy can be understood as embodying patriarchal values and reproducing gender hierarchies, Castrén, 2019). Yet it is within his power to challenge rather than adhere to them. By positioning the responsibility as embedded solely in social structures, little room is made for resisting or challenging unequal social norms.

The above data provides food for thought with regards to the complex interplay of gender, agency and structure. All three of these examples show a woman taking an explicit stance (challenging/highlighting problematic behaviour or a structural injustice associated with

gender) while simultaneously employing linguistic strategies that deflect agency from the male person or people that have displayed the behaviour. This is particularly interesting in Kala's case, as she is a self-positioned feminist and (throughout the dialogue sessions and follow-up interview) was outspoken about the need to challenge the patriarchal structures that exist around her. This suggests that the deflection of agency here may be subconscious, and motivated by underpinning structural factors that are invariably at play. Indeed, what we are arguably seeing here is evidence for the recursive relationship between structure and the individual, i.e. that we are both products of, and serve to reproduce our social structures (e.g. Bourdieu, 1977; Giddens, 1984), even as we attempt to address them. This is even, perhaps, support for what MacLeod (1992) suggests is a central issue in studies of marginalised groups within relations of power: that they seem to aid in the reproduction of power relations which function to their disadvantage.

So far, we have seen how personal agency can be restricted by institutional power imbalances (as in Excerpt 10) and the – potentially subconscious – deflection of male agency and responsibility, which serves to reproduce embedded gender hegemony. These phenomena demonstrate the suitability for the data to be analysed within the framework of CDA, which as we will recall highlights relations of dominance and inequality, and the ways these are reflected and reproduced by social group members through discourse.

However, while there is clearly evidence of 'negative' hegemonic ideologies at play in the data, they did not necessarily assume prominence. In fact, positive, resistant discourses warrant just as much (if not more) of my analytical focus. We turn now to investigate agency within resistant discourse in the data.

#### **4.5 Agency in resistance**

Like agency, resistance is a concept that is somewhat ambiguous and definitions are often



imprecise, implied, or entirely absent (Hollander & Einwohner, 2004). As a term it has been used to describe a wide variety of actions and behaviours at all levels of social life. An overview of the diverse conceptualisations of resistance as it is used by scholars in a range of disciplines is outside the scope of this study. However, when identifying and discussing resistance I draw from Hollander & Einwohner's (2004) comprehensive review<sup>21</sup> of the scholarly use of the term. They show that while there is little consensus among social scientists on a definition, two core elements are uncontested and common to virtually all uses of the term. Firstly, resistance involves a sense of (broadly conceived) *action*; it is not a quality or state of being but involves some active behaviour, whether verbal, physical, or cognitive. Secondly, it involves some form of *opposition* that attempts to reject, challenge, counter, subvert, disrupt, or motivate social change (Hollander & Einwohner, 2004). Thus, when I make use of the term and discuss resistance and resistant discourses, I am orienting to the two central themes of action and/or opposition to power (imbalances) and structural inequalities.

As we will see in the data that follows, resistance as a form of agency, both oppositional and as social action, is of great salience in the data. Hughes (2018) states that within PDA, resistance is not simply a response to injustice but is a social action that opens up possibilities for progressive social change. As mentioned at the beginning of this chapter, the very act of taking part in the restorative dialogue is an explicit stance, and can be understood as both a response to injustice (namely, that of a campus climate where sexual harm is pervasive) and a social action.

The SRD process is in of itself a resistant social practice as it was designed to counter problematic issues and encourage social change. Moreover, through the speech of the participants within the dialogue, a number of resistant counter-discourses emerged, calling

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<sup>21</sup> Hollander & Einwohner synthesise cross-disciplinary literature on the concept by reviewing several hundred books and articles in which resistance is a central theoretical or empirical topic.

our attention to the agency of individuals as they navigate their way around, and engage in reshaping structural constraints.

#### **4.5.1 The taboo of sexual discourse**

Perhaps the most notable counter-discourse was the one that arose in opposition to what I have termed ‘the taboo of sexual discourse.’ Specifically, the strong indication that talking about sexual harm (and often sex in general) is still very much taboo in many areas of our society. Although one participant reported communicating about the issue within her friend group, there were frequent references in the data to how anomalous it was to discuss sexual conduct (both positive and negative) and the culture that surrounds it. This taboo is particularly problematic when taking into account that we live in an age where exposure to online pornography is commonplace for young people (Office of Film and Literature Classification, 2018; Sabina et al., 2008), and a default learning tool for sex when education and open discussion are insufficient or absent from their lives (Classification Office, 2020). This suggests that for some young people, porn may be their primary source of information around sex and sexual conduct. This is not only dangerous in terms of unrealistic portrayals of both women and men but can promote sexual inequality and aggression, and (particularly when coupled with inadequate sex education, as discussed in Chapter 2) reinforce the hegemonic masculinity ideologies that give rise to sexual harm (Sun et al., 2016). This is particularly concerning in light of recent research that analysed New Zealanders’ current consumption of online pornography and found that in the 200 videos most popular with New Zealanders on one of the largest porn sites (PornHub), 35% of the videos contained some kind of non-consensual behaviour (Office of Film and Literature Classification, 2019).

To illustrate this perplexing juxtaposition of conflicting ideologies around sex; unspoken and taboo versus explicit and performative, let us briefly consider data from the speech of Gina

and Cameron.

#### Excerpt 14

Context: Session 2, Round 5: *What factors prevent healthy sexual relationships?*

1. Gina: like EVERY pressure is telling us not to talk about it
2. but at the same time to want it
3. and then because of the + like pressure that um
4. like my generation is under with like Instagram and Tinder
5. and all that shit
6. tell- telling us to like + you know compete and um
7. get as much like bravado as possible
8. and that the way to do that is through sexual partners
9. um and like being desired um
10. it's a just a shit storm of like (1)
11. you know do it but don't talk about it
12. but do it as much as possible

#### Excerpt 15

Context: Session 4, Round 2: *What does a healthy sexual relationship look like?*

1. Cameron: right now you've got lots of mixed messages coming out
2. like you've got (I dunno) I suppose traditional views
3. like something from Christianity
4. that whole like don't talk about it don't talk about it
5. then this whole SUB-culture of like pornography
6. and all the other like influences where I suppose
7. a person could just like take + out of anywhere

These excerpts demonstrate the opposite, competing influences that are at play in these young people's lives. Gina's speech reveals a set of contradictions which manifest as a pressure to conform to the taboo (line 1) while simultaneously attending to the pressure to be desired and exercise sexual bravado (lines 6-9). Her antithetical comment at the beginning of the excerpt aptly highlights the tension between this troubling paradox: *EVERY pressure is telling us not to talk about it, but at the same time to want it*. Furthermore, the stress on *every* here indicates that the pressures she is referring to are abundant and come from a variety of sources. Gina returns to this contrasting set of ideas again at the end of the excerpt (lines 11-12) in a remark which neatly sums up the struggle she is conveying. Her use of rhetorical strategies (i.e. antithesis and repetition) serves to emphasise the imposing nature of these influences; not only are they contradictory, but commanding, *do it but don't talk about it, but do it as much as possible*.

This repetition of an imperative is echoed in Cameron's excerpt in line 4, *don't talk about it don't talk about it*, which again has the effect of portraying the messages they are receiving as commanding and forceful. Further, the phrasing he uses to introduce the message, *that whole*, invokes something of considerable weight. Like Gina, Cameron regards the influences he is describing as *mixed messages* (line 1) and highlights the problematic notion that this could result in young people being influenced *out of anywhere* (line 7).

A noteworthy observation here is that Gina contrasts the taboo (or *don't talk about it* message) with pressure from social media and dating apps, while Cameron contrasts it with pornography. Neither pornography or social media/online dating were discussed in much detail in the data, meaning a deeper analysis of this distinction is outside the scope of this study. However, this is a possible indication that while conflicting messages around sex are pervading, the specific sources of the explicit sexual influences (e.g. pornography, dating apps, social media) can differ, based on gender.

A further distinction can be drawn from these two excerpts which is potentially significant with regards to gender. Gina exclusively uses first person pronouns which include herself (*my*, line 4; *us*, lines 1 & 6) when speaking about the pressures she is describing. In contrast, Cameron only uses the generic *you* (lines 1 & 2) which, as noted above, need not include the speaker, and *a person* (line 7) which acts here like an indefinite pronoun (e.g. *someone, one*) and has the effect of distancing himself entirely from the information he is conveying. This could of course be representative of their personal experience, i.e. Gina is talking about how she actually feels while Cameron is commenting on circumstances in a more global sense. However, it is also possible that the discursive strategy Cameron employs is designed to conform to normative masculine scripts which conflate masculinity with emotional detachment and an inherent knowledge of how to act in sexual contexts (Hyde et al., 2005). That is, he is enacting communication norms based on embedded gender roles. In this view, the distancing position that Cameron adopts enables him to speak openly about the pressures and influences young men may struggle with without 'losing face' (Blake, 2004). While this might appear contradictory to the openness expressed by Cameron elsewhere in the data, as we have seen in the gendered deflection of agency above, there are invariably underlying hegemonic ideologies associated with gender at play.

Let us return now to the agentive counter-discourses that emerged *in resistance* to the taboo around sexual discussion. In Excerpt 16, once again taken from Gina's speech, we begin to see how participants actively resist norms associated with not speaking about sexual harm.

#### Excerpt 16

Context: Session 4, Round 1: *What have you been thinking about since our last session?*

1. Gina: um I think the thing that I ((sighs)) like (1)
2. I had a- it was a hard weekend um
3. reflecting on what everyone had said

4. um + and the thing that's stuck in my mind the most
5. was probably quite self-centred but
6. I left thinking that I had just like grossly overshared ((laughs))
7. and- + but then I decided like I spent the weekend trying
8. to like talk my way out of + feeling embarrassed or whatever
9. and decided that + um (1)
10. it's- there's probably- + that's probably a product
11. of the fact that no-one ever talks about these things<sup>↑</sup>
12. and that- and I decided there's probably no right or wrong way
13. to go about it um
14. and that it's a hard thing to do
15. and we probably need to be + yeah like kind to ourselves

Gina begins her turn by expressing that she has had a hard weekend *reflecting on what everyone had said* (line 3), in reference to the previous session which was of particularly high emotional impact; several of the female participants shared their experiences of sexual harm. This statement is preceded by a series of pauses, both filled (sigh; *like*) and unfilled (line 1), and a false start (line 2), which gives the impression that Gina is searching for the best way to articulate how she been feeling, and therefore gives emphasis to the utterance she finally selects, *it was a hard weekend*. Gina's comment in line 6, *I left thinking that I had just like grossly overshared*, is a sobering illustration of the anomalous nature of discussing sexual harm and the negative consequences of the taboo discussed above. Her powerful choice of adverb (*grossly*) suggests she felt a significant level of shame, embarrassment, or regret. Not only does the sentence indicate a negative self-reflective emotion, but Gina seems to mitigate her entitlement to the way she feels with the preceding utterance, *probably quite self-centered*.

Gina laughs after her comment in line 6, yet the laughter here is not concerned with humour (cf. Holmes, 2006; Holmes & Marra, 2002), nor is it a 'nervous laugh,' which we might expect based on the embarrassment she is describing.<sup>22</sup> Rather, I would suggest that her laughter signals the beginning of the resistant discourse that is to follow, as laughter can be an act of resistance towards an oppressive utterance (Vitanova, 2004), in this case her own (*grossly overshared*). That is, from line 7, Gina begins displaying clear resistance to the taboo nature of sexual discourse. She describes her active attempt to overcome her embarrassment (line 8), before explicitly identifying the taboo as the reason behind it (lines 10-11). Both of these assertions are introduced by the agency-claiming verb *decided* (lines 7 and 9), which implies an active, conscious choice to resist and rationalise the negative feelings associated with talking about her experiences. Gina then makes two declarative statements that assess the situation (*there's probably no right or wrong way; it's a hard thing to do*), and that serve to negate her earlier negative self-reflection. She then ends with a positive and inclusive (switching from *I* to *we*) suggestion: *we probably need to be...kind to ourselves*.

Resistance was also observed in the form of highlighting the lack of communication around sexual harm and framing it as problematic. The following excerpts from Cameron and Samuel demonstrate how participants recognise both the taboo itself, and the need to challenge it.

#### Excerpt 17

Context: Session 4, Round 4: *What can you as an individual do?*

1. Cameron: I've never had a conversation of this nature
2. really with any of my male friends (1)
3. I don't think

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<sup>22</sup> I am basing this assessment on her prosody in the recording, which cannot be adequately captured in the transcript.

4. or nothing in depth nothing where we've really like
5. openly discussed these kinds of issues um
6. and I think with that something needs to change

#### Excerpt 18

Context: Follow-up interview

1. Samuel: that was like leaps and bounds ahead of any other
2. conversation I've ever had in like everyday life
3. so I feel like that awareness is sort of resisting +
4. the social norm of not talking about it
5. Amy: yeah
6. Samuel: which is a social problem that like
7. you can only defeat BY talking about it

These excerpts mirror each other in that the speakers first identify the lack of communication (Cameron, line 1; Samuel, lines 1-2) before positioning it as something that is an issue. Cameron's remark, *I think with that something needs to change*, demonstrates a desire to challenge the normative cultural scripts that exist around him, i.e. that discussing sexual harm is atypical and/or taboo. More explicitly still, Samuel frames the *not talking about it* (line 4) as not only a *social norm* (line 4), but a *social problem* (line 6) that must be overcome *BY talking about it* (line 7). Resistance can be located in Samuel's speech not only in the stance he takes in highlighting the taboo around sexual harm, but in calling attention to the required action to take, i.e. to *defeat* it by normalising the conversation. This form of resistance is even more pronounced in Excerpt 19, in which Bianca stresses the need for communication and action.



## Excerpt 19

Context: Follow-up interview

1. Bianca: um I signed up for the dialogues
2. because I have experienced sexual assault myself
3. and I thought it was a really important conversation
4. and it's one that I do think our generation in particular
5. is really pushing to get out from the shadows
6. like we seem to really want to +
7. talk about it and n- not normalise it but normalise +
8. I guess + the fact that it does happen and it is an issue
9. and we need to be talking about it
10. because we need to be finding ways to come up-
11. to like stop it from happening in the first place
12. Amy: mm
13. Bianca: or even just (1) yeah address it as a societal issue

Bianca here is positioning not only herself, but her generation, as both high-agency and actively opposed to concealing the issue. Her evocative use of metaphor *get out from the shadows* exemplifies the gloss of secrecy associated with the taboo, yet her choice of verb *pushing* (line 5) conveys action and resistance against it. Bianca is demonstrating a strong desire for social action (*we need to be talking; we need to be finding ways; address it as a societal issue*) and adopts a high-agency position both in her capacity to reflect on and evaluate the present circumstances, and in her orientation to future possibilities (Bandura, 2006). Agency in this form is consistent with restorative justice values which position individuals with the capacity to shape the outcomes in their lives. Here again we are reminded of the dynamic interplay of people and their environment (or structure and the individual). As Bandura (2006: 164) affirms, “people are contributors to their life

circumstances, not just products of them.”

This resistant form of agency is compatible with the interconnected agentive modes that Ortner (2001) proposes, discussed in Chapter 2: agency of power (to act autonomously, have influence, and maintain control in one’s own life) and agency of intentions (to seek to accomplish projects, purposes and desires within a framework of one’s own terms and values). In the above excerpt, Bianca is exercising both these modes of agency. Despite experiencing domination she acts with autonomy, while pursuing projects (e.g. the dialogue) and desires (e.g. social action) that stem from her values and experiences. We further explore agency located in the aspiration for social action and social change in the data to follow.

#### **4.5.2 Agency in opposition and social action**

The form of agency involved in pursuing endeavours which oppose and resist structures of inequality was notable in the data. In likelihood this is due to participants being law students with, I believe it fair to say, a propensity for social justice<sup>23</sup>. Moreover, several of the women were self-positioned feminists and all but one had first-hand experience of sexual harm, which suggests (as Bianca indicates above) that they may be particularly invested in addressing injustices that exist around gender and violence against women. As Ortner (2001: 81) states, “it is about people having desires that grow out of their own structures of life, including very centrally their own structures of inequality.” Agency located in the pursuit of positive social action is illustrated in Excerpt 20 from Kala, as she reflects on her own experiences of sexual harm.

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<sup>23</sup> I base this assessment on the pervading beliefs and attitudes I observed, ‘projects’ that participants referenced (e.g. Mia and Kala in the Feminist Law Society; Cameron teaching high school consent modules) and to some degree their very participation in the process.

## Excerpt 20

Context: Session 3, Round 4: *How have you been affected?*

1. Kala: but after being really angry for a number of years
2. I've sort of reached the stage where
3. I'm + like I feel more + powerful and like confident
4. so I try now to change things in the only way I can↑
5. and if that means you know like (1.5) like studying law
6. and trying to change structures
7. that's my way of like being the voice for people
8. who might not be comfortable speaking NOW
9. but will at some point
10. and trying to like prevent harm from happening

Kala's speech here is highly agentic in a number of ways. Although she shares one of the ways in which sexual harm has negatively affected her (*really angry for a number of years*), she then expresses the control she now feels over her life. She has reclaimed her agentic self after a period of vulnerability and low-agency, and has actively reframed her situation in such a way that she can now claim agency over it in the present (Greenbank, 2020). The brief pauses in line 3 suggest that Kala is taking her time in selecting accurate descriptors for the way she feels, and her choices (*powerful; confident*) firmly position herself as high-agency. She then demonstrates how she uses this position of agency to pursue goals of social change (*so I try now to change things; studying law*), resist structural injustices (*trying to change structures*), and represent others who are less vocal or have less agency (*my way of like being the voice for people*).

Kala is explicit in her motivation and in the primary goal of preventing harm (line 10). Like Bianca in the excerpt above, she is exercising both Ortner's agency of power and of

intentions, and appears to be using her lived experience to advocate for positive future possibilities (e.g. Bandura, 2006) and transformation.

While Kala is taking up an agentic position throughout this excerpt, her comment in line 4, *in the only way I can*, does bring to mind the various structural constraints that limit her sense of agency. While this remark seems to downplay the great deal of commitment to social activism Kala is describing (i.e. studying law in order to change structures and be a voice for others), it is a reminder of the structural obstacles she may face, such as those around gender and race<sup>24</sup>. Moreover, as Kala voices in the following excerpt, in the context of law, she finds it self-evident that the system she is working within (and attempting to transform) is a deeply patriarchal one.

#### Excerpt 21

Context: Follow-up interview

1. Kala: to me it seems obvious + that there is a problem
2. and I don't know how to start that conversation about
3. like reimagining a system
4. but it seems obvious that + the legal system is started by men
5. created by men um
6. and so when you look-
7. when you look at so many issues
8. around domestic violence and like sexual violence
9. you're still like slotting women's experience under-
10. to like fit a ma::n's perspective

Although Kala is communicating that she doesn't know *how* to transform or subvert the

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<sup>24</sup>As we will recall from Chapter 3, Kala is of Indian ethnicity.

current system (lines 2-3), she is exercising resistance by questioning and challenging the existing structure that she is operating within, both as a law student, and as someone who has experienced sexual harm and (as she shared in the follow-up interview) comes from a history of family violence. Kala expresses cognitive and verbal opposition to the current legal system (*it seems obvious that there is a problem*) and rejection of patriarchal norms (*to like fit a man's perspective*). She reinforces this resistant psychological stance with the physical actions she undertakes, such as studying law to effect change (as she states above) and being an active member of the Feminist Law Society (which, for example, organised the March on Midland: Rally to End Sexual Violence in 2018).

The resistance that Kala displays here can be thought of as a challenge to structures at the macro-level, i.e. the legal system and the patriarchal society we live in. Yet micro-level strategies of resistance are also worthy of attention. As we will observe in the remaining data presented in this section, resistance to individual displays of sexism can engender expressions of both personal and collective agency.

#### **4.5.3 Resistance strategies**

In the excerpt that follows, Gina shares an anecdote involving an interaction between her and her uncle. Just prior to this section of speech, Gina speaks to the group about this side of her family, positioning them as rural farmers whose attitudes she describes as 'sheltered' and 'problematic.'

Excerpt 22

Context: Session 4, Round 4: *What can you as an individual do?*

1. Gina: he's I guess my like-
2. this is gross but like my superior I suppose
3. like in the family hierarchy

4. but it was super cool I um was getting into a pool
5. and it was really cold so I was like slowly walking into the pool
6. and he yelled at me don't be a girl
7. and I don't know where it came from I just turned around
8. and was like DON'T BE SEXIST
9. and it was like the most powerful moment ever
10. I felt so like + proud of myself
11. so maybe like + remembering that
12. you're like fighting for the greater good
13. and + it might feel uncomfortable at the time
14. but afterwards you'll probably feel +
15. um really + glad you did it
16. or I should talk for myself
17. I'll feel glad I did it so I'll do it

Within this excerpt, Gina constructs a discursive strategy of resistance, i.e. verbally challenging a sexist remark. While her challenge was unplanned, it clearly had a potent and empowering effect on her: *I felt so like proud of myself*. Indeed, her comments, *I don't know where it came from*, and *I just turned*, create a sense that her actions were triggered by some natural force, one that resulted in *the most powerful moment ever*.

Despite the potential for discomfort (line 13) and the fact that in this case there was a power imbalance in the form of family hierarchy (albeit one she views with disdain: *this is gross*, yet exists enough for her to make reference to it), Gina's self-evaluation of her actions is resoundingly positive. Not only did she feel extremely proud of herself on that occasion, but she indicates that she will repeat her actions in the future (line 17). Both in her positive reflection on her resistant stance and in her indication it will be repeated in the

future — a form of anticipatory self-guidance (Bandura, 2006) — Gina positions herself with the capacity to act with influence and maintain control in her life (e.g. Ortner, 2001; Bamberg, 2011a). However, perhaps the most effectual part of Gina’s speech can be found in lines 16-17, as she explicitly reflects on her own sense of agency. Her intentional shift (demonstrated by her use of *or* in line 16) from the generic *you* (lines 12-15) to the first person, agency-claiming clauses (lines 16-17) expresses a declaration of autonomy, and accountability — for the agentive actions she is advocating. In *I’ll feel glad I did it so I’ll do it*, Gina is appropriating the force that propelled her actions, and indicating that it will be the basis for future expressions of agency. By shifting to the first person pronoun in these final lines, she firmly positions herself as an agent with the capacity to wilfully initiate events (Duranti, 1994) and act upon the world.

The concluding examples presented in this exploration of resistant discourse again relate to women responding to sexist (or otherwise unacceptable) comments. However, where Gina’s above strategy was spontaneous, in the excerpts from Mia that follow we are able to see evidence of planned resistance strategies, or attempts to be prepared for responding in an effective manner.

#### Excerpt 23

Context: Follow-up interview

1. Mia: like I dunno if you have ever talked with your friends
2. about like funny things to do when someone cat calls you↑
3. but like I try and like remember things to do↑
4. Amy: yup
5. Mia: like I always pull the fingers
6. I’m always like fuck you

#### Excerpt 24

Context: Follow-up interview

1. Mia: for some reason it's you that's taken the vibe somewhere else
2. Amy: I know
3. Mia: even though they've bought the calibre
4. Amy: yeah exactly yeah
5. Mia: of the conversation down +
6. like they can say something as hateful as they like
7. Amy: but it's-
8. Mia: but it's the calling out that changes the mood
6. Amy: yeah
7. Mia: it's so:: weird
8. Amy: it's so frustrating actually eh yeah
9. Mia: um we've started going real quiet
10. when someone says something real bad
11. which I think is good cause then they
12. have to reflect about why no-one laughed

In both Excerpt 23 and 24, Mia is describing how she and her friends/peers actively, and collectively, seek out effective discursive resistance strategies for responding to unwanted or unacceptable remarks. When referring to cat calling — a phenomenon that can inflict shame, and act as a reminder that men control public spaces and women's bodies are acceptable objects for public denigration (Gardner, 1980) — Mia reveals how she would like to have a witty comeback at the ready, rather than solely expressing anger or displeasure (*pull the fingers; fuck you*). As Crawford (2000) notes, like the strategies women learn in self-defence classes, some verbal strategies turn the aggressor's energy back onto the aggressor. Yet like physical strategies they are not natural and must be learnt, as Mia comments, *I try*



*and like remember things to do*. Whether Mia favours this form of retort for her own personal satisfaction or to challenge or shame the person responsible for the cat call (or both), there is agency and empowerment located in her attempt to remember and use her preferred response to a traditionally agency-stripping scenario.

Excerpt 24 is taken from a conversation about the realities of calling out unacceptable comments made while interacting with peers. Here, Mia highlights two different resistance strategies which are essentially opposite: speaking out and going quiet. As she explains, the calling out strategy has consequences for the speaker as they are often held responsible for the change of mood or taking *the vibe somewhere else* (line 1). Thus, they (she and her friends/peers) have developed another, perhaps more successful strategy, in which the person responsible for the comment must *reflect about why no-one laughed* (line 12). With this approach, the women are *using* silence in contrast to *being* silenced (cf. Lakoff, 1975; Langton, 1993), that is, they have weaponised the absence of speech to challenge oppressive behaviour. While this particular strategy relies on a specific response (i.e. that the person was indeed expecting laughter), it is a conscious display of resistance against harmful discourse, and the 'going quiet' approach suggests that Mia and her friends have purposefully discussed strategies for responding to speech they deem unacceptable. This echoes the collective action that is indicated in Excerpt 23, line 1: *I dunno if you have ever talked with your friends*. In both instances, they are actively and collectively developing resistance strategies within a framework of their moral values.

In this analysis of resistant discourse we have seen the ways in which participants discursively oppose the taboo around sexual harm, actively pursue goals of positive social change, and produce strategies to respond to sexist speech and behaviour. However, a further sense of resistance was observed in the relationship between the student participants and the University as an institution. That is, there was a pervading sense of opposition to (i.e. criticism of and challenges to) the institutional processes in place to

prevent and respond to campus sexual harm, and other issues of student wellbeing. This relationship epitomised a theme which emerged from the data in this study: the concept of the group versus an ‘other,’ or *us* and *them*.

#### **4.6 Representations of *us* and *them***

The range of groups with which people affiliate is vast and varies on countless dimensions, as do the cues that mark ingroup membership (Cikara et al., 2017). Nevertheless, regardless of the categorisation of groups and groups boundaries, “humans reliably carve up the social world into us and them” (Cikara et al., 2017: 621). Central to this universal practice is the polarisation between group members and those that differ from them (i.e. through conflict, beliefs, race, or any other lines), typified by positive-self and negative-other presentation. People are generally inclined to hold favourable ideas about the groups to which they belong. For example, social identity theory assumes that people are motivated to evaluate themselves positively, so insofar as a group membership becomes meaningful to their self-definition, they will be motivated to evaluate that group positively (Oakes et al., 1994). As the value of group membership depends on comparison with other groups, “positive social identity is achieved through the establishment of *positive distinctiveness* of the ingroup from relevant outgroups” (Oakes et al., 1994: 82).

Stereotypes are often used to create and maintain such distinctiveness; people tend to depict ingroup characteristics positively and emphasise positive traits as typical for the ingroup, whilst portraying outgroup characteristics negatively and negative traits as typical for the outgroup (Oktar, 2001). As van Dijk argues, “groups build an ideological image of themselves and others, in such a way that (generally) We are represented positively, and They come out negatively” (2000: 69). For example, a racist ideology represents *us* as superior and *them* as inferior, a religious ideology poses *us* as ‘good believers’ and *them* as ‘bad unbelievers,’ and a feminist ideology presents *them* (men) as oppressing *us* (women)

(van Dijk, 2000).

The most compelling and visible illustration of *us* and *them* (or group and other) discourse was found in the negative attitude shared by many group members towards the University as a dominant, faceless 'other.' Indeed, *us* and *them* mentalities or ideologies (like those van Dijk illustrates above) are often characterised by power imbalances (e.g. racial othering, gender inequality), and the student/University relationship is exceptionally asymmetrical in this respect.

A recurring point of issue was the way in which participants viewed the University as ineffectively handling its responsibilities around student wellbeing. This is particularly pronounced in Session 5, where the group focused on recommendations to be made to the University to help tackle the issue of sexual harm. In order to observe the emergence of *us* (students) versus *them* (University) as a theme, let us consider the following data from the latter part of Session 5, in which the circle structure was suspended and more canonical dialogue was encouraged.

#### Excerpt 25

Context: Session 5, Group discussion

1. Samuel: and look at like what they send out like these surveys
2. that kind of put things in such like kind of
3. ridiculously simplistic terms
4. and like we were talking about like the resource that
5. something like this takes and I think there's work that
6. could be done to like make that scalable
7. but also think about like the richness of perspective
8. that you get from this

9. compared from their like stupid survey results
10. ((group laughs and makes agreement noises))
11. you know like if they had-
12. I don't think any of their consultation methods
13. could get like + a student insight like + like this could
14. ((group agreement noises))
15. Gina: cause you have to think about what their (1) goals are
16. Samuel: yeah
17. Gina: I feel like surveys their goal was just like statistics
18. that they can manipulate and be like yep we're all good
19. Samuel: yeah exactly ticking boxes

Here, Samuel firmly positions the University as an outgroup (*they; their*), deserving of criticism and ridicule for the *ridiculously simplistic* (line 3) surveys used to measure student wellbeing. He strengthens this critical assessment by directly comparing the University's efforts with the *richness of perspective* (line 7) and *insight* (line 13) the dialogue provided, and therefore the implied *we*, the group members, possess. Samuel presents this positive-self/negative-other dichotomy in lines 7-9 (*you get from this/their like stupid survey results*) and again in lines 12-13 (*their consultation methods/ like this [method] could*), and the representation is successful and endorsed, as on both occasions the group makes noises of agreement. Gina then contributes to this negative-other presentation by introducing another factor of which to be wary: what *their* goals are (line 15). She then offers her own critical evaluation of *them*: *their goal was just like statistics that they can manipulate*. This is reinforced by her use of constructed dialogue (*yep we're all good*), which allows the speaker to critically assess the given utterance (Vitanova, 2004), and in this case, aids in Gina's framing of the University as superficial and duplicitous. Samuel then agrees with this evaluation, *yeah exactly ticking boxes*. As we will see shortly, the circle dynamic by no means prevents co-construction from taking place. However, the suspension of the circle

structure here results in Samuel and Gina collaborating in the production of a single action: an assessment (Goodwin & Goodwin, 2005), and effectively co-constructing a divisive representation of *us* versus *them*. That is, they collectively, and aided by the group in the form of verbal agreement, create an image of the University as an (untrustworthy) 'other.'

The University is frequently referred to in the data as *they*, although who *they* are is always ambiguous. *They* invokes a group of people, however, it is a nameless and faceless, yet powerful group. In the following excerpts, we begin to see an interesting form of agency materialise, one where the power and control is assigned to the University. That is, *we* recognise the correct course of action but it is *them*, with the power and responsibility, that must act.

#### Excerpt 26

Context: Session 2, Round 5: *What factors prevent healthy sexual relationships?*

1. Aaron: I think it's either last year or the year before
2. I actually went um back into the hall that I went to
3. um with someone close to me
4. who had suffered sexual harm in the hall
5. u:m and I think this is true across the board
6. I hate this phrase
7. but they need to put the ambulance at the top of the cliff
8. um (1) like say there's nothing really telling you
9. what the processes are when it does happen
10. and also there's not a lot +
11. um in terms of prevention or in terms of
12. not even prevention as education

In this excerpt, Aaron is clearly indicating that the University needs to have preventative measures, such as increased education, in place in the residential halls: *they need to put the ambulance at the top of the cliff*. That is, to address the causes of sexual harm, rather than the consequences. Not only is there an issue with a lack of proactive measures (lines 10-12), but a dearth of clear reactive processes as well (lines 8-9). To utilise Aaron's metaphor, the ambulance is not so much at the bottom of the cliff as absent altogether.

Aaron frames his assessment, i.e. what *they* need to do, in reference to returning to his old residential hall with someone close to him who was sexually harmed there. This anecdotal detail gives particular gravitas to the statement, *there's nothing really telling you what the processes are when it does happen*, as it suggests he is speaking from the experience of the person he is close to.

This call for the University to take unambiguous action, and responsibility, is made explicit in the following excerpt from Session 5, which was practical and specific compared to the previous sessions which were more aspirational and values driven. Here we can observe Cameron expanding on the same lack of engagement that Aaron raises in the above excerpt.

#### Excerpt 27

Context: Session 5, Group discussion

1. Cameron: and I guess I suppose is the reason why that kind of stuff
2. doesn't happen is cause the uni's too scared
3. to even kinda touch that area
4. ((group agreement noises)) yeah
5. it's like I mean in O week<sup>25</sup> they should just have like a seminar
6. or something like you do- I'm- you do so much like-

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<sup>25</sup> Student orientation week that takes places before the academic year commences.

7. you know all this stuff in O week that you-
8. there's nothing around that and that's most definitely
9. the most prominent problem in the halls for sure
10. yeah like the uni needs to actually you know be like
11. this is an issue if-
12. you know everybody knows this is an issue
13. they need to- + they yeah they need to stand up
14. and actually do something about it
15. they can't just pretend it doesn't happen
16. cause that's just (1) cowardly

Cameron here is making the point that while there is a wide variety of information and activities in orientation week, *the most prominent problem* (line 9) is effectively ignored. From the outset he positions this as a conscious decision based on the University being *too scared* (line 2), an interesting choice of words, as it is individuals that are usually represented as scared, rather than institutions. Nevertheless, this is an evaluation the circle appears to agree with (line 4), thus reinforcing the presentation of the group as a unit and the University as a negative-other. Cameron's speech here is a clear call for transparency (lines 10-11) and action (*they need to stand up and actually do something about it*). He even offers a suggestion of an action they could take: *in O week they should just have like a seminar or something* (lines 5-6), a statement he precedes with *I mean*, a forward-looking discourse marker frequently used to introduce commentary (Fox Tree & Schrock, 2002). Furthermore, he frames inaction, or pretending it doesn't happen as *cowardly* (line 16) – an emotive choice of word, and again one that is canonically used at the level of the individual. Yet his word choice is deliberate; the pause in his speech beforehand suggests he is searching for a descriptor with enough force to express his indignation.

Cameron's declarative in line 12, *everybody knows this is an issue*, is further evidence for his

argument that the University needs to take action. The *everybody* token here arguably refers to the student body, and can be understood as an extended representation of *us* (everybody) versus *them* (the University), i.e. *we* all know this is a problem that *they* need to address. Rather than simply being hyperbolic, this statement (like the one in lines 8-9) is an assessment which is likely based on his experience as a student who, like Aaron, has both lived in residential halls and been privy to (at least one) case of sexual harm whilst there.

In the next excerpt, from Gina, we can see a similar call for action, this time to address the imbalance of power that characterises the polarised student/University relationship.

#### Excerpt 28

Context: Session 5, Round 4: *What do you think the University needs to do?*

1. Gina: so + the university I think needs to +
2. like recognise that and step up and be like
3. you know
4. we recognise that we're in a position of power
5. and kind of open itself up to not
6. like to- to actively breaking that down
7. so I think like I put in my feedback
8. I thought it be awesome if these kinds of conversations
9. could happen with students and staff um
10. to show- like it would have to be a way that isn't like
11. just a token gesture but to show a willingness to engage
12. and like REALLY understand how students are feeling

Like Cameron, Gina highlights the University's responsibility to be transparent (*we recognise that we're in a position of power*) and take action (*step up; open itself up; actively breaking*



*that down*). Although Gina here does not explicitly portray the University in a negative light, she contrasts the students with University staff (line 9), and implies a lack of engagement with student wellbeing (line 11-12). The stress on *REALLY* in line 12 suggests that previous attempts *to understand how students are feeling* have been seriously inadequate, or merely *a token gesture* (line 11). This reference to tokenism is significant, as it underscores the discontent the students feel with the University procedures, e.g. the ‘simplistic’ surveys.

While both Cameron and Aaron are stressing the need to explicitly address campus sexual harm and Gina is referencing the more global issue of power imbalances between students and the institution, in all of these excerpts we see group members calling for the University to act in order to motivate change. Rather than simply being critical, both Cameron and Gina offer constructive and feasible suggestions: address sexual harm in O week, address power imbalances by introducing restorative conversations between staff and students. Nevertheless, while the ability to recognise both the need and the possibilities for action is further evidence of these participants as moral agents, the overarching capacity for agency here is with the University; it is *them* that must act.

To unpack this a little further it is perhaps useful to adapt Goffman’s (1981) speaker role distinction (animator, author, principal) to *agentive* roles, but here reimagine the role of principal as the entity that *should be* socially responsible, rather than the entity that *is*. Using this framework a clear distinction becomes visible: the participants here are both author and animator, i.e. responsible for formulating and producing the suggestions for action, yet it is the University who is the principal, as the entity that could, and should, be responsible for acting.

It is also possible to view this distinction in terms of power. That is, the speech is highly agentive, yet there is a lack of power to accompany it. Power has been defined as being synonymous with implementing one’s agenda (e.g. Ainsworth-Vaughn, 1998; Al Zidjaly,

2009; Honneth, 1991). In this view, the participants here are somewhat powerless in that they are not able to implement the kinds of practices they are advocating. However, as Tannen (1987) cautions, it is misleading to conceptualise power as if there is one single source that is accessible to some but not others. Rather, Tannen (1987: 05) suggests that “there are many different kinds of power and influence that are interrelated and have varied manifestations.”

This is perhaps relevant in this instance as participants were informed (via the facilitators) that the group did in fact have a sphere of influence with regards to making recommendations to the University (the primary objective of Session 5). Specifically, that the recommendations offered would be sincerely taken on board. In this respect, we can view the participants as exercising a degree of power. Yet arguably this is dependent on the degree to which the recommendations were in fact considered and implemented, an issue we will return to in Chapter 5.

In the previous two excerpts used to illustrate the polarisation between the students and the University as a powerful, yet flawed structure, the *us* represents both the group and the wider student body. However, at several points, particularly in the later sessions as the group became more solidified as a unit, the participants clearly distanced themselves from the general student population (cf. the *positive distinctiveness* from an outgroup, Oakes et al., 1994). This was directly related to the heightened sense of awareness and insight they reported gaining throughout the process. In these instances, *us* specifically relates to the group members, with participation in the dialogue as the mark of ingroup membership. Let us briefly consider further excerpts from Gina and Samuel in order to illustrate this.

#### Excerpt 29

Context: Session 4, Round 3: *What is needed to make things right?*

1. Gina: um ((sighs)) the person who's s- said that appropriate thing

2. or done the inappropriate thing
3. just can't see the connection between that small act
4. and like actual violence outside of that context
5. um + but like I feel like we can all see that direct correlation
6. so being- like being able to um +
7. help other people see that connection

#### Excerpt 30

Context: Session 4, Round 5: *What can we as a group do?*

1. Samuel: to like share some of the + insight
2. that we've been able to kind of + relate to each other on
3. I think like that (1.5) finding (1.5) like
4. I dunno distilling that essence of like +
5. what we all sh-
6. the views that we all share on an issue
7. and finding a way to engage other people with that

Both Gina and Samuel position the ingroup as enlightened (*we can all see that direct correlation; the views that we all share*) and in a position to help others (*help other people see that connection; to engage other people*). Here, the agency is firmly back with the group members as they express the capacity to share insight and increase awareness, i.e. to act upon others, due to their shared (and informed) views and mutual participation in the dialogue. In other words, they are exercising agency with the aid of the circle process as a mediational means (Wertsch et al., 1993).

In this expression of *us* and *them*, where participants set themselves apart from other students, peers etc., the group forms a kind of subgroup (or even subculture); they are part

of the larger student population, yet as a unit they have developed a shared set of norms and values. In phrases such as *we can all see* and *the views that we all share*, the speakers categorise their fellow participants as ingroup members by claiming uniformity (*all*), and accentuating the group's normative values and behaviour (Oktar, 2001).

Within their subgroup, the participants tend to gravitate towards positive discourse (as is evidenced in the above data showing constructive suggestions and the desire to share learnings), and negative stances towards an outgroup arise primarily in expressions of discontent with the University. However, there were also instances of the wider student body represented as the negative-other, an example of which we can see in Excerpt 31.

#### Excerpt 31

Context: Session 5, Group discussion

1. Cameron: unfortunately the majority of the student body
2. just doesn't give a shit
- 3 like they just don't um...
4. ... but yeah I guess maybe utilisation of this
5. in situations where something has occurred
6. would be a way to get to that general student body
7. because I don't think you're gonna get to them (2)
8. any other way

Unlike in the above data in which participants display discursive opposition to the University, here it is a division amongst the group and other students which is represented in the social categories of *us* and *them*. In lines 1 and 6, Cameron's references to the rest of the student body implies a distinct contrast with the (enlightened) group, and can be understood as a display of positive distinctiveness (Oakes et al., 1994). Moreover, he

positions the outgroup (other students) as an apathetic mass (lines 1-2) who will be difficult to reach (lines 7-8). In other words, *they* are deficient in the kind of moral agency that *we*, the group, possess.

As previously noted, this stereotyping of an outgroup is typically associated with the polarised presentations of *us* and *them*, based on the tendency for people to positively represent their own groups and depict other groups negatively. Thus, stereotypes about ingroups tend to be positive and stereotypes about outgroups tend to be negative (Oktar, 2001). Where in the previous two excerpts Gina and Samuel set up the shared insight and engagement around the issue as a defining feature of the ingroup, which has the effect of emphasising unification, Cameron arguably uses this same ingroup feature (implied in the contrast between the group and the student body) to amplify intergroup differences and present a negative-other stereotype.

Nevertheless, it is also noteworthy that within this somewhat negative assessment, Cameron is still orienting to a constructive line of thought in his reference to a potential way to have the broader student base see the benefits of the dialogue process: after an incident has occurred (line 5). As discussed, on the whole participants gravitate towards discourses that, while challenging the social structures they consider oppressive, promote positive communication and action. A fitting example of this can be observed in the final excerpt in this section.

#### Excerpt 32

Context: Session 4, Round 3: *What is needed to make things right?*

1. Kala: I think young people could be the role models
2. if we + together sort of set a really strong example
3. that this isn't tolerated o- in- on campus
4. it's not tolerated anywhere

5. um we could really you know shake up some structures
6. and get them to look internally and fix things

In this excerpt the *us* being presented is *young people*, inclusive of the student body (and beyond), and Kala's message is an empowering one: *we* could be the catalyst for change. This is not a passive role. Kala's use of the conditional (*if*) on line 2 implies that in order to *be the role models*, active and visible stances must be taken to *set a really strong example*, and her use of *together*, immediately following the already inclusive *we*, stresses that these stances must be collective.

*Them* here (line 6) once again refers to the University. However, the tone of the relationship between *us* (students) and *them* (University) differs in an important way from previous examples. Most notably, where above (e.g. Excerpts 26, 27 and 28) it is overwhelmingly the University with the capacity to act, here Kala positions the students as highly agentive. Not only can they actively display behaviour that combats the tolerance of sexual harm, but they are in the position to *shake up some structures*. Furthermore, her use of the verb phrase *get them* in line 6 positions *us* as agents who can act upon *them* (*we could...get them to*). Or in terms of the conceptualisation of power discussed above, the students are presented as capable of implementing their own agenda.

The *us* or ingroup that we have observed in this analysis is in many ways closely aligned with the agentive mode that will be the focus of remainder of this chapter: collective agency. Yet while the *us* and *them* mentality is often associated with non-inclusivity and negative bias, the positions of agency that emerged via the group as a collective were fundamentally oriented towards inclusivity and positive social transformation.

## 4.7 Collective agency

As we will recall from Chapter 2, agency belongs not only to the individual, but exists in collaborative ideas and actions, and in the joint use of language and the tools that mediate it. In addition to being of prominence in the data, collective agency is highly relevant to, and intertwined with, the major themes of this study. As will become clear in this concluding section of the analysis of agency, collective and co-constructed agentive expressions in the data have a close relationship to restorative justice, positive discourses, and the kind of conjoint social action that is necessary to motivate a shift in culture.

A degree of collective agency was established from early on in the process, as in Session 1, Round 4, the group was asked what they needed for the space to feel safe and supportive in order to discuss sexual harm. Prompted by this, participants jointly developed an agreed upon list of guidelines, which were later made into a visual<sup>26</sup> to be revisited at the beginning of subsequent sessions. Therefore, from the outset the group engaged in collaborative decision making, and, as the co-constructed guidelines focused on *how to act* over the course of the dialogue (e.g. to have respect and suspend judgement; to have patience with each other; to ask for what we need), they can be viewed as an expression of group agency. Keeping in mind the notion that a feature of human action is that it is mediated by tools and signs (Vygotsky in Wertsch et al., 1993), these guidelines functioned as a tool (or mediational means) that aided in shaping the group's collective agency and the outputs they hoped to achieve.

Much like in the representations of *us* discussed above, it is in the later sessions that we begin to see clear evidence of participants discursively presenting the group as a unit, with shared aspirations and collective moral stances, as in Excerpt 33 .

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<sup>26</sup> See Appendix 2 for the guidelines visual.

### Excerpt 33

Session 4, Round 1: *What have you been thinking about since our last session?*

1. Samuel: um and I think m- one thing I was thinking +
2. at the end of the last session was
3. it gives a really important weight to this discussion
4. that we're about to have
5. in terms of (1.5) I think it will give us energy
6. to (2) ask some tough questions and
7. hopefully leave feeling empowered
8. and with a sense of how we can go forward from here

In lines 1-4 here, Samuel is making reference to the latter parts of the previous session, in which participants were asked how sexual harm had affected them personally, prompting all but one of the female participants to share their personal experience with sexual assault. Such responses could feasibly have created a division along gender lines, yet instead they had a consolidating effect on the group.

Samuel, as the first speaker in the session, firmly positions the group as a collective unit (*us*, line 5; *we*, line 8) with shared agency (lines 5-7) and a common goal: *how we can go forward from here*. These expressions of agency that include the whole group (*give us energy; ask some tough questions; leave feeling empowered; how we can go forward*) can be viewed as communicating a shared responsibility to address sexual harm, arguably renewed by the disclosures made in Session 3 (*it gives a really important weight to this discussion*). That is, the listening to and sharing of experiences had a notable impact on the group; in the last round of Session 3, after the circle had closed (i.e. during dinner), and in the first rounds of Session 4, numerous references to the powerful and emotional nature of the third session were made by participants. As Pranis et al. (2003: 95) note, “sharing personal stories has the power to be life-giving as well as life-changing. When we recognize our own lives, pain,



hopes, and struggles in the stories of others, we understand each other and connect.”

It is my belief that the high emotional impact of Session 3, which involved participants exposing themselves to considerable vulnerability, enhanced the feelings of trust and connectedness within the group, but also illuminated the importance of addressing the issue. The circle became “guided by a shared vision,” which, “developed through consensus becomes a force that unites and directs the community” (Umbreit & Peterson Armour, 2011: 186). Indeed, this outcome gives substance to key aspirations of restorative circle philosophy; through sharing and reflection participants build trust and common ground, and identify goals and actions that will address the topic of concern (Karp et al., 2016).

Perhaps the most compelling manifestation of collective agency was established by the notion that together the group was *building* something. The sustained nature of the dialogue sessions undoubtedly resulted in a degree of community-building, yet the various viewpoints, and the structure of the circle itself, also meant the group were able to build a much more comprehensive understanding of the issue than would have been possible in a regular conversation. Again, this represents a pivotal element of the restorative circle. As Karp et al. claim, within the circle process, participants practice intersubjectivity, “through which people can express and compare subjective views with each other to develop a shared, multidimensional view of a given topic or situation. This is the basis from which people collectively develop shared morality” (2016: 18).

While this emerged as salient in the analysis of the data, it was by no means an observation that was only visible from an analytical vantage point, i.e. garnered through later analysis by myself as researcher. As is made clear in the brief excerpts to follow, it was observed by participants whilst taking part in the dialogue.

#### Excerpt 34

Context: Session 2, Round 4: *With regards to the culture around sexual relationships, what do you think people are just not getting?*

1. Cameron: I really resonate with everyone like what everyone's saying
2. everyone's like taking slightly different perspectives
3. but it all kind of forms the same thing

#### Excerpt 35

Context: Session 2, Round 5: *What factors prevent healthy sexual relationships?*

1. Lily: which I think all of what we've talked about
2. all of it kind of builds on each other
3. and it's all feels very related

#### Excerpt 36

Context: Session 4, Round 5: *What can we as a group do? Any other personal reflections?*

1. Gina: we've all filled in the gaps for each other
2. which I think is awesome

#### Excerpt 37

Context: Session 5, Round 3: *What is something that's stuck with you about the process?*

1. Samuel: it almost feels to me kind of like you're building something
2. going around in this circle
3. like some sort of like shared + um (1.5)
4. it's just communication where like I think
5. every participant is like more on the same +
6. um level of understanding than you are
7. in a normal conversation

In each of these speech turns participants express their perception of how the group members are collectively developing something: *taking slightly different perspectives but it all kind of forms the same thing; builds on each other; we've all filled in the gaps; you're building something*. Samuel's comments in Excerpt 37, lines 1-2, aptly express not only this capacity for co-construction but the important role that the circle process itself plays in it (*like you're building something, going around in this circle*). Arguably what we are seeing in this series of excerpts is evidence that while taking part in the process, participants can organically identify what the collective purpose is. That is, that the circle process "creates a respectful space where people can build a collective foundation of the knowledge and experience that they bring to complex topics" (Karp et al., 2016: 18). The data shows that assertions such as those made by Karp et al. have substance for the participants in this study also.

A point of interest here is that these excerpts can in fact be viewed as an illustration of the very phenomenon they are describing. Namely, each speaker makes a closely related observation which together form a detailed picture: by everyone *taking slightly different perspectives* (Cameron) and filling *in the gaps for each other* (Gina), *what we've talked about...builds on each other* (Lily) and results in a higher *level of understanding than...in a normal conversation* (Samuel).

This notion of the group building something together seems to be concerned with relatively abstract concepts, e.g. building community, building understanding and awareness. However, alongside these wider abstract notions, the participants co-construct ways to frame (both lexically and conceptually) issues relating to the dialogue. Specifically, there is evidence of the group co-constructing an action or idea, which is expanded or modified as it moves around the circle. A potent example of this kind of group agency, i.e. as collaborative and interactive (e.g. Al Zidjaly, 2009), is demonstrated in Session 4, as the group discuss the notion of 'calling out' people whose speech or actions are deemed inappropriate. The

following excerpt is a series of speech turns, all taken, in chronological order, from Session 4, Round 4: *What can you as an individual do?*

Excerpt 38

1. Mia: I think calling out culture is something that
2. we're working on<sup>↑</sup> and improving
3. and I think we need to keep doing that um (2) yeah
4. ah + instead of like laughing at something + or letting it slide

Excerpt 39

1. Kala: I feel like just building on what you said calling out +
2. um people when this- these sorts of things happen
3. it's really easy for people to put out statements
4. saying oh we've- we're working on fixing that
5. but actually what does that mean in practical terms

Excerpt 40

1. Aaron: if people might not of taken any wrong actions yet
2. but they have wrong ideas those +
3. ideas need to be not only called out but corrected
4. and I think (1) corrected in a- (1) a way that you're educating
5. not trying to (1) to demonise those ideas

Excerpt 41

1. Gina: in terms of calling people out I think that's
2. really really important...
3. because I think it's + you know

4. too hard to create massive change immediately
5. and it has to come from the ground up
6. but I think that being- like calling people out +
7. or maybe it shouldn't even be called calling people out
8. but you know calling people up I don't know
9. in a way that isn't um ostracising or like + blaming them...
10. so I think yeah calling people out
11. in a more constructive way

#### Excerpt 42

1. Rio: I think one thing that we all need to be conscious of
2. or like brave enough to do is um be able to call things that-
3. these sorts of things out um irregardless of wherever
4. wherever you sit among the hierarchies of your workplace
5. or anything like that like (XX) be comfortable
6. and understanding that there can be fears
7. for personal repercussions if you call um your boss out
8. for a- for a misogynistic comment or something like that

In this series of turns, participants collaboratively (re)define and (re)formulate the pro-social action of 'calling out.' Mia, as the first speaker in the round, introduces the concept of *calling out* and positions it as an active movement, but one that needs to be continued and improved (lines 2-3). Rather than leaving the circumstances ambiguous, Mia considers her words (indicated by the long pause in line 3), before adding a description of the kinds of (in)action individuals should avoid, i.e. that is not in line with calling out culture (*laughing at something or letting it slide*).

Kala, using an explicit reference to the co-construction discussed above (*building on what you just said*), expands on Mia's notion of calling out by extending it beyond individual action to the actions of organisations or institutions (*it's really easy for people to put out statements*), i.e. those with the tendency for policy to take precedence over practical responses.

Aaron then contributes by agreeing that calling out is necessary but it is not a sufficient action in isolation, *ideas need to be not only called out but corrected*. Furthermore, they need to be corrected in the right way (*in a way that you're educating, not trying to demonise*).

Gina builds on Aaron's point that calling out should be framed constructively (lines 9-11) and any corrections should be offered *in a way that isn't ostracising or like blaming them*. Moreover, she questions the term 'calling out' (line 7), indicating that it is perhaps not illustrative of the constructive approach they are formulating, and offers a more inclusive option, *calling people up*.

Finally, Rio agrees that calling people out is the right action to take, regardless of *wherever you sit among the hierarchies of your workplace*. However, he adds weight to the conceptualisation thus far by introducing a previously unmentioned constraint. Where the other speakers have left the environment where this calling out might take place unspecified (and could plausibly refer to a university, work, or peer group context), Rio makes a distinct reference to the workplace (line 4). This is largely relevant for law students due to the recently illuminated issues in the law profession (as discussed in Chapter 2), but it also allows Rio to raise an important consideration: that calling out can be challenging and problematic in certain situations, such as calling *your boss out for a misogynistic comment*.

By jointly establishing a conceptualisation of calling out that aims to be constructive, the

circle participants are not only exercising collective agency, but a sense of accountability, i.e. they are constructing a pro-social action that can be taken by them and others to respond to inappropriate speech or acts. Here again we see a clear orientation to positive and constructive discourse, as the participants consider pro-social action undertaken in a way that doesn't *demonise*, *ostracise*, or *blame*. This kind of group agency moves away from the polarised *us* and *them* mentality towards an approach concerned with core restorative values, such as respect and inclusivity.

This calling out example, which supports a Bakhtinian understanding of dialogue as multivocal and dynamic (Bakhtin, 1981), shows how the collective use of a word or phrase can result in a concept gathering meaning within the circle. Further, it demonstrates how the individual contributions of group members can combine to "build action together" (Goodwin & Goodwin, 2005: 225) and achieve an in-depth and multidimensional perspective. To return once again to Goffman's model, each speaker in Excerpts 38-42 is the animator of their own words, but by the end of the round the notion of calling out has become a conceptualisation of which the group as one can be viewed as author and principal.

While it is possible that a similar outcome could be achieved in a less structured discussion, it is arguably the circle format itself that engenders this particular dynamic. Group members must first listen, and then have the opportunity to revise or expand on what has been said, resulting in the conversation becoming layered. The moving around the circle allows an idea to be amplified and transformed. This layering of conversation allows for the creation of a collective stance, yet it does not mean you are unable to challenge or disagree. For example, as we have seen in Rio's speech turn, he agrees in part but also challenges the conceptualisation by highlighting that there are also constraints involved in consciousness-raising.

Importantly, the layered nature of the discourse is facilitated by the passing on of something both verbally (information, ideas, opinions) and physically — the talking piece acting as a semiotic resource which signals an exchange. Multimodal utterances (Goodwin, 2006) refer to speech which contains both verbal and non-verbal (i.e. gesture) elements, that mutually elaborate on one another to create meaning (Edwin Hutchins & Nomura, 2011). In this study, it is perhaps helpful to adapt this concept to *multimodal dialogue*; speech turns begin and end with the passing of a symbolic object, thus creating a symbiotic relationship between the speech and the transfer of something physical. Taking this into account, it is possible to view the exchange of language within the circle as an embodied process. It is not simply one person talks and then another person talks, but the speakers hand something on to each other, resulting in an embodied form of language. Therefore, the passing around of the talking piece can be understood as embodying the building of ideas we have observed above.

I end this chapter, and the analysis of agency, with an excerpt that encompasses both collective agency and the concept of embodiment. As we will see in Excerpt 43, in which Samuel presents an astute commentary on the dialogue, this is yet another form of agency: the notion of having to embody the whole process.

#### Excerpt 43

Context: Session 5, Group discussion

1. Samuel: like this is the sort of thing you have to +
2. take the initiative and like lean into it yourself
3. to really reap the like + benefit and insight
4. that we've kind of been building together um
5. and they're not like learnings
6. that you can kind of like MARKET like wholesale vic-
7. to have that sort of cultural influence



8. that we WANT to like achieve
9. so to that end I think something really sort of like
10. starting where we found value and spreading outwards +
11. seems quite valuable

In this insightful critique by Samuel he makes the point that the process is not something that is easily explained or promoted, and thus problematic in terms of publicising to others, particularly within the context of the University that likes to modularise and 'sell' learning (lines 5-6). It's extremely difficult to package; you have to *lean into it* to experience it. In other words, in order to *reap the benefit and insight*, you must embody the process. Importantly, Samuel is expressing that the lived experience and embodiment of the process is not passive in the context of the dialogue, it is an active experience. Moreover, it is collective and shared, i.e. a unified exercise of agency.

Once again, we find distinctly agentive expressions that are ascribed to the group as a whole entity (line 4; line 8; line 10), as Samuel refers to the co-construction that took place (*been building together*), and its significance and value (*benefit and insight; where we found value*). Bearing in mind that Session 5 was approximately one month after the previous four sessions, it is noteworthy that these expressions remain collective. Furthermore, based on this time gap we might expect to see them grammatically reference the past. However, arguably the two most salient displays of agency here are in the present (*we want to...achieve*) and present perfect tense (*we've...been building together*), which position them as continuous and active. That is, in line 4, rather than using the past tense (*that we built*) Samuel chooses the present perfect progressive (*that we've been building*), a grammatical construction that expresses "the continuing relevance of a situation that took place prior to the moment of speech" (Engel & Ritz, 2000: 120). Moreover, the utterance *that we WANT to like achieve*, pragmatically implies a collective goal for the future, only strengthened by the emphasis Samuel uses.

We have seen here the way in which agency is expressed in the collective as well as the individual. It exists in collaborative projects and desires (Ortner, 2001) and in the co-construction of ideas and actions, shaped by the exchange of language and the tools that mediate it, i.e. the circle structure and the talking piece.

Importantly, collective agency in this context closely aligns with core principles of restorative practices. Specifically, expressions of group agency here have a clear relationship to the central elements that constitute effective prevention circles, as advocated for by the Campus PRISM project:

- Connection: Participants build common ground and shared identity.
- Concern: Participants focus on the topic of concern, sharing individual perspectives.
- Collaboration: Participants identify goals and actions that will address the topic of concern.

Adapted from Karp et al. (2016: 18)

That is, the collective agentive stances have grown out of a sense of Connection, been formed via Concern, and resulted in Collaboration. A focus on collective agency also illuminates the inclination the participants have for constructive and progressive discourse. This again relates to the circle practice, as circles enable people to move forward together in a positive way, and are based on an assumption that something positive can come out of every situation (Pranis, 2015). This raises the question, to what degree is the process responsible for this orientation to positive discourse? I return to consider this in Chapter 6.

## **4.8 Summary**

In this chapter we have seen how participants position themselves as moral agents with the capacity to act upon the world and with reference to a sense of morality, or their own terms of 'goodness.' We have also observed the ways in which the participants can struggle with this as they discursively negotiate their agentivity, shifting between positions of high and low-agency.

We then investigated a gendered phenomenon in the data: the deflection of male agency by female speakers, which illustrated how people can ascribe (non)agency to others. This illuminated some of the hegemonic ideologies that exist even as we attempt to address them. The norms associated with not speaking about sexual conduct (i.e. the taboo associated with sexual discourse) can be understood as a 'negative' ideology that emerged from the data.

However, we also saw how participants showed agentive displays of resistance to this taboo, and other structures of inequality within their lives. This sense of opposition from participants was also directed at the University, forming a dichotomous relationship that optimised the theme of *us* and *them* in the data. At this point, we began to see how the group was being discursively represented as a unit, with shared agentive stances. This culminated in the analysis of collective agency, which demonstrated how the group, through the exchange of language and the tools that mediate it, co-constructed conceptualisations of pro-social action.

In the earlier sections of this chapter, I demonstrated how a focus on grammatical strategies and linguistic form can highlight the ways in which speakers discursively present themselves and others as both active and passive within dialogue on sexual harm. At places in the data where agency has been obscured, seminal work such as Ehrlich's (2001) has been an invaluable foundation for my analysis of how linguistic constructions can illuminate aspects of (unequal) social structures and ideological discourses that are invariably at play. However, where my analysis deviates from this, and what I hope to have shown in the latter parts of this chapter, is that using restorative dialogue to discuss sexual harm is a way of 'doing' agency and accountability in a virtuous framework, as opposed to the kind of zero-sum game that one finds in an adversarial context.

A further examination and evaluation of the SRD process, and the specific outcomes of the

dialogue, will be the focus of the chapter to follow.

## Chapter 5: Outcomes and evaluation of the process

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### 5.1 Introduction

In this chapter I identify and analyse the principal outcomes of the SRD and present evaluative commentary of the process itself, based on observations offered by my participants. When we examine and judge accomplishments and effectiveness, we are engaged in evaluation (Patton, 1990). As Patton (2002: 218) states, “while applied research seeks to understand societal problems and identify potential solutions, evaluations examine and judge the processes and outcomes aimed at attempted solutions.” An analysis of the outcomes and an evaluation of the model are necessary, as Tier 1 processes (see Figure 1 in §2.6) are in need of more empirical evidence to support existing restorative justice theory and advance the knowledge base of proactive practices in the field. This is particularly true of innovative models such as the SRD, and this chapter empirically tests some of the key elements of proactive processes that have previously been asserted in principle.

Here we see evidence of how findings from the dialogue process are able to support and inform current restorative justice theory and practice, an essential component of analytic generalisation. Moreover, as is the primary goal of case-to-case transfer, it is an opportunity to provide specific details of the process and what it is able to achieve, which allows inferences to be made about extrapolating the findings to other settings (Polit & Beck, 2010).

As we will see, the data in this chapter advances the notion that restorative dialogue fosters positive, resistant discourse and can illumine the agency of individuals engaged in reshaping structural constraints (Hughes, 2018), such as the taboo associated with speaking about sexual harm. We begin with an examination of the key outcomes of the process, before exploring evaluative commentary from participants, including the online feedback which

comprised the written data in this study.

## **5.2 Key outcomes of the Sustained Restorative Dialogue pilot**

In the latter part of the previous chapter we have already observed a significant result of the process: the indication that restorative dialogue can produce collective agentive stances and foster an environment in which agency can be exercised in a virtuous way. This is pertinent to sexual harm as collective accountability and pro-social action are imperative in affecting a shift in the societal norms that engender sexually harmful behaviour. While this is a finding which is relevant to restorative dialogue on a range of topics of high emotional impact, in what is to follow we explore the specific outcomes of the restorative dialogue as it pertains to the topic of sexual harm. As will become clear, the outcomes that emerged as pivotal have value and significance to both individual participants and to the issue on a more global level. Furthermore, while these outcomes are presented at the level of the individual, they are routinely shared amongst participants, which suggests that these findings are not idiosyncratic and have the potential to be reproduced in other processes of a similar nature.

### **5.2.1 Shifts in perception and enhanced understanding of sexual harm**

Zehr (2015) maintains that restorative justice is constructed upon three simple elements: (i) *harm* and its related *needs*, (ii) the *obligations* that have resulted from the harm, and (iii) *engagement* of those who have a stake in the harm and its resolution. The prevalence of sexual misconduct and sexual violence (and the culture that gives rise to it) should be understood as harm at a societal level; therefore the obligations and engagement it generates should be viewed as the responsibility of society as a whole. That is, all members of the community and/or society are stakeholders. Yet as we have seen evidence for previously, and will continue to observe throughout this chapter, there is a palpable taboo associated with speaking about sexual violence. This means that the harm it causes, and the needs associated with the harm, are often muted or concealed, and therefore for many,

insufficiently understood. Thus, it is of considerable significance that a key outcome of the restorative dialogue is the strong indication that taking part in the process resulted in an enhanced understanding of the issue.

As the data will show, the dialogue had a notable impact on the way participants view sexual harm. This was particularly visible for the males in the group, which is salient, as the potential to engage male students with the issue has very positive implications. There is a powerful impetus for involving men in work on gender equality (Flood & Howson, 2015), and engagement from males is a necessary precursor to the kind of shift in culture that will be fundamental in reducing sexually harmful behaviour. In the excerpts to follow we will see that, for Samuel and Cameron, taking part in the dialogue altered the way they view, and consider sexual harm. Additionally, we will observe how participation and contributions from the male members of the group were in fact responsible for expanding some of the female participants' understanding of the issue.

Due to the affecting and sometimes intense nature of both the subject matter and the process itself, there was some concern that the ardent sentiments the participants reported feeling during and immediately after the dialogue (i.e. in the online feedback, which will be detailed below) might be temporary. However, the following data is taken from the follow-up interviews, which as we will recall took place several months after the dialogue concluded, suggesting that the process can have meaningful effects on the way people view sexual harm, even after a period of time has elapsed.

#### Excerpt 44

Context: Follow-up interview

1. Samuel: it's definitely had an impact on the way I sort of
2. look at the issue and consider it
3. and realise that it's like- (1)

4. I think the main takeaway was like
5. you can look at sexual violence in isolation and think
6. like it's just a- well not just an event
7. but like something that you can sort of like draw a (1.5)
8. um line around but it's really not it's like kind of
9. pervasive in the culture
10. and I'm seeing way more manifestations of that now
11. and I've had some discussions with friends
12. where I'm like that really resonates with
13. some of the discussion that we had
14. and like I'm seeing patterns and like
15. it's just really I suppose made me aware of how +
16. what- huge complex and pervasive the issue is and
17. I think that +
18. that was a pretty unique way of getting insight into that

In Samuel's turn here, we can see that the way he perceives sexual harm has changed in a crucial way. It has moved from being something discrete that you can *draw a um line around* (lines 7-8), i.e. set apart or isolate, to an issue that is *huge, complex, and pervasive* (line 16). Perhaps the most compelling evidence of this is visible in the statements, *I'm seeing way more manifestations of that now* (line 10), and *I'm seeing patterns* (line 14). Here Samuel uses the very practical metaphor of sight to represent his shift in perception, and by using the present continuous (*seeing*) establishes this as something that is ongoing, and is a direct point of contrast with an event that one can 'draw a line around.' In these comments, Samuel is indicating that he now views sexual harm as structural and systemic, *pervasive in the culture* (line 9), rather than something that can be viewed *in isolation* (line 5).



In short, not only has he gained insight into the extent of the problem (e.g. *huge, pervasive*) but he appears to have a greater understanding of the ways in which it is deeply embedded in our social structures. It seems evident that this newfound awareness or shift in perspective is motivated by Samuel's participation in the dialogue as he remarks, *I think that that was a pretty unique way of getting insight into that* (lines 17-18).

In Excerpt 45, a comparable shift in perception is expressed by Cameron, in that the process appears to have altered the way in which he responds to and approaches the issue.

#### Excerpt 45

Context: Follow-up interview

1. Cameron: I think it's definitely it's made me think +
2. think a little bit more than
3. so if like I read a news article or something um +
4. on like an- oh obviously on like an issue that's affecting people
5. but doesn't necessarily affect me
6. I'm more likely to kinda have a think about it
7. and try think about from- it like
8. like putting myself in their shoes
9. rather than just kinda going along with like the first thing that
10. pops into my head or I'm just like
11. you know this is a big deal or is it not
12. I guess I kind of take a bit of a step back now
13. and just try think about it a bit more↑
14. which I don't think I would've done as much
15. before we did those sessions

In this excerpt Cameron reports, by way of comparison, how he is now much more likely to fully consider the issue when it presents itself: *so if like I read a news article or something* (line 3). That is, he is more likely to think about the issue in some depth (line 6; line 13), rather than settling on a perhaps cursory or perfunctory initial impression: *going along with like the first thing that pops into my head* (lines 9-10). Moreover, in line 8, *putting myself in their shoes*, he expresses an increased proclivity to understand or empathise with a different perspective than his own. This imagery is continued in line 12 when Cameron uses another associated metaphorical expression, *take a bit of a step back*, which, rather than its canonical meaning of ‘move away from’, here seems to convey an action intended to view something through a wider lens, i.e. to get a more complete picture. Like Samuel, Cameron clearly attributes this change in attitude and behaviour to the dialogue sessions (lines 14-15). To return to the analytic lens adopted in the previous chapter, their participation has resulted in an increased sense of moral agency.

The above excerpts demonstrate that for these male participants the experience of the restorative dialogue enhanced their sense of engagement with, and awareness of, sexual harm and the culture that surrounds it. Of course, and as was discussed in terms of moral agency in Chapter 4, by choosing to take part in the dialogue the participants were already displaying a degree of engagement with the issue. Indeed, the presence of the male participants, and their contributions within the circle dialogue, had a notable effect on some of the female members of the group; their understanding of the issue was in fact broadened by the knowledge that men were also engaging with the subject matter. Let us briefly consider excerpts from Bianca and Kala in order to demonstrate this.

#### Excerpt 46

Context: Follow-up interview

1. Bianca: but I think it did actually + definitely um
2. open my eyes a bit to +

3. the boys in particular in our group ↑
4. and how they are actually also very aware
5. of what is happening and
6. they too are interested in the conversation
7. of how to stop it ↑

Here, Bianca positions the men's involvement as something that was surprising to her: *they are **actually** very aware; **they too** are interested in the conversation*. Her use of *actually* suggests a counterfactual claim that presupposes a world where men are not aware, and then challenges it. Moreover, *they too* presupposes that women are interested in the conversation, but not exclusively, as the we/they distinction often suggests (as we have seen evidence for in Chapter 4).

Interestingly, like Samuel in Excerpt 44 above, she uses figurative language associated with sight (*open my eyes*) in order to convey the new perspective she is describing. Despite the hedge that follows it (*a bit*), her choice of idiom here provides a strong imagery; her understanding has expanded. Furthermore, Bianca is invested in this description, as in line 1 she pauses after *actually*, and selects the decisive and unambiguous *definitely*, to introduce the idiomatic expression. Her use of HRTs on lines 3 and 7 seem to be indications of surprise (at the men's involvement), one of the many interactional functions that have been claimed for uptalk (Warren, 2016). However, they may also be signalling important chunks of information that are common to both speaker and hearer. That is, Bianca may be "showing that this information is assumed to be of mutual interest" (Warren, 2016: 56) to her, and myself as researcher and/or another female member of the circle.

This notion of the male participants providing a somewhat unexpected or new perspective was also raised by Kala, who frames it in terms of how their contributions were constructive to her on a personal level.

#### Excerpt 47

Context: Follow-up interview

1. Kala: I- I think the one thing that I really like
2. is the fact that there was a even-ish
3. mix of men and women um and
4. that's been really interesting for me personally
5. just because most of the um circles I belong to
6. it's more female dominant
7. um dominated so it was interesting to share a space with
8. like men and have them commenting on these issues
9. Amy: yeah
10. Kala: cause I tend to just shut them down
11. Amy: yeah
12. Kala: but I found it really productive and um really interesting to h-
13. because they raised some important points and a
14. different way of looking at things
15. Amy: yeah
16. Kala: that I didn't necessarily have

In the previous excerpt we saw how Bianca's perception was expanded by the knowledge that men were also invested in the issue. In what could be viewed as an extension of that, Kala expresses that to *have them commenting on these issues* (line 8) in fact widened her own perception of the subject matter, as *they raised some important points and had a different way of looking at things that I didn't necessarily have* (lines 13-16). As we will recall from previous chapters, this is a key component of the circle process: the participants of the circle benefit from the collective insight of everyone within it (Pranis, 2015). However, this is especially noteworthy in this context, as Kala freely admits her inclination is to completely

disregard male perspectives on the topic, *I tend to just shut them down* (line 10). Rather than simply suspending this response during the dialogue (as it would not have been socially acceptable behaviour within the context of the circle), every indication here is that Kala's viewpoint has in fact shifted, as she found their contributions *really productive* and *really interesting* (line 12). These evaluative statements are emphasised by her repeated use of an intensifier (*really*) and the causal relationship (introduced by *because*) she goes on to describe in the following lines.

This shift in perception that allows for a wider view of the issue speaks volumes about the power of the circle process, yet it is also an important factor in the context of sexual harm. As noted above, male engagement in the issue is a necessity. Thus, processes and environments that not only encourage (rather than deter) boys and men to engage, but also motivate women to widen the sphere of stakeholders to include them, are extremely advantageous.

In the data so far in this chapter we have seen various observations the participants make on how their own vantage points have shifted, or their awareness and understanding of sexual harm has expanded. Yet in the following excerpts there is evidence of participants commenting on the effect of the process on other members of the group. Namely, female participants recognising the way participation in the process can influence the perspective of male group members.

#### Excerpt 48

Context: Follow-up interview

1. Mia: when I try and have these conversations with my friends
2. they run very differently
3. cause it's like yeah I know I'm a feminist I know like +
4. and then you're like not having like a conversation↑

5. Amy: your male friends? yeah
6. Mia: yeah like (1) you know they know the facts
7. and they know the harm but they (2)
8. I- for example I'm not very good at calling each other out
9. Amy: mm
10. Mia: so like + I feel like from that experience
11. those males will know what the harm IS
12. in a way that like you can't if you're not really listening<sup>↑</sup>

As Mia explains here, when she attempts to have these sorts of discussions with her male friends, *they run very differently* (line 2) to the restorative dialogue. Her friends position themselves as *a feminist* (line 3), or already having the necessary knowledge or information (lines 6-7), which results in *not having like a conversation* (line 4). In essence, they are *not really listening* (line 12). Mia contrasts this with the male members of the dialogue group, who, in her view, will now have a much deeper understanding of the harm: *I feel like from that experience those males will know what the harm IS*. Her emphasis on *IS* here seems to stress that within the circle we have actually seen the harm, that it exists in a concrete and perceptible way. To return to Zehr's three fundamental elements of restorative justice, in order for obligations to be met and engagement to ensue, first the harm itself must be recognised. Therefore, it is of great substance that restorative dialogue can help to make visible the harm associated with sexual misconduct and sexual violence.

The notion that the dialogue enhanced the male participants' understanding of sexual harm is of course speculation here on Mia's part. However, the data that follows demonstrates that her assertion certainly appears to be correct. In Excerpt 49 we can observe clear evidence of a female participant recognising a notable effect of the dialogue on her male friend.

## Excerpt 49

Context: Follow-up interview

1. Bianca: I do think um + it's very much so inside of human nature
2. to have quite a cathartic like response to being able to
3. assimilate with someone else and to have a shared experience
4. and to learn through a shared experience and yeah even-
5. even for people I think who haven't experienced it
6. it's putting a face to that number↑
7. like it's- has such a profound impact on people
8. to be able to humanise something like that
9. Amy: yeah
10. Bianca: because people you know like they- +
11. I know um I was-
12. I'm quite close friends with one of the guys
13. who actually in the group and um
14. afterwards we did kind of have a conversation about it
15. and he was like
16. I look at you and you're not exactly like
17. what you are doesn't-
18. like it doesn't make sense in his head cause he was like
19. how can you still be this person who's doing all these things
20. and yet
21. Amy: mm wow
22. Bianca: you know↑
23. and so that was quite a powerful moment
24. I think for me is that it really did (1) push him
25. to kind of be like oh shit this is a thing that happens

26. and these are these strong women who are around me
27. and this is
28. Amy: mm
29. Bianca: you know kind of-
30. Amy: so not the sort of victim like stereotype kind of thing
31. Bianca: yeah exactly like I do think it's um it's powerful
32. for not only like victim but it's also powerful
33. for the perception of the victim it's powerful for
34. Amy: mm yeah
35. Bianca: yeah people in general I think it's quite empowering

In addition to a number of insightful observations from Bianca, in this excerpt we are provided with evidence of the ways in which learnings from the restorative dialogue are played out in a real-world context. Bianca here is referring to a conversation she had after the dialogue with another participant, Samuel. In this instance, it is the knowledge that Bianca has twice been the victim of sexual assault that has altered Samuel's perception of sexual harm. Specifically, that those who have been affected by it do not necessarily fit into a stereotypical or preconceived role of 'victim.' This is demonstrated by the constructed dialogue that Bianca employs in lines 16-17, *I look at you and you're not exactly like, what you are doesn't-*, and most strikingly, in lines 19-20, *how can you still be this person who's doing all these things, and yet*. Here Bianca is clearly attributing these comments to Samuel (he is the author and principal of the speech), yet in between the instances of constructed dialogue she explicitly clarifies, *like it doesn't make sense in his head* (line 18). This constructed interaction is significant for Bianca, as her use of *you know* + uptalk on line 22 has the effect of both reinforcing that this is indeed information of mutual interest (supported by my comment in line 21, *wow*) and signalling that it requires extra consideration (Fox Tree & Schrock, 2002).



Bianca's use of the phrase *push him* (line 24) indicates that, in her view, linking the experience of sexual harm to a person he perceives as strong and successful resulted in Samuel having to actively re-evaluate his understanding of the issue, and the forceful verb choice *push* suggests that this is not a position he would have arrived at on his own. This is an assessment she is committed to, as her pause before the verb phrase indicates that she has had an opportunity to consider the right words to aptly express her thoughts.

In lines 25-26, Bianca once again uses constructed dialogue as she frames her interpretation of Samuel's realisation in the form of his (projected) thoughts or inner speech (Tannen, 1989): *oh shit this is a thing that happens and these are these strong women who are around me*. Bianca describes this as *a powerful moment* (line 23) for her, which is meaningful, as it demonstrates how expanding someone's awareness of the issue is beneficial not only to that individual's perspective, but can also be valuable to others around them who may have been affected by sexual harm.

Bianca notes that the shared experience (line 3; line 4) that the process affords is powerful both for the victim (line 32) and the perception of the victim (line 33). This reference to the experience being powerful for victims of sexual harm is of great salience and aligns with another of the key outcomes of the dialogue, which will be discussed in detail shortly. However, the notion of the *perception* of the victim is also of consequence. I would argue that perceiving those who have been sexually harmed as slotting into a certain category or stereotype may result in the kind of *us* and *them* or 'other' mentality we observed in Chapter 4, that is, the perception that sexual harm is something that happens to other women (i.e. not the strong, successful etc. women that an individual is acquainted with). Perhaps not one that involves a negative-other (as in the examples presented in §4.5), but is still likely to diminish an individual's inclination to relate to or engage with the issue. Conversely, to understand that sexual harm can and does affect women (and men, and non-binary people) from all walks of life, including those around you, arguably provides the

impetus to engage in attitudes and behaviours associated with positive culture change.

We can recall from the previous chapter that the shared experience Bianca refers to here is a key objective of restorative circles for sexual harm prevention; that through sharing and reflection participants build trust and common ground (Karp et al., 2016). In the above excerpt, we see evidence of how listening to others share their experiences can also be a powerful way to gain a deeper understanding of the realities of the issue, and that *putting a face to that number* (line 6), i.e. the statistics and the experience of sexual harm can have a significant impact on people and their perspectives. As Bianca explains, *it has such a profound impact on people to be able to humanise something like that* (lines 7-8). Indeed, we have seen that this is the case for Samuel, yet it is also true for Cameron, as he expresses in the following excerpt in response to the question: *has the process changed the way you think about sexual harm?*

#### Excerpt 50

Context: Follow-up interview

1. Cameron: um yeah a- a- absolutely
2. absolutely just hearing kind of even just like the stories
3. and seeing all the emotion and stuff
4. and like you know people sharing just very-
5. and I guess people that I didn't know as well just like
6. complete strangers some of them
7. so like that was quite powerful
8. and that definitely has had a lasting impact

Here we can see that the process, and the experience of listening to people sharing their stories, has had an effect on Cameron. He responds to my question with a repeated use of

*absolutely* (line 1; line 2), a forceful and unequivocal choice of word, before describing the particularly effectual things that took place: *just hearing kind of even just like the stories and seeing all the emotion; you know people sharing just very-* (line 2; line 4). The repeated use of the hedge *just* (line 2; line 4; line 5) here is interesting; Cameron's speech is characterised by frequent hedges throughout the data (as noted in Chapter 4), yet it is possible that in this instance the series of limiters are also expressing the way in which seemingly small things in fact accumulate to form something poignant.

Cameron raises the point that many of the people sharing their experiences were *complete strangers* (line 6). This appears to have had added impact which is noteworthy, as it highlights the potential for restorative dialogue to be used in sexual harm prevention at the start of the university year, i.e. when most people do not yet know each other. Cameron describes hearing about the experience of sexual harm from people who have been affected by it (what Bianca above terms humanising), as *powerful* (line 7). Furthermore, and perhaps most saliently, it has continued to have an impact on him several months after the dialogue took place; *that definitely has had a lasting impact* (line 8).

The above data have demonstrated the ways in which taking part in the process resulted in an expanded understanding of sexual harm, either by increased awareness or a shift in perception, or both. For some of the participants, gaining a deeper understanding of the issue provided the impetus for another notable outcome of the process: its ability to motivate or increase communication around the topic.

### **5.2.2 The ability to motivate and increase communication around sexual harm**

As discussed in previous chapters, there is an acute need for increased communication around the topic of sexual harm, as communication is key in establishing and promoting healthy norms in terms of sexual autonomy and consent. Furthermore, clear and candid

discussion around sexual conduct is much needed, as young people (i) are not always receiving adequate sex and consent education, and (ii) are often having to manage confusing and contradictory messages associated with the taboo of sexual discourse on the one hand, and explicit portrayals of sex and sexualised behaviour (i.e. pornography, dating apps, influences from social media) on the other.

The circle can be a space within which people practice new communicative styles (Karp et al., 2016), and as we will see evidence of shortly, the sustained dialogue process can encourage communication on the issue of sexual harm, both inside and outside the circle. Moreover, speaking with others on the topic has had extremely positive outcomes for some of the participants in this study.

As we will observe in Excerpt 51, a further extract of Cameron's speech in the follow-up interview, discussing sexual harm in the context of the dialogue group has the potential to promote the conversation elsewhere, outside of the circle.

#### Excerpt 51

Context: Follow-up interview

1. Cameron: yeah it would definitely I think more likely
2. to have those conversations
3. I think I just got a bit side tracked
4. with the whole like calling out aspect
5. Amy: yep
6. Cameron: but definitely far more likely to have those conversations
7. but I think that's also just partially
8. cause I understand it a bit better now
9. and it's like now that I kinda had

10. that kinda base level knowledge you know
11. I feel a bit more comfortable in + kinda tackling
12. some of those harsh- harder issues
13. Amy: so you think it (XXXX) it's made you more likely to have sort of
14. hard conversations with a bit more understanding of the-
15. Cameron: yeah and just- I just feel a bit more comfortable talking about
16. those kinds of things now I think just you know
17. going through that process kind of perhaps (2)
18. I don't wanna say like normalise but like made it
19. a bit easier to like kind of fathom the talking about
20. those kinds of things I think↑

It is evident that Cameron can see a direct correlation between understanding the issue to a greater degree and feeling inclined to communicate about it with others, as he states, *cause I understand it a bit better now* (line 8). Again (cf. *absolutely* in Excerpt 50), he twice uses an adverb of certainty, *definitely* (line 1; line 6), this time to describe the likelihood of him having future conversations around the topic of harm. Indeed, he moves from *I think more likely* in line 1, to the much more assured *far more likely* in line 6. Cameron expresses that he feels *a bit more comfortable* in *tackling* (line 11) the issue now – an evocative verb choice (*tackle*) which suggests a very active role – and attributes this to the *base level knowledge* (line 10) he gained from participating in the dialogue.

This reference to being *more comfortable talking* is repeated in line 15, and he once again ascribes this to the process. Cameron takes a long pause (line 17) in order to articulate his thoughts, before describing the result of *going through that process*: it made it *a bit easier* to *fathom the talking about those kinds of things* (lines 19-20) – another powerful choice of verb (*fathom*), as it indicates an understanding of something that is canonically difficult to

comprehend.

In the following data, we begin to see evidence of the dialogue motivating communication on a personal level. That is, the inclination to share one's own experiences of sexual harm with others outside of the circle, as in Excerpts 52 and 53 from Lily.

#### Excerpt 52

Context: Session 4, Round 4: *What can you as an individual do?*

1. Lily: this has been a really like (1.5) huge experience for me
2. to be able to kind of bond in
3. in that kind of shared vulnerability space
4. with everyone here
5. and it's made me reflect on the degree to which I HAVEN'T
6. done that in kind of my own
7. just like personal relationships

#### Excerpt 53

Context: Session 4, Round 4: *What can you as an individual do?*

1. Lily: I'm really taking that on board right now
2. of like to what degree do I-
3. do I feel like I wanna take kind of
4. what I've experienced and learned here
5. in to some of those other relationships in my life

In the above excerpts, taken chronologically from within the same speech turn, we can observe the way in which the dialogue has prompted Lily to consider discussing the issue with people close to her. In Excerpt 52 we see the causal relationship between

communicating within the circle and considering the extent to which she has not communicated her experiences in her personal life: *it's made me reflect on the degree to which I HAVEN'T done that* (line 5). The stress she employs on *HAVEN'T*, seems to indicate that this is a somewhat unexpected realisation, and one she may feel the need to rectify.

Lily notes that it has been a *huge experience* (line 1) for her, a statement which is emphasised by the pause that precedes it, and which can be clearly understood as the impetus for the reflection she reports. Furthermore, in her use of the phrase *reflect on* in line 5, we are reminded of the notion of self-reflectiveness as a core property of human agency (Bandura, 2006). Indeed, in Excerpt 53 we then see Lily express an increased sense of agency as she states, *I'm really taking that on board right now* (line 1). That is, she has recognised a lack of communication and is now considering how she will take *what I've experienced and learned here in to some of those other relationships in my life* (lines 4-5). In other words, she has reflected on herself and her actions and is making “corrective adjustments if necessary” (Bandura, 2006: 165). In this case, reaching out to or increasing communication with the people close to her.

While Lily is ruminating on the possibilities of sharing her experiences with people outside of the circle, and Cameron (Excerpt 51) is expressing the likelihood that he will engage in conversations more readily, they have at the point of speaking not actually taken those actions yet. However, in the following data, we find definitive evidence of increased communication which has already taken place as a result of the restorative dialogue.

#### Excerpt 54

Context: Follow-up interview

1. Jade: so the like thing itself was like confidential but like
2. I sort of mentioned oh I'm part of this thing
3. Amy: mm

4. Jade: and didn't like obviously talk about anything that we said  
5. Amy: yeah  
6. Jade: but um mentioned that and that sort of  
7. has started a conversation  
8. Amy: yep  
9. Jade: cause um and I think it did make me more comfortable  
10. cause talking with a whole bunch of strangers about it  
11. Amy: yeah  
12. Jade: sort of + you know and it's-  
13. I think I have had more conversations like along those lines  
14. since then and + yeah  
15. no I definitely think it has had a positive impact  
16. cause I think once you've had the conversation  
17. once or a few times +  
18. and with a number of different people  
19. it makes you feel more comfortable about it  
20. and I think- like one of the things we talked about in +  
21. the circle was um whether or not we like talk about this sort of  
22. stuff with our friend groups and whether if we've got a good  
23. attitude towards it and I think-  
24. I don't know if it's a result of me doing this  
25. but I think it's improved↑  
26. Amy: mm  
27. Jade: since then↑  
28. Amy: wow  
29. Jade: I don't know whether it's just the sort of increase in like  
30. talk about me too and stuff like that



31. and recently just like it organically has happened  
32. but I know that I + definitely started having conversations  
33. with like my family and stuff and um +  
34. SINCE the restorative justice thing um  
35. I talked to like my mum about my experience for the first time  
36. Amy: wow  
37. Jade: and I don't think I would've done that without that  
38. cause I hadn't really talked to anyone about it before then  
39. Amy: yeah  
40. Jade: so I think it was quite a big thing for me yeah  
41. Amy: yeah for sure man  
42. Jade: yeah  
43. Amy: wow and do you feel like positive about that?  
44. Jade: YEAH I feel a lot better so + yeah

In this illuminating excerpt, Jade illustrates how the dialogue has been the stimulus for enhanced communication in a number of ways. Firstly, Jade notes how simply talking to others about her involvement in the process *has started a conversation* (line 7); *I sort of mentioned oh I'm part of this thing* (line 2). She then goes on to comment, *and I think it did make me more comfortable, cause talking with a whole bunch of strangers about it* (lines 9-10). Notably, Jade uses the same descriptor (*comfortable*) as Cameron (Excerpt 51) in order to explain the effect the dialogue has had on her ability to communicate on the issue. Likewise, she raises the point that the group were for the most part strangers (cf. Cameron in Excerpt 50), a factor which appears to have had a positive impact.

Jade continues by stating, *I think I have had more conversations like along those lines since then* (lines 13-14), before explicitly explaining why this is the case: *once you've had the*

*conversation, once or a few times, and with a number of different people, it makes you feel more comfortable about it* (lines 16-19).

In lines 20-23, Jade makes reference to a point of discussion within the circle: *whether or not we like talk about this sort of stuff with our friend groups, and whether if we've got a good attitude towards it*. She then states, *I think it's improved since then* (lines 25-27), and her use of uptalk here seems to be communicating that this is important information (Warren, 2016). Indeed, this is a significant development, for if we recall from Excerpt 1 in the previous chapter, in the first session Jade reports: *whenever conversations about like consent and stuff will just come up with like my friend or something, it's sort of dismissed*. Although she notes that she's not sure if this specific situation is a result of her participating in the dialogue (line 24), every indication is that the increase in conversation has been motivated by it, as she then goes on to assert, *but I know that I definitely started having conversations with like my family and stuff* (lines 32-33). Moreover, *SINCE the restorative justice thing um I talked to like my mum about my experience for the first time* (lines 34-35). Here, Jade clearly attributes this conversation to the restorative dialogue, both by her stress on *SINCE*, which seems to emphasise the causality as well as the temporal reading of the word, and in the unambiguous statement: *and I don't think I would've done that without that* (line 37). This is meaningful, and a considerable outcome, as not only does she express that she *hadn't really talked to anyone about it before then* (line 38), but that it was *a big thing* (line 40) for her, and importantly, that it made her *feel a lot better* (line 44).

In the above excerpts we have seen how the restorative dialogue has the potential to instigate communication around sexual harm, and here we can see clear evidence that, for Jade at least, this specific dialogue process has done just that. Furthermore, as is evidenced in the latter parts of Jade's speech turn, this can have very real benefits for people who have experienced harm. Another potent illustration of this can be observed in the following data from Kala, as she reflects on the way in which the circle space allowed her to speak about

her personal experiences.

#### Excerpt 55

Context: Follow-up interview

1. Kala: I've always been really closed off
2. because for me you know I've like just learnt
3. to box everything up and
4. Amy: yep just to deal with it
5. Kala: yep deal with it and + n-
6. that's made me very closed off from people
7. and I sort of just like had a personal agenda and I'll go on that
8. root of social justice type things so um
9. I- like for me to be able to even like SAY that
10. to a group of strangers is AMAZING
11. Amy: yeah
12. Kala: because I've never been that open
13. but I think that's indicative of the space that was created
14. Amy: yeah
15. Kala: and I think + if we have more of those spaces
16. more people would feel comfortable
17. to just like share their experience and to realise + um
18. it- it wasn't your fault or
19. um + these things happen
20. Amy: mm
21. Kala: to a lot more people so you're not alone
22. because a lot of the time I certainly felt like I was alone
23. in in my experience and um + cause people don't talk about

24.                                   these things so you don't know how to even start  
25.                                   to cope with it or like address some of the issues  
26.                                   so I definitely felt it was beneficial  
27.                                   and I've used that experience  
28.                                   to try and be more open with my friends  
29.                                   and I just communicate more

In this emotive reflection from Kala, she reports that because of the way she learnt to cope with being sexually harmed, to be *closed off* (line 1; line 6) and *to box everything up* (line 3), speaking about her experiences to the group was an incredibly anomalous situation for her. As she stresses, *for me to be able to even like SAY that to a group of strangers is AMAZING* (lines 9-10). Not only does she directly attribute this to the space that the circle created (line 13) but she recognises the value that more spaces of a similar nature could have for others in her position. Spaces where *more people would feel comfortable to just like share their experience and to realise... it wasn't your fault* (lines 16-18) and *you're not alone* (line 21). Kala explains that she felt like she was alone in her experience *cause people don't talk about these things, so you don't know how to even start to cope with it* (lines 23-25). This is a powerful example of the taboo associated with sexual harm and its distressing consequences, and one that unequivocally highlights the critical need for more practices that encourage people to discuss the issue. Kala ends her turn by expressing, *I definitely felt it was beneficial* (line 26), and notably, *I've used that experience to try and be more open with my friends, and I just communicate more* (lines 27-29), further evidence that restorative dialogue can and does increase (much needed) communication on the topic.

What is made clear in the above excerpts from both Jade and Kala is that (i) participating in the dialogue resulted in them communicating more openly about their experience of harm, and (ii) this has had a positive effect on them. Although this was not specifically anticipated in the design stages of this research, both during the dialogue and follow-up interviews, and

in the subsequent analysis of the data, it became obvious that a key outcome of the process was in fact how valuable it can be for people with experience of sexual harm. That is, as a positive model within which one can take steps to share, confront, and heal.

### **5.2.3 The benefits and value for those who have experienced harm**

It has been documented that restorative practices can provide significant benefits to victims of sexual assault in the campus setting after an incident has occurred (Kaplan, 2017; Karp et al., 2016; Karp & Schachter, 2018). For example, as was discussed in Chapter 2, they afford the harmed party a voice in the proceedings and the opportunity to express how the violation has affected them. Psychological studies of trauma, and recovery from trauma, show that human beings need to talk about harms they have suffered in order to heal (Hopkins, 2012). As Kaplan argues, “this is particularly important in the context of sexual misconduct, which is surrounded by a “norm of silence” that can cause further trauma” (Kaplan, 2017: 719).

Key aspects of the value found in reactive restorative processes were also found to hold true in the SRD. For example, as we will see further evidence of below, speaking about their experiences of harm and counteracting the “norm of silence” (what I have identified as the taboo associated with sexual harm discourse) had positive, and sometimes therapeutic effects on several of the female members of the group.

As the majority of the female participants in the circle group had had direct experience with sexual harm, the benefits of the restorative dialogue for these women emerged as a prominent theme, particularly in the follow-up interviews. A critique of this outcome might suggest that this is extremely specific to this set of participants, and therefore the result is not likely to be transferable and/or generalised to other situations. However, I would argue that (while not always to the same extent as in this group) in any process similar to the one

in this study, the likelihood of it including women who have been sexually harmed is high. I make this claim based on (i) the recent statistics indicating that 1 in 3 women in New Zealand will experience sexual harm (*New Zealand Crime and Victims Survey: Topline Report*, 2018), and (ii) anecdotal evidence from the participants in this study, who reported that having experienced harm was a factor in their decision to participate. The indication is that women may self-select, or be more invested in taking part in processes designed to address sexual harm if they have been victim to it. Thus, it is of considerable consequence that the process can be of benefit to people who have been sexually harmed, as is evidenced in the following data.

#### Excerpt 56

Context: Session 4, Round 5: *What can we as a group do? Any other personal reflections?*

1. Bianca: my biggest takeaway is just how grateful I am
2. to have shared the experience with all you guys
3. um it's been really good and really um
4. positive to my own self-reflection and + stuff
5. and I guess in a weird way
6. the whole community thing has made me feel less alone in it

In this excerpt from Bianca, she notes the gratitude she feels *to have shared the experience with all you guys* (line 2). A shared experience which, as we can recall from Excerpt 49, Bianca has described as powerful for both people who have been sexually harmed, and the perception of who those people are. The notion of gratitude that Bianca invokes here is noteworthy, as rather than being thankful to someone for something, the implication is that she is grateful for the collective effort and experience of the group.

In line 6 she reports, *the whole community thing has made me feel less alone in it*, which is a

telling illustration of the community-building capacity of the (sustained) circle process and the effects it can have on its participants. The reference to feeling alone in the experience echoes Kala's comment in Excerpt 55 above, and being able to lessen this feeling of isolation is clearly a positive result of the process. Bianca also expresses that the experience has been *positive* to her *own self-reflection* (line 4), an outcome shared by many of the participants (male and female) in various ways, and one associated with agentivity (e.g. Bandura, 2006).

In the following excerpt from Jade, she explains how reflecting on the harm that she has experienced has had a positive impact on her life.

#### Excerpt 57

Context: Follow-up interview

1. Jade: I'd sort of buried a lot of stuff and it sort of + did-
2. was quite restorative it was good
3. and I think it sort of improved my mental health I think
4. Amy: oh that's awesome
5. Jade: and also um was good talking to other people
6. about their experiences
7. and I think I'm a lot more aware
8. about some stuff that needs to change
9. Amy: mm
10. cause I- + people don't talk about some of the stuff
11. we talked about enough and um +
12. yeah it's made me more + yeah aware in thinking
13. that we need to do things

Jade indicates that the dialogue prompted her to reflect on harm which she had avoided

addressing (*I'd sort of buried a lot of stuff*), and that this has had a positive and recuperative effect on her: *was quite restorative, it was good, and I think it sort of improved my mental health* (lines 2-3). This latter comment suggests that suppressing her experiences was having a detrimental effect on her mental wellbeing, and the process of discussing them, firstly within the dialogue group, and then outside of the circle (as demonstrated in Excerpt 54), helped to alleviate some of the distress she was carrying.

Jade's comment in lines 10-11, *people don't talk about some of the stuff we talked about enough*, mirrors Kala's in Excerpt 55 (*people don't talk about these things*), reminding us once again of how muted discussion around sexual harm typically is. Nevertheless, Jade implies that she is now *more aware* that this is something that *needs to change* (lines 7-8), further evidence of (i) the dialogue resulting in enhanced awareness of the issue for circle participants, and (ii) participants expressing resistance and the desire for social change.

In lines 5-6, Jade notes that it *was good talking to other people about their experiences*, which draws parallels with both Kala (Excerpt 55) and Bianca's (Excerpt 56) reference to the process making people feel less alone. We have seen above that listening to people share their experiences had a powerful impact on male members of the group, and as we will see in the following data, it was equally affecting for female participants, and indeed motivated them to share their own stories.

#### Excerpt 58

Context: Session 4, Round 1: *What have you been thinking about since our last session?*

1. Kala: um I find it really hard to um share
2. or talk about my personal experiences
3. I can be like quite cold and clinical
4. so I think I just really appreciated everyone
5. you know sharing their stories



6. and that sort of made me feel like safe
7. and + comfortable to share my experience
8. and so I sort of left (1.5)
9. I- I can't find the right word but
10. in some ways I also felt- left felt- feeling liberated
11. because i- you know this session is more about
12. how we can change things
13. in the future and that's a good outlook to work towards

In line 3, Kala notes, *I can be like quite cold and clinical*. In the previous session (Session 3, Round 4), Kala uses this phrase verbatim (*cold and clinical*) to refer to herself, suggesting that this is a fully formed assessment that she (or others) has used before. This is upsetting, as it is a somewhat negative self-evaluation, and the implication (as we have seen in Excerpt 55) is that it is a position she has adopted in order to cope with being sexually assaulted. Yet this assessment, which she explains is associated with finding it difficult to share and talk about her personal experiences (lines 1-2), is quite different from how Kala reports feeling in the circle. As we will recall from Excerpt 55, for her this is indicative of the space that was created, and here Kala expands on that: *I just really appreciated everyone you know sharing their stories, and that sort of made me feel like safe and comfortable to share my experience* (lines 4-7). The descriptors she uses, *safe* and *comfortable*, are in stark contrast to *cold* and *clinical*, and we are once again provided with evidence of the experience making people feel comfortable to communicate. The reference to feeling safe is also hugely relevant and is an extremely encouraging indication that restorative dialogue on sexual harm can provide a safe and non-threatening space for people who have experienced harm.

Kala then reports that *in some ways* she also left *feeling liberated* (line 10), and refers to the session that has just commenced as being about *how we can change things in the future* (lines 12-13). A further illustration of the gravitation towards positive discourse and goals of

social change that became apparent in the data in the previous chapter. In much the same vein as in Kala's speech previously (e.g. Excerpt 20), within the same turn she explains an impact that sexual harm (i.e. a fundamentally agency-stripping phenomenon) has had on her while also expressing agency and resistance in the form of desire for social action.

The reference Kala makes to feeling liberated here is interesting, as in the following excerpt, Gina also expresses a sense of liberation; the release associated with sharing your experiences within the circle.

#### Excerpt 59

Context: Follow-up interview

1. Gina: I haven't even talked to my THERAPIST about that stuff
2. Amy: yep
3. Gina: which is kind of is mind blowing
4. Amy: mm
5. Gina: um so yeah I definitely think
6. Amy: mm
7. Gina: helpful yeah
8. PARTICULARLY because it's like (1)
9. it just feels really good to just get it off your chest
10. and like you're not saying it to someone who's gonna
11. say anything shitty
12. like but you did this or anything it's just like
13. putting it out there
14. Amy: mm
15. Gina: and now other people know
16. and + yeah don't have to answer to it

17.                   you don't have to explain yourself  
18.                   and maybe like almost better than therapy  
19.                   cause then you don't have to like ((laughs))  
20.                   analyse it ((laughs))  
21.     Amy:               ((laughs)) I know what you mean a- yeah  
22.     Gina:               you just like get it off your chest

In this excerpt, Gina conveys a sense of release at sharing with the group, as she twice uses the phrase, *get it off your chest* (line 9; line 22), and notes that it *feels really good* to do so (line 9). Here, Gina raises another element of the space that was created within the circle, that it was a safe place to speak without judgement: *you're not saying it to someone who's gonna say anything shitty* (lines 10-11). A further indication of the safe and supportive atmosphere created by the group. Gina also associates the freedom to speak openly with the structure of the dialogue; simply being able to talk as much or as little as you like, without being questioned (*don't have to answer to it, you don't have to explain yourself; you don't have to like analyse it*), and contrasts this with the question-answer format of therapy. Indeed, she notes that she has not discussed the harm she has experienced with her therapist, something she describes as *mind blowing* (line 3). This is testament to the space developed within the circle, and arguably another illustration of the taboo associated with sexual harm discourse.

This notion of the circle and its members creating a space in which people feel safe and comfortable to share their stories is demonstrated once more, by Bianca, in the final excerpt in this section.

## Excerpt 60

Context: Follow-up interview

1. Bianca: I think the structure of the circle and what we did inside
2. of it is that we built that rapport anyway
3. Amy: mm
4. Bianca: like we built that connection
5. cause I came into it being like oh nah if I got asked that
6. I wouldn't say anything
7. Amy: yeah
8. Bianca: cause it just-
9. Amy: yeah
10. Bianca: but all of a sudden it was just like
11. this domino effect of people being like yeah me too
12. Amy: yup mm
13. Bianca: kind of thing and that in of itself I think was quite a big +
14. moment for me to be like oh it's safe it's okay
15. like um I don't know these people from a bar of soap
16. Amy: yeah
17. Bianca: but that doesn't necessarily matter because
18. they're here they're listening
19. they're obviously invested in the same sort of things
20. that I'm into

Here we see Bianca echoing the feeling of safety that Kala expressed above (Excerpt 58), *oh it's safe it's okay* (line 14), brought about by *the structure of the circle and what we did inside of it* (line 1). That is to say, the way in which the group had *built that rapport* (line 2) and *built that connection* (line 4). The references Bianca makes here to connections being

established within the circle will remind us of the group phenomenon of building something together that was discussed with regards to collective agency in the previous chapter. What it shows in this context, is that in addition to this resulting in collective, pro-social agentive stances (as we saw, for example, in the (re)construction of 'calling out' in Excerpts 38-42), it can also be notably significant for group members on a personal level.

Bianca indicates that the level of connection and community that the group achieved was unexpected for her, as she explains how she had considered the possibility of being asked about her experiences before taking part, and felt that it was not something she would do: *I came into it being like oh nah if I got asked that I wouldn't say anything* (lines 5-6). Like Kala above (Excerpt 58), Bianca notes how listening to other people share was a factor in doing so herself. In lines 10-11 she comments, *but all of a sudden it was just like this domino effect of people being like, yeah me too* — a striking (and perhaps subconscious) use of the phrase popularised by the #MeToo movement. Bianca's domino metaphor here is an evocative one, as dominos stand by themselves until one leans on another and they form a connection. Indeed, it adds depth to her portrayal of the process being something that went from her alone (i.e. *I don't know these people from a bar of soap*) to a co-constructed narrative based on shared experience, and the understanding that everyone was *obviously invested in the same sort of things* (line 19).

So far in this chapter we have explored the outcomes of the sustained dialogue through a specific lens: the way in which the process has affected, influenced, and benefited the participants of this study. However, the group also produced a valuable set of recommendations, designed to frankly and pragmatically address the problem of sexual harm on our university campuses.

#### **5.2.4 Recommendations to the University**

In Chapter 2 I discussed the notion that restorative circles can be used for effectively developing specific plans of action. As Karp et al. (2016) claim, circle practices can be highly outcome oriented, to the extent that they can lead to a specific action plan or community agreement, based on the careful deliberation of the group. Furthermore, the circle process can foster creative problem solving (Pranis et al., 2003), as it is comprised of multiple voices and diverse perspectives which provide a holistic view of an issue, out of which innovative resolutions can emerge.

As mentioned in previous chapters, the dialogue group reformed for a final session one month after the initial meetings. The purpose of this was to continue the discussion of what is needed to more effectively address sexual harm in our community, and develop a specific set of recommendations to be made to the University, based on the depth of understanding gained through the dialogue process. The report below is the outcome of that conversation. While not all of the participants were able to attend this session, the recommendations that we compiled were subsequently discussed with the group via email, with the opportunity for those who were absent to comment on and/or make additions to the final report before it was sent to the University. The following is a summary of this report, adapted from Pointer (2018: 1-2).

##### **Increase consent education and knowledge about available resources, especially for first-year students**

Participants expressed that there is a general lack of education around consent, particularly for first-year students, and limited awareness about where you can go for help if something goes wrong. One dialogue participant described the first year of university as ‘one big red flag,’ in relation to the social encounters that occur, and

the lack of awareness and open dialogue about these issues. The following measures were suggested in order to increase consent education and knowledge about available resources:

- Provide mandatory consent education for first-year students. Participants suggested an online consent module (like that offered by Community Law), in addition to a mandatory seminar during O Week that is honest and transparent about the issue. This education should engage with 'grey area' scenarios (perhaps the things the students were unsure about in their responses in the online module) to help students understand consent in different contexts. The tone should be engaging and approachable, but not skip over the difficult issues. It should be compulsory, but well thought out in terms of engaging young people.
- Hold an event like Sex in the Hub<sup>27</sup> every year at the beginning of the year, possibly right after O Week. This will communicate the message right from the beginning that the University cares about these issues and is open to talking about them. Dialogue participants expressed the impression that VUW does not do enough to discuss the issue of sexual harm because the University does not want to acknowledge it as a problem, but felt that having it acknowledged and knowing it was safe to discuss would be a relief to students.
- Provide readily available and well-advertised information about who you can talk to if something goes wrong. This could be a group of 'first aid' style contact people across the University of different genders, races, etc., who you could trust to help you. The group stressed the importance of these people being familiar faces in

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<sup>27</sup> Sex in the Hub is an event first held in 2018 in which the Hub (a large central and communal area on campus) was turned into a 'sex-positive area.' It included numerous stalls, information, and events regarding sex, sexual health, sexuality, and consent.

different spaces on campus.

- Advertise that VUW is a restorative university and what that means, so that students have a greater understanding, and are more aware, of the restorative processes and resources available to them.

### **Increase opportunities for students to participate in processes like the Sustained Restorative Dialogue**

Participants expressed that the learning from participating in the SRD could not be marketed, or printed on a pamphlet; the primary learning was in the experience. To help motivate a shift in culture, it would be beneficial to extend this experience, as well as the experience of circle processes more generally, to the wider University community. Several participants remarked that it is the method of communication (the circle process) that they would like to share with others, and that it needs to be experienced in order for people to understand its impact:

- Create opportunities to use the circle for dialogue and reflection throughout the year. Encourage the use of the circle process in other contexts (for example, as a classroom tool), so that it is a familiar way of communicating for students.
- Consistently use the circle process in the Residential Halls to build relationships.
- Offer the SRD experience to more students on campus.
- Host events to discuss other major issues on campus (such as mental health) using the circle structure.



- Provide circle dialogue opportunities for students and University staff to connect so that staff have a better understanding of student perspectives and experience.

These recommendations were sent to the University's Sexual Violence Prevention Group, who expressed that some of the suggestions echoed findings from research on effective sexual violence prevention strategies at universities overseas. However, whether or not the recommendations have had any impact is unclear. Sex in the Hub has continued to take place and a VUWSA advocate I corresponded with stated that this was partly due to the SRD recommendations, but mainly due to their own reflections on the 2018 event. Other than that, I have not been able to ascertain the degree to which the recommendations from the SRD were considered, and several attempts to discuss this with a University representative have, at this point in time, been unsuccessful.

As is made clear in the first half of this report, participants felt strongly about the need for consent education and open communication about all aspects of sexual conduct, and the resources associated with it, particularly at the onset of a person's university journey. The second half of the recommendations is focused on providing the opportunity for circle practices and processes akin to the restorative dialogue, with the aim of familiarising students with the method of communication. I would suggest that to be most effective, these key proposals have an interdependent relationship; the exposure to education and resources should be an initial step, in addition to the more longitudinal approach restorative processes can offer, which focus on sustained communication and community-building. This evaluation will be explored in more detail in the discussion chapter to follow.

The focus on the process in the above report is highly relevant, as one of the primary objectives of this research is to evaluate the use of the restorative dialogue process as a tool to address sexual harm and the culture surrounding it. Thus far, we have observed how,

within the dialogue, processes of agency are illuminated and discursive interactions have influenced individuals, and shaped the group as a unit. We turn now to specifically investigate, and evaluate, the process itself.

### **5.3 Evaluation of the Sustained Restorative Dialogue process**

Through the investigation of agency in the previous chapter, and the outcomes detailed above, we have seen evidence of the potential restorative dialogue has for addressing issues of significant harm. In this section, I explore how this specific restorative process was evaluated from the perspectives of those within it. Bartlett (2012) argues that studies within PDA often rely too heavily on the analyst's evaluation, rather than the assessments of community members. In order to address this, the majority of the evaluative commentary here will be from my participants. I begin by exploring observations of the process from within the spoken data, before providing some of the responses from the online feedback forms. I then conclude by presenting a small number of issues with the process, as raised by the participants.

#### **5.3.1 Participant evaluation of the process**

Here we will observe various evaluative comments on the SRD, which provide insight into what the process can offer at both the macro and micro-level. We begin with an excerpt from Samuel's follow-up interview, in which he continues to develop the idea, initially presented in the previous chapter (see Excerpt 37; Excerpt 43), of the group building something within the circle.

Excerpt 61

Context: Follow-up interview

1. Samuel: as far as the process goes I thought it was like

2. a really unique way of building some real like RICH insight
3. into a REALLY COMPLICATED conversation
4. Amy: yep
5. Samuel: and we took it in so many different directions
6. and I think part of that is the circle process
7. and + like almost unconsciously we built like a kind of like +
8. shared respect for what each person had to say
9. I think partly by virtue of the process that like
10. you listened for a long time before you + expressed yourself
11. Amy: yeah
12. Samuel: and it kind of I think yielded a kind of richer learning
13. than + takes place in a lot of conversations
14. where it's like you're listening but it's almost to +
15. build the next thing that YOU'RE gonna say and i-
16. those sorts of conversations happen a lot in everyday life
17. and I'm not sure that they (1) um
18. that as much learning happens in them
19. as in this sort of a context

Samuel offers a number of valuable observations of the process and what the group was able to achieve within it. He states that it was *a really unique way of building some real like RICH insight into a REALLY COMPLICATED conversation* (lines 2-3), a statement he punctuates with several intensifiers (*really; real; REALLY*) and by stressing the adjectives he selects (*RICH; COMPLICATED*) in order to emphasise his point. Samuel then notes the diverse aspects of the conversation that the group covered (*we took it in so many different directions*), something he credits to the process (*part of that is the circle process*), and indeed is an important aspect of circle practices. As Pranis et al. (2003: 55) advise, “the

more diverse the perspectives represented in the Circle, the more balanced and comprehensive the outcomes can be.”

Samuel continues his assessment by observing, *we built like a kind of like shared respect for what each person had to say* (lines 7-8), which he again attributes to the circle process (line 9), this time identifying how this was achieved: *you listened for a long time before you expressed yourself* (line 10). If we recall from Excerpt 37 in the previous chapter, in Session 5 Samuel comments, *it almost feels to me kind of like you're building something going around in this circle*, and here in his follow-up interview, several months later, he draws on this same representation (line 2; line 7), this time specifying what has been built: rich insight and shared respect. Furthermore, he notes how this *yielded a kind of richer learning than takes place in a lot of conversations* (lines 12-13), and reflects on how everyday conversations do not engender the same degree of listening to others, and therefore, *not as much learning happens in them as in this sort of a context* (lines 18-19). Once again, Samuel has identified a significant element of circle practices, as Pranis & Boyes-Watson stress that in the circle, “participants learn they can be present with themselves and one another in a way that is different from an ordinary meeting or group” (2015: 29).

The learnings that Samuel refers to here are pertinent, and as we saw in the recommendations to the University above, participants indicated that the knowledge they gained from the process could and should be reproduced for their peers. This is again demonstrated in the data to follow, which shows further evidence (cf. Excerpt 55) that participants not only found personal value in the process but could recognise the value in others engaging in similar restorative practices in the future.

#### Excerpt 62

Context: Session 4, Round 5: *What can we as a group do? Any other personal reflections?*

1. Aaron: u:m + yeah I think I really agree with + trying to have

2. this sort of thing + happen for other people now
3. because it's been such a good experience for me
4. um and I've already been bigging it up to people
5. whilst also trying to keep things confidential
6. which is a really hard line to walk when they're like
7. what are you talking about and I'm like
8. broad strokes um ((group laughs))
9. but yeah I h- I was- I was really nervous on on Monday
10. first Monday um coming into this because
11. at times I can be very stere- stereotypically British
12. and not really emotive
13. um in case you can't tell by my monotone voice
14. ((group laughs)) and ((laughs)) I just I found it so easy
15. with this- this process to connect and- and come up with
16. and share our ideas and + listen to everyone else's ideas
17. and yeah it's definitely been really amazing
18. yeah if there's a way we can make it mandatory
19. for everybody else now ((group laughs))

In this excerpt, Aaron expresses that he would like to see the process made available to others outside the circle, *because it's been such a good experience for me* (line 3). Aaron positions himself as someone who would typically feel uncomfortable in the context of the circle discussion (i.e. communicating about a topic of high emotional impact and/or with a group of strangers), yet he was able to participate fully, and *found it so easy with this...process to connect* (line 14-15). This reference to connection not only echoes Bianca in Excerpt 60 (*we built that connection*) but is a fundamental goal of circle practices: to create a safe space which fosters community and connection (Pranis, 2015; Umbreit & Peterson

Armour, 2011). Moreover, if we recall from the concluding parts of Chapter 4, connection is a central element to effective sexual harm prevention circles (Karp et al., 2016).

This ease and connection with the group that Aaron reports is supported by his use of a number of discursive strategies that seem to index solidarity. In line 9 he shares sensitive information (*I was really nervous*) which serves to enhance solidarity as it indicates the speaker's trust of the audience, and in line 13 he jokes, *in case you can't tell by my monotone voice*, which can be understood as an example 'sharing' humour. That is, humour which reveals something about the speaker and lets the audience know them better, thus positively fostering solidarity (Hay, 2000).

Aaron further notes that it was easy to *come up with and share our ideas and listen to everyone else's ideas* (line 15-16) — evidence for the reciprocal relationship between speaking and listening that the circle process seems to foster — before concluding, *yeah it's definitely been really amazing* (line 17). Aaron ends his speech turn with the comment, *if there's a way we can make it mandatory for everybody else now*, which he frames as another joke; it is hyperbolic and receives laughter from the group. Yet in essence he is reiterating his serious statement from lines 1-2, *I really agree with trying to have this sort of thing happen for other people now*. This sentiment is then rearticulated by Samuel in Session 5.

#### Excerpt 63

Context: Session 5, Round 4: *What do you think the University needs to do?*

- |    |         |  |
|----|---------|--|
| 1. | Samuel: | I think with the degree of like social nuance                |
| 2. |         | which surrounds these issues                                 |
| 3. |         | even an experience that kind of resembles the one that we've |
| 4. |         | had um for more students to have something like that         |
| 5. |         | where sort of like a little like questionable like events    |

6. which raise like moral questions for you you kind of like
7. don't really delve into them like in your own head
8. and there's no broader forum to discuss them
9. like you might by chance but you also might not
10. whereas here + anecdotally like I drew on like a bunch of
11. different experiences where like a little like red flag went up
12. and I was like hm this is like +
13. there's a discussion to be had about this
14. but there's no good context to have it and this (1.5)
15. what this experience has been was that context
16. to have those discussions
17. so I reckon finding a way for just more people to be able to
18. have this experience would be really valuable

Like Aaron, Samuel stresses the value he can see in other students taking part in a similar restorative process, yet he expands on this notion by specifying a practical and valuable function of the dialogue: to provide a space to discuss questionable events or behaviour that you might otherwise bypass. Samuel draws on personal experiences (e.g. *a little like red flag went up*) where despite him recognising that *there's a discussion to be had about this* (line 13), ultimately, *there's no good context to have it* (line 14). The dialogue provided that space: *what this experience has been was that context to have those discussions* (lines 15-16).

In this turn, Samuel draws attention to the relationship between the dialogue process and an increased sense of moral agency. That is to say, the process provides the opportunity to address the *questionable like events which raise like moral questions for you* (lines 5-6). This is obviously important to Samuel, as we have seen how he struggles with knowing how to

respond to potentially harmful behaviour (e.g. Excerpts 6 & 7). We can also recall that this is in fact a common issue amongst university students, and has been identified as a primary reason for not engaging in bystander intervention (Australian Human Rights Commission, 2017). Therefore, having a space to have conversations about problematic behaviour (such as the grey-area behaviours discussed in Chapter 4), and thus providing an opportunity for increased agency around the topic, could indeed be a valuable experience for others, as Samuel suggests in lines 17-18.

The above excerpt provides some valuable insight into the practical functions that the process can offer at a macro-level, yet also worthy of attention is micro-level phenomena, such as the process inducing positive emotional states in individuals. In the following speech data from Jade, she illustrates the potent, and in this case surprising, impact that the experience had on her state of mind.

#### Excerpt 64

Context: Follow-up interview

- |     |       |   |
|-----|-------|---|
| 1.  | Jade: | I guess just like + just the atmosphere↑ like sort of how um +        |
| 2.  |       | sort of ca:lm it felt like it just I just the like atmosphere         |
| 3.  |       | and the th- the sort of feeling I came away + with um                 |
| 4.  |       | just that it felt like strangely like uplifting                       |
| 5.  |       | and quite therapeutic   |
| 6.  |       | like I- I remember- I do remember going to the f-                     |
| 7.  |       | having to go to the first session and I was like really tired         |
| 8.  |       | and I'd had like a few like stressful weeks                           |
| 9.  |       | and I was just sort of like oh I really don't feel like going to this |
| 10. |       | ((laughs))  |
| 11. | Amy:  | yeah  |



12. Jade: cause it's like in the evening  
 13. and then I went there and and then like I came away  
 14. and I was like OH  
 15. and I felt like better than I had when I went in and feel like-  
 16. felt like I had more energy cause it had been quite-  
 17. or som- something that I'd never really done before  
 18. Amy: yeah  
 19. Jade: and it was quite (1.5) refreshing I guess  
 20. and then I sort of looked forward to the- I-  
 21. Amy: yeah yeah I know what you mean  
 22. Jade: even though it was sort of some-  
 23. somewhat depressing content  
 24. Amy: yeah  
 25. Jade: it was sort of interesting and refreshing and uplifting in a way  
 26. Amy: yeah it had a sort of energising effect eh  
 27. Jade: yeah so I think that was one of the things that stuck with me is  
 28. just like the sort of how positive it made me feel

In order to describe the way the process made her feel, Jade uses a succession of adjectives that are associated with positive affective states and emotional wellbeing: *calm* (line 2), *uplifting* (line 4; line 25), *therapeutic* (line 5), *refreshing* (line 19; line 25). She frames this outcome as surprising in line 14 (*and I was like OH*), and again in her reference to the subject matter in lines 22-23: *even though it was...somewhat depressing content*. Moreover, she narrates the way in which she went from not wanting to go to the first dialogue group, to leaving feeling energised and looking forward to the next session. As Jade notes, *I felt like better than I had when I went in* (line 15), *I had more energy* (line 16).

This transformation of mood and state speaks volumes about the process, and is also relevant to an increased sense of agency. Jade concludes her turn by commenting on how positive it made her feel (line 28), which seems to encapsulate the feelings she describes above and once again validates the notion that restorative dialogue on sexual harm should be understood as a positive discourse. Furthermore, we have seen that in Jade's case, the dialogue provided the impetus for further communication (i.e. with her friends and her mother) which also had a positive effect on her emotional state (see Excerpt 54); a heartening indication that the positivity felt within the circle is capable of rippling out in constructive ways, and feeding into expressions of agency.

The last excerpt in this section is again concerned with the emotional impact of the process on participants. In the speech that follows we hear from Rio, and return to a prominent theme which has flowed through much of the data in this chapter: the impact involved in hearing people share their stories.

#### Excerpt 65

Context: Session 3, Round 5: *Any reflections or anything you'd like to add?*

1. Rio: th- this is honestly probably been one of the most um (2.5)
2. im- I think important or important experiences that I've had
3. within this conversation about this piece
4. and that comes down to all the stories
5. that you guys have shared
6. because it's- it's the stories and- and the emotional weight
7. that is in this room right now
8. that is going to stick with me more than any statistic

Rio's reference to *the emotional weight that is in this room right now* (lines 6-7) aptly

expresses the emotionally charged nature of Session 3, and in some respects is in stark contrast to the buoyant descriptors Jade employs in the previous excerpt. Nevertheless, Rio expresses that the result of the intensity felt in the room is that it is *going to stick with me more than any statistic* (line 8). Put in different terms, even the most distressing aspect of the dialogue (the fact that several of the participants had been sexually assaulted) had a positive function: the ability to impact and create learnings that would simply not be possible in more traditional settings, e.g. through learning statistics. Arguably, these contrasting imageries — the light feeling Jade portrays in Excerpt 64 and the weight that Rio conveys — demonstrate the nuanced way in which the restorative dialogue can foster a sense of hope and positivity whilst simultaneously addressing the worrying realities of sexual harm.

Rio states that the experience has been such an important one, *and that comes down to all the stories that you guys have shared* (lines 4-5). These stories in fact play a pivotal role in circle practices and their capacity for looking forward in an attempt to reduce or resolve harm. That is, circles are a storytelling process; “through sharing stories of struggle, pain, joy, despair, and triumph” circles use the history and experience of everyone within them “to understand the situation and look for a good way forward” (Pranis, 2015: 40).

The considerable effects of listening to others share has been repeatedly demonstrated in the speech of my participants, and it is a theme which is continued in the written data component of this study. We turn now to investigate evaluations of the process from within the online feedback forms.

### **5.3.2 Online feedback and evaluation of the process**

The online feedback form (see Appendix 4) consisted of a series of questions designed to elicit how participants evaluated the process immediately after it had concluded.

Participants were asked how satisfied they were with the restorative dialogue experience, with five response options that ranged between *unsatisfied* and *very satisfied*. Eight of the nine participants chose *very satisfied*, while one participant chose the next option, *satisfied*. Participants were then asked if they would recommend the process to others, to which all respondents answered *yes*. A follow-up question (*why or why not?*) asked them to elaborate on why this was the case. The following are some of the responses to this:

#### Excerpt 66

Gina: I would absolutely recommend taking part in a discussion like this. It is a rare opportunity to reflect deeply on your own experiences of sexual harm and its consequences, but also to learn from the experiences others. The nature of the participants - a semi-anonymous (or at least unfamiliar) and diverse sample of the student body - is conducive to open discussion and exposure to new perspectives. The discussion felt meaningful, important, and surprisingly optimistic - I thought it was a productive way of tackling an issue that can feel really heavy to carry around in silence.

#### Excerpt 67

Samuel: It was a unique forum to develop a community voice on a significant topic affecting society. I got great insight from my peers and felt empowered to use what we'd discussed to try to effect positive social change.

#### Excerpt 68

Mia: The process was a good learning experience for understanding the points of views of others with different experiences to your own. The content of the dialogue was eye opening but respectful. We all came out of the sessions feeling revived from what I could tell. The dialogue was positive and we worked together despite not knowing each other.

#### Excerpt 69

Bianca: The process itself is one that I think every one should adapt into their everyday conversations they have with their friends and family and other people around them. It makes you feel listened to, encourages you to listen

to others and be very thoughtful and considered in your responses. It felt like a safe and comfortable space which in of itself is a feat considering the magnitude of the topic we were addressing and the fact we were a bunch of strangers to each other a week ago.

Cameron & Panović (2014) note how written data which allows participants to edit and plan their responses may be either advantageous, as it allows people to craft more considered answers, or disadvantageous, as it allows people to conceal their opinions and control the researcher's impression of them. I would suggest that the former is relevant to the written data in this study, as it afforded participants the opportunity to respond in a carefully considered and well-prepared manner; something that was not always possible when answering questions within the circle. Further, it seems unlikely that the disadvantages Cameron & Panović highlight are relevant in this context, as there had already been ample face-to-face discourse (in which impressions of each other would inevitably be formed), and the opinions expressed in the written responses echo those from within the spoken data, i.e. which was largely impromptu and unprepared. For example, in this chapter so far, we have seen clear evidence of the impact associated with listening to and learning from other members of the circle, and the written responses above further demonstrate that this was a key experience for these participants. Indeed, each of these excerpts makes reference to this to some degree: *to learn from the experiences (of) others, exposure to new perspectives* (Gina); *great insight from my peers* (Samuel); *understanding the points of views of others with different experiences to your own* (Mia); *encourages you to listen to others* (Bianca). This relationship between the spoken and written data is further illuminated when we consider the responses individually.

Gina presents the dialogue as fundamentally positive (*meaningful, important, and surprisingly optimistic*), and frames her reasons for recommending it almost as an antidote to the taboo associated with sexual harm discourse: *It is a rare opportunity; it was a productive way of tackling an issue that can feel really heavy to carry around in silence*. Note

Gina's verb choice, *tackling*, which mirrors Cameron's in Excerpt 51 above, and seems not only to convey an active and agentive stance, but suggests that there is something to confront and overcome.

Samuel once again (see Excerpts 44 & 61) describes the process as *unique* (cf. Gina's use of *rare*), and importantly, one used *to develop a community voice*. Here we see a striking claim of agency and an extremely encouraging report of the process: *I...felt empowered to use what we'd discussed to try to effect positive social change*. In this brief response from Samuel, he has succinctly synthesised a number of the key observations drawn from the dialogue data in Chapter 4: that the restorative dialogue can engender group agency (*a community voice*) and personal agency (*felt empowered*), and motivate pro-social action (*effect positive social change*).

Mia notes, *the content of the dialogue was eye opening but respectful*, once again using a metaphor associated with sight (cf. Excerpts 44 & 46) to convey the impact of openly discussing sexual harm. Furthermore, her comment, *feeling revived*, parallels Jade's evaluation above (Excerpt 64), that the process was *refreshing* and *uplifting*.

In Excerpt 69, Bianca gives a clear-cut assessment of the process, as one that *I think every one should adapt into their everyday conversations*. She describes the space created within the circle as *safe and comfortable*, a phrase used verbatim by Kala in her follow-up interview (Excerpt 58). Bianca also raises an important aspect of the dialogue here, which up until this point has not been explicitly articulated: *It makes you feel listened to*.

What is clear from the above data is that these participants evaluated the restorative dialogue process positively. Moreover, these responses are representative of all the online feedback, as each participant had positive observations and evaluations to make. While affirming assessments of the process from participants is a notable outcome, arguably of

equal importance is the capacity to alter and expand perspectives in a positive way. Another of the feedback questions asked participants if the experience changed the way they thought about anything, and if so, in what way? Every participant said the experience changed their perspective in one way or another, as demonstrated in the selection of responses to follow. The data here are closely aligned with, and further supports the outcome detailed above (§5.1.1) associated with shifted perception and increased awareness.

#### Excerpt 70

Aaron: I found listening to a bigger range of experiences expanded my knowledge.

#### Excerpt 71

Jade: I think it made me more open minded and perhaps trusting. I am more comfortable with vulnerability now.

#### Excerpt 72

Bianca: It changed, or I guess the better word would be challenged, a lot of preconceived misconceptions I had about societal understandings of sexual violence and education whilst also simultaneously giving me hope for the community around me.

#### Excerpt 73

Gina: I realised that I had never had such an in-depth, considered, and structured conversation about sexual harm before. I thought I had, but I had actually only ever talked to people from similar backgrounds and with similar perspectives to myself. This in turn made uncomfortably aware of how narrow my perspective was, and how important it is to be patient with others who have different views and bear in mind everyone's backgrounds.

I think the experience gave me hope that things can change. I realised I should have more faith in the ability of people to listen and learn...I realised

that re sexual harm we need more positive solutions that provide ideals to strive for, rather than focussing only on telling people what not to do.

In Excerpt 70 Aaron states, *listening to a bigger range of experiences expanded my knowledge*, a concise response that further demonstrates the impact associated with listening to others within the circle and is evidence of the outcome discussed above (§ 5.1.1). His reference to a *range of experiences* suggests that, like Cameron and Samuel (Excerpt 44; Excerpt 45; Excerpt 49; Excerpt 50), listening to people speak about how sexual harm has affected them has resulted in an increased understanding of the issue.

Jade notes that the process made her *more open minded*, which once again emphasises the dialogue's capacity for expanding perception, *and perhaps trusting*, an affective choice of adjective and one that is particularly salient in this context, as being a victim of sexual harm can reduce your ability to trust others (Kaplan, 2017). She continues with the poignant statement, *I am more comfortable with vulnerability now*. This suggests that she is more comfortable being vulnerable herself, i.e. speaking about her experiences of harm (as we saw in Excerpt 54). However, the fact that she omits a first person pronoun here (compare with *my vulnerability*), in a sentence she has had the opportunity to consider and edit, may indicate the comment also includes being more at ease with others' vulnerability. This is an interesting possibility when we consider that in the time between writing the online feedback (immediately after the dialogue) and the follow-up interview, Jade reports that there has been more communication on the topic within her friend group. That is to say, the learnings from the process may have made it easier to discuss her own harm, but also to listen (and provide encouragement and support) to other people's experiences.

In Bianca's response she expresses that she had *preconceived misconceptions* about societal understandings of sexual harm, and it seems likely that this is associated with the surprise she felt (reported in Excerpt 46) at the male members' interest and involvement. Her



intentional use of *challenged* (modified from *changed*) emphasises both that the impressions she held beforehand were indeed misconceptions, and that these had since shifted. Bianca states that the process gave her *hope for the community*, an optimistic remark and one that aligns with the mission statement of the PRISM project: that restorative approaches to sexual harm can offer hope that the needs of our campus communities can truly be met (Karp et al., 2016).

In a comparable way to Bianca, Gina reflects on what she thought to be the case prior to the dialogue, but now views differently. She presumed she had had *an in-depth, considered, and structured conversation about sexual harm*, but now realises it was in somewhat of an echo chamber, as she notes, *I had actually only ever talked to people from similar backgrounds and with similar perspectives to myself*. She reports that this made her *uncomfortably aware* of how narrow her perspective was before taking part in the dialogue, and that it reminded her of the importance of recognising socio-cultural context (*bear in mind everyone's backgrounds*). Gina's response here reflects what Pranis (2015) identifies as an important element of circle practices: that the circle engenders a space where different voices and perspectives can be heard, which in turn allows people to learn directly from each other.

Like Bianca, Gina reports that the process made her feel hope for the future: *I think the experience gave me hope that things can change*. She elaborates on this by adding, *I realised I should have more faith in the ability of people to listen and learn*, a comment that speaks to the very heart of circle practices (*the ability of people to listen and learn*), but also one that includes an element of accountability (*I should have more faith*). Interestingly, it is unclear here if Gina is conveying that herself and/or others within the circle have listened and learnt, or if this is an indication that (in a similar vein to Kala in Excerpt 47) her perception of male involvement with the issue has changed.

Gina concludes her response with a positive, pro-social observation: *we need more positive*

*solutions that provide ideals to strive for, rather than focussing only on telling people what not to do.* This is a distinct example of the way in which the participants gravitate towards constructive and positive stances, and how the process, despite the sometimes heavy content, ultimately engendered positive, forward-thinking discourse.

What is clear from the data we have examined in this chapter thus far, is that the dialogue participants viewed the process extremely positively. Indeed, the evaluative commentary from the sessions and the feedback forms, as well as in the discussions that took place in the follow-up interviews, has been overwhelmingly favourable. However, a small number of issues were raised by participants, some of which are valuable considerations for future processes of a similar nature.

### **5.3.3 Issues with the process raised by participants**

In order to gather constructive feedback, the online form asked participants to report on their most favourite, and least favourite aspect of the process. In response to the question that asked *what was your least favourite part and why?*, one participant commented that the circle questions were somewhat broad and at times they felt ill-prepared to answer them. Another person suggested a more focused line of questioning, and a third noted that at times you could lose sight of the original question if you were the last to have the talking piece. The other responses (bar two participants who answered that they didn't have a least favourite part) were all concerned with the timing of the sessions; participants reported that they would have liked the sessions to be longer in order to delve deeper into the discussion, and one participant noted that two two hour sessions may be more effective as the high emotional impact meant that doing anything afterwards was challenging. These comments should be taken into consideration in the planning of future restorative dialogues on sexual harm.

Some particularly interesting issues were raised by Kala at the beginning of her follow-up interview. Just prior to Excerpt 74 that follows, Kala tells me that she unexpectedly met another participant, Gina, in a social setting some time after the sessions took place. Kala explains that they had an enthusiastic discussion about the dialogue, during which they both reported feeling that to some degree, the process felt unfinished.

#### Excerpt 74

Context: Follow-up interview

1. Kala: in ways we felt like it- we left it unfinished
2. Amy: unfinished
3. Kala: because it was a great um process to be a part of
4. Amy: yeah
5. Kala: but we'd like it to be more widely available to everyone
6. cause it's so important um
7. Amy: yeah yeah yeah
8. Kala: and it's such an important thing to discuss and it's really
9. difficult obviously because you know everyone's got different
10. ways of processing trauma and um
11. Amy: yeah yeah yeah yeah
12. Kala: their experience so yeah we were just sort of looking at
13. Amy: yeah so when you say like unfinished do you mean personally
14. or in terms of like it was just that once off and then what's
15. happening now kind of thing?
16. Kala: kind of unfinished in the sense that
17. we had such a good momentum
18. Amy: mm
19. Kala: and we were discussing ho:w to sort of address

20. some of the issues in society
21. Amy: yeah
22. Kala: and now it's just like oh
23. Amy: oh it's-
24. Kala: so we like brainstormed all of these great ideas and now-
25. cause I'm very much a like how do you put this in practice

Of notable interest in this excerpt is how Kala speaks on behalf of both herself and Gina (note the repeated use of *we*, line 1; line 5; line 12), which suggests that they were in agreement about the ways in which the process felt somewhat incomplete. In her explanation of this Kala draws on two key issues: (i) the need for it to be more widely available to others and (ii) the difficulty involved in practically applying some of the ideas which came out of the dialogue. The first of these Kala frames as being directly associated with the value they found in the process (*a great um process to be a part of; such an important thing to discuss*) and, as we have seen, it is a desire shared by many of the participants. As I will elaborate on in the following chapter, it is also a position this thesis supports and indeed advocates for.

The second issue is perhaps more complex. As is evidenced above, the sustained dialogue did produce a number of practical and beneficial recommendations for steps the University should take to more extensively address the issue of sexual harm on campus. Yet the extent to which these were actually taken on board is unclear (see §5.2.4 above). We are reminded here (as discussed in §4.5) of the constraints on power and agency that the student participants have within the institutional setting of the University. Despite Kala displaying both personal agency (e.g. *cause I'm very much a like how do you put this in practice*) and assigning agency to the group (e.g. *we had such a good momentum*), ultimately the power to action or pursue the suggestions that arose from the dialogue lies elsewhere.

Nevertheless, it is quite possible that the issues raised here have an interdependent relationship. Making the process more widely available to other members of the University community will encourage a continued conversation about both the issue and the practical steps necessary to address and reduce it. If more people, more frequently, are having restorative dialogue on sexual harm, it may keep the momentum going, and result in the accretion of a collective voice. One which has more power and agency in terms of affecting change at an institutional level. This supports the notion that restorative dialogue would be most effective when used on a regular, longitudinal basis (and combined with other resources for students).

#### **5.4 Summary**

In this chapter I have investigated the key outcomes of the restorative dialogue and how it was evaluated from the perspective of the circle participants, thus empirically testing the principles of proactive processes and how the SRD model works in practice. We have seen the way in which, for many of the participants, taking part in the process resulted in shifts in perception and/or an enhanced level of understanding of sexual harm. Moreover, we have observed compelling evidence of participation in the dialogue being the stimulus for increased communication on the topic, of which (as we have seen throughout this chapter and the previous) there is a critical need. We then explored an unexpected, yet considerable outcome: the value that women who have experienced harm found in the process. A further outcome of the dialogue took the form of the recommendations made to the University, which focused on the need for increased education, communication, and resources for students, in addition to more opportunities for processes akin to the SRD.

The data presented in the evaluative section of this chapter provided clear evidence that, for the most part, participants evaluated the process extremely positively. They not only found personal value in the dialogue but were advocates for others engaging in similar

restorative practices in the future. In addition, we observed how the written data from the online feedback forms (i.e. evaluations that could be well-considered and edited) reflected the positive assessments made in the spoken data. Notably, the evaluations of the process offered by participants routinely aligned with key observations of circle practices within restorative justice theory. For example, the ways in which the circle engenders a deeper degree of listening, and being present, than in conventional conversations (Boyes-Watson & Pranis, 2015). It provides a space where different voices and perspectives can be heard, and where storytelling plays a pivotal role in gaining a more profound understanding of the situation (Pranis, 2015). Furthermore, as has been demonstrated by the data in both the outcomes and the evaluation of the process, the participants frequently mirror each other in their responses. This suggests that the effects of the process are not random or idiosyncratic, but rather, are quite feasibly findings that could be extrapolated to other settings; a notion I will return to in Chapter 7.

In the latter parts of the chapter we also observed the issues with the process raised by participants, the majority of which were prompted by the online feedback form and centred around the broad nature of the circle questions and timing of the sessions. Additionally, further, perhaps more macro-level issues were raised in the interview data, by Kala, and were concerned with how the value found in the process can be disseminated and applied in practical ways.

The analyses, in both this chapter and the previous one, have demonstrated what the process does and what it is able to achieve. We turn now to a discussion of these analyses: how they might inform each other, what the findings indicate, and what this means in the broader context of proactive restorative processes around sexual harm.

## Chapter 6: Discussion

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### 6.1 Introduction

In this case study thus far, we have observed the various ways in which agency is enacted, within the structure of the circle and in the context of sexual harm discourse. We have seen how restorative dialogue can offer an environment in which agency is exercised in a virtuous way, both at the level of the individual and collectively as a group. We have also seen how participation in the SRD is associated with a number of positive outcomes. For the participants in this study, taking part in the dialogue resulted in an increased understanding of sexual harm, a heightened motivation to communicate about the issue, and for those that had been harmed, a great deal of personal value.

In this chapter I return to these findings and the central themes of this thesis, to consider them in relation to the wider issues this study looks to address. I begin by revisiting some of the key observations from the analysis of agency: the establishment of the group as a collective, the oppositional relationship to the University, and the structural influences that emerged as salient in the data. I then explore how the outcomes of the SRD have positive implications, particularly around prevention strategies such as consent education and male engagement, and why the relationship between agency, restorative practices and sexual harm is a meaningful one. In light of this, I conclude the chapter with a discussion of why consideration should be given to implementing restorative dialogue in the university setting.

### 6.2 Connection and opposition

Throughout the analysis we have repeatedly seen how the restorative dialogue can afford people agency in a variety of forms. It is an environment which fosters agentic expression, but also, and perhaps most importantly, connection. Central to the human condition is the

innate need we have to be connected to others in positive and meaningful ways (Pranis et al., 2003). In Chapters 4 and 5 we saw evidence that the SRD can and did provide participants with a purposeful sense of connection to others in the circle.

This degree of connection has practical outcomes, as well as affective ones. Positive social connections offer opportunities for collaboration and the potential to attain mutual goals (Roffey, 2013). As a sense of community develops, so does the ease with which people express themselves, and thus learn to practise intersubjectivity. If we recall from Chapter 4, intersubjectivity may be defined as the experience through which people can express and compare subjective views in order to develop a shared, multidimensional view of a given topic or situation (Karp et al., 2016). We saw an example of this in §4.6, as the group collaboratively developed the notion of ‘calling out’ and how, as a pro-social action, it could be most beneficial. This supports Karp et al.’s (2016) suggestion that intersubjectivity is the basis on which people collectively develop shared morality, and this sense of a collective moral framework is appealed to in numerous areas of the data (see, for example, Excerpt 5; Excerpt 32; Excerpt 33; Excerpt 43).

From a sociolinguistic perspective, it is not terribly surprising that as the dialogue sessions progress people increasingly build on one another’s contributions, and the sense of community created in restorative practices has also been documented by others (e.g. Pranis et al., 2003). Yet these are by no means trivial observations, particularly when applied to an issue like sexual harm which is often associated with a lack of voice and feelings of isolation. That is, this sense of connection is of particular salience around a topic that is notoriously shrouded in secrecy and has the capacity to make people feel very alone (as the evidence shows in the previous chapter). Feeling connected and that we belong is an essential human need, as is the need to have voice and agency (Bailie, 2019). These are intrinsic elements of emotional wellbeing (e.g. Bailie, 2019; Bandura, 1997; Smith et al., 2000; Welzel & Inglehart, 2010) and are supported and promoted by restorative practices, with the SRD being a



definitive example of this.

The importance of emotional wellbeing and connection underpinned a prominent expression of the group as a collective unit in the data: the representations of *us* (students) versus *them* (the University). Here participants took up stances that aligned themselves with a shared moral order (cf. Rymes, 1995), and it was also where the most visible displays of oppositional discourse were found: in calls for the University to better meet its moral obligations. Participants routinely expressed how they viewed the University as ineffectively handling its responsibilities around student wellbeing, and positioned this as a lack of engagement and connection with student perspectives; what they think and how they feel (see Excerpts 25-28).

The *us* and *them* theme was an interesting demonstration of a group collectively establishing a positive-self/negative-other dichotomy, but it also highlights a very real disconnect between staff and students. This was reinforced by unprompted anecdotes shared with me in the follow up interviews (from three different participants) of specific instances associated with sexual misconduct where they felt University processes, or University staff, either behaved inappropriately or failed to handle a situation in a suitable way. This indicates a troubling fracture in the University community, and one that supports the recommendation in §5.1.4 that circle discussions between staff and students would be advantageous. Restorative practices are about generating and maintaining trust yet they can also play a valuable role when trust is lost, by providing a way to explore what the University can do to rebuild relationships with students, so that the whole community sees itself as stakeholders in addressing a societal problem (Baker, 2019).

Despite the disjunct that the student/University relationship suggests, and the power imbalances it certainly involves, agency was located in the participants' oppositional discourse and in their calls for social action. The dialogue offered a space for students to

have a voice around an issue they feel is being inadequately addressed. Much like in Sustained Dialogue around race relations discussed in Chapter 2, participating in the SRD provided the students with an opportunity to take some responsibility for shaping and reshaping their campus climate (Parker, 2006). Affording students a louder voice in issues in their community could be a useful step towards bridging the gap they feel exists with the institution, and the role restorative practices could play in engaging students should not be underestimated. As Wachtel & Miller explain, “those unfamiliar with circles are often surprised by how engaged college students become in addressing and solving behavioral issues and conflicts that are usually considered the domain of those in positions of authority” (2013: 96).

This can be understood as an exercise of agency at the macro-level — the agentivity involved in attempting to affect a large scale process (i.e. social change) — and we have also observed a range of micro-level expressions of agency, as the participants make use of their discursive resources within the circle. Indeed, it is fair to say that the restorative dialogue presented unique and varied opportunities for the enactment of agency. However, it is important to acknowledge some of the challenges to agentive expression, where participants presented themselves or others as non-agents, as it was in these parts of the data that the interdependency of structure and agency became most visible. I revisit these expressions of non-agency now, paying close attention to the structures within which they are bound.

### **6.3 Structural influences and the (gendered) deflection of agency**

We have seen how, even in the supportive and collaborative context of the dialogue (i.e. not in an oppositional or adversarial setting, cf. Ehrlich, 1999, 2001), participants utilise positionings which obscure personal agency and responsibility. Interestingly, the two prominent themes in the data (which we will consider shortly) that included the deflection

of agency were both gendered. Moreover, these were the only categorised agentive expressions (i.e. those that emerged routinely enough to be classified as a theme) which diverged along gender lines, meaning that in this study, the deflection of agency is correlated with gender.

In §4.3 we saw how, during anecdotes that highlighted problematic behaviour or structural injustices associated with gender, female participants used grammatical constructions to obscure the agency of the men responsible for the very behaviour (or stance) they were flagging as problematic. I suggested that in positioning the men as less responsible or blame-worthy, the women were contributing to the reproduction of embedded gender hegemony. If we recall from Excerpt 11, Kala presents the ‘lads’ as unable to understand the consequences of what they say, which essentially frames any harmful speech as unintentional. In doing so, Kala seems to be orienting to the ‘two-cultures’ understanding of male and female interaction exemplified by Tannen (1990), which foregrounds difference and misunderstanding as the basis for much that goes wrong (and thus causes offence) in cross-sex communication. In the *difference approach* women and men are positioned as “outsiders to each other's verbal culture” (Cameron, 1995: 34). Yet as critics of the two-cultures model (e.g. Cameron, 1995; Talbot, 2010, 2019) have highlighted, the approach neglects issues of power and reinterprets what has elsewhere been identified as dominating behaviour as misunderstanding (recall, *if I like call them out I'm called a crazy feminist... but I don't think they like understand the impact of it*). Tannen (1990) focuses solely on interactions in personal relationships, without taking into account social structure and the kinds of power imbalances it dictates. However, although Kala frames the men’s potentially harmful speech acts as individual, unintentional transgressions, she seems to hint at structural forces at play. For example, by describing the men as *really like LADS*<sup>28</sup> *kind of*

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<sup>28</sup> While I do not wish to equate the use of *lad* in New Zealand to its use in the U.K., for an interesting discussion of ‘lads’ in British English see Cameron (2020), and for the relationship between ‘lad culture’ and sexual violence at university, see *That’s What She Said: Women Students’ Experiences of ‘Lad Culture’ in Higher Education* (2012).

*guys* Kala is drawing on a particular kind of hegemonic masculinity (e.g. hypermasculine, heterosexual), which she implies is related to their inability to comprehend the impact of harmful speech. In other words, by conforming to a normative gender role some of their responsibility is absolved.

In Lily's deflection of agency in Excerpt 13, the connections to structure are much more explicit: she frames the issue she is discussing (the assumption she will change her name) in terms of underlying structural biases. By emphasising baseline gender inequality as the root of the problem (which in contrast to Kala, aligns with a *dominance approach* to cross-sex communication), Lily presents the problematic stance she describes as inherently structural and outside the control of the individual.

These examples, and the theoretical positions they evoke, will remind us of the central debate discussed in Chapter 2 concerning the degree to which action is governed by social structure. I would argue that in both cases underlying social structures are at work, yet the men in each example act as agents, putting their structured knowledge into practice (Sewell, 1992). Of course, this deflection of agency has no such serious ramifications as, for example, those discussed in Ehrlich's sexual assault trials in Chapter 2, yet even low-level processes are of consequence. In Kala's case, when her challenges to potentially harmful speech result in her being called things like *crazy feminist*, her utterances are effectively silenced (Hornsby & Langton, 1998; Langton, 1993) and her agency impeded (e.g. Kukla, 2014). When no-one is held responsible for this based on the behaviour conforming with masculine norms (i.e. laddishness), it contributes to the construct of hegemonic masculinity, and reinforces the penalties associated with challenging it.

In Lily's case, there is perhaps no immediate impact on her personal agency, and it is clear that her partner's presumption of patrilineal naming as self-evident was shaped by societal structures and norms. However, positioning a problem as *entirely* structural is not without

issue. Not only does it leave no room for personal accountability and responsibility (ultimately Lily's partner was still both author and principal of the assumption), but in some cases invoking structural influences and presenting them as out of an individual's control can have serious consequences (e.g. the male sex drive discourse appealed to in the sexual assault trials mentioned above). Therefore, any rhetoric which substitutes cultural normativity for individual choice is, to a degree, ultimately linked to these more serious and consequential examples.

By positioning problematic stances as a result of masculine norms and underlying gender inequality (and thus obscuring the level of responsibility they afford their male peers), women reflect and reproduce unequal structural realities associated with gender. This is particularly worthy of note here given the context of both the anecdotes (highlighting issues) and, more broadly, the SRD itself as a process that aims to address the culture within which gender-based injustice exists. That is, it illuminates the structural mechanisms that are invariably operating, even in the most unlikely of settings. Further, in addition to demonstrating the recursive nature between structure and the individual (we are both products of and reproduce our social structures, Bourdieu, 1977; Giddens, 1984), this sheds light on the way agency and structure intersect with gender to become powerful regulators of speech.

I would argue that structural influences play an important role in the other marked deflection of agency in the data, which emerged as participants problematised (O'Connor, 1995, 2000) or negotiated their agentive stance. In §4.2 we observed the shifting between positions that claim and reject moral agency and responsibility enacted by male members of the group. While mediating the level of accountability they felt towards harm (or harmful speech) that they had been privy to, Samuel and Cameron interactionally constructed themselves, sometimes simultaneously, as both active agents and passive experiencers. As agents they were open or able to consider what they, and others, could have done

differently, but as experiencers they were not. It is not clear exactly why this was a gendered phenomenon. One possibility is that because of the gendered nature of sexual harm (i.e. statistically it affects women more than men and men are more likely to be the perpetrators, New Zealand Family Violence Clearinghouse, 2017), male participants were more motivated to express a level of responsibility for the culture within which harmful behaviour is pervasive, while also distancing or defending themselves from it (perhaps subconsciously), for fear of guilt by association. As human beings our identities are multiplex, and these men may have been concurrently identifying with more than one type of 'maleness.'

This of course is conjecture, yet what appears evident is that many of the deflecting stances taken by Samuel and Cameron are related to the level of uncertainty they feel about how to act. That is to say, they do not have clear scripts (both discursive and behavioural) to follow when confronted with incidents involving sexual harm or conduct that precursors it, and, as previously mentioned, this is a common issue amongst university students. It is fair to assume that people not knowing the appropriate social scripts around sexual harm is related to the overarching lack of communication that we have seen clear evidence for in previous chapters (i.e. explicitly reported by participants), which in turn is a consequence of the social taboo that still exists around discussing sexual conduct.

Understanding and highlighting oppressive structural influences that are obstacles to effectively addressing sexual harm is a necessity, and it is tempting to focus heavily on the social and ideological taboo associated with sexual harm discourse due to the frequency with which it arose in the data, both explicitly and implicitly. However, rather than further unpack the taboo as a form of oppression, I wish to shift the focus towards the constructive discourses which offer emancipation from it. As proponents of PDA assert, if analysts are serious about using their work to promote social change, they must amplify progressive discourses which inspire, encourage and empower, in order to increase their positive impact

on society (Hughes, 2018; Martin, 1999).

Throughout Chapters 4 and 5 we have seen ample evidence of participants taking up resistant positions which highlight the norm of silence and express the desire for social action that counters it. The restorative dialogue is not only an environment that engenders these agentic stances but a space for participants to explore why such stances are important. Yet what is arguably the most powerful counter-discourse to the taboo nature of sexual harm is the dialogue process itself, in its capacity as a practice which can make people feel more comfortable speaking about the issue.

#### **6.4 Communication around sexual harm and consent**

In order to counter societal norms that contribute to sexual harm, the need for increased communication cannot be stressed enough. The socially taboo nature of the issue is essentially silencing (primarily) women's experiences. We saw how Kala, Gina, Jade and Lily all expressed that they had rarely (if ever) spoken about their experiences prior to the dialogue, and we only need to look at comments like Kala's in Excerpt 55 for evidence that this silence is directly harmful. When taking into account the statistics that one in three women and one in eight men in New Zealand will be sexually harmed at some point in their lives, what we have seen in the present study is just a glimpse of how this pervasive problem is affecting members of our society. Therefore, it is hugely significant that the SRD process can encourage communication around sexual harm and, in addition to the value it can provide individuals (detailed in the previous chapter), this finding has positive implications for the issue at a societal level.

Firstly, communication is a critical factor in terms of sexual harm prevention, particularly in the area of consent. In terms of this study, the increase in communication was concerned with speaking about personal experiences and discussing the issue in a wider sense (i.e.

rather than specifically discussing consent). Yet the baseline motivator was that speaking about the topic within the circle made participants feel they would be more comfortable to speak about it elsewhere as well (see Excerpts 51; 54; 55), and there is no reason why this same result would not be achieved in restorative dialogue that focused more explicitly on consent (such as the Consent Circles at the University of California-Berkeley discussed in Chapter 2).

As noted in Chapter 2, young adults' normative sexual scripts often do not include communicating about consent (Humphreys & Brousseau, 2010). They instead rely on a lack of response or resistance as a cue to pursue sexual acts, which is flawed as a measure of a person's agreement to engage in sexual activity (e.g. Fisher et al., 2010; Möller et al., 2017). Absolute transparency around consent is particularly crucial in an age in which, not only is it commonplace for young people to be exposed to pornography (Sabina et al., 2008), but it is a default learning tool (Classification Office, 2020) and can directly influence their sexual behaviour (Office of Film and Literature Classification, 2018). As discussed in Chapter 4, non-consensual behaviour was a prominent theme in the most popular videos watched by New Zealanders on Pornhub, a leading pornography site. Such clips commonly involved a reluctant female character who at first says 'no' to sex, but whose initial resistance is overcome through insistence or subtle pressure from a male partner. The treatment of consent as flexible, with insistence and persuasion ultimately being rewarded (i.e. the repeated theme of 'no' becoming 'yes'), is particularly problematic for young people (Office of Film and Literature Classification, 2019), especially when compounded with real-life sexual norms that do not include clear communication.

This emphasis on clear consent is not intended to support the gendered miscommunication theory touched on above, which in a sexual context supposes that miscommunication between the sexes is often responsible for experiences of rape and sexual assault (for a critique of this see Beres, 2010; Kitzinger & Frith, 1999). Rather, the intent is to highlight



that being comfortable talking about sexual conduct and consent enhances a person's sexual literacy (e.g. Shtarkshall et al., 2007) and indeed their sexual agency, that is, the self-efficacy involved in asserting one's sexual interests, from fulfilling sexual desires to avoiding unwanted sexual activity (Arbeit, 2014; Byers et al., 2016; Levin et al., 2012; Peterson, 2010). As Cameron & Kulick (2003: 154) assert, "how people express their desires to one another – what they do and do not (or can and cannot) say – are crucially important matters in struggles around not only sexual identity or preference but also rape and sexual assault."

In close alignment with the analytic focus of this study, Arbeit (2014) positions communicating about consent as an expression of collaborative moral agency and autonomy. Consent is the skill through which people work together to determine how their co-joint intentions can inform co-action, and with such consent skills people exercise their own moral agency and autonomy, whilst demonstrating their recognition of and respect for others'. Demonstrating respect through the use of consent skills "thus serves multiple moral obligations, including the prevention of harm" (Arbeit, 2014: 269).

In short, communication skills promote a clear understanding of sexual autonomy, and normalising sexual communication is likely to aid in the reduction of non-consensual conduct, particularly in the university setting where young people (with varying degrees of education and experience around sex and consent) are the prevailing demographic. It is not only young people's knowledge about sexual conduct that needs to change, "but also their norms for communicating about it – who can say what, to whom, and with what meaning." (Cameron & Kulick, 2003: 154). We have seen that the SRD provides a space for new communicative skills to be learnt and practised, and that this increases the likelihood of further communication outside of the circle. Thus, restorative dialogue could be an extremely useful tool to promote consent communication, in addition to exploring the issue of sexual harm more globally (i.e. the impacts and the culture that fosters it), as was the focus of the SRD in this study.

Beyond its potential for addressing both specific and more general aspects of sexual harm, the finding that the SRD encourages people to converse more openly has wider implications for any topic that is considered socially taboo or challenging to discuss, and where open and honest communication around the topic would be of great benefit. An obvious example of this, and one that was raised within the dialogue sessions on a number of occasions, is in the area of mental health — a recent government inquiry found that increasing numbers of young New Zealanders are showing signs of mental distress, and New Zealand's suicide rate for young people is among the worst in the OECD (*He Ara Oranga: Report of the Government Inquiry into Mental Health and Addiction*, 2018).

Communicating within the circle was quite clearly the stimulus for communication outside of the circle, which as we have seen can have positive outcomes for individuals and positive implications for larger scale processes. Moreover, communication was also at the core of the other key outcomes of the dialogue. When exploring the ways in which the process benefited those who had experienced harm, the central factors all included communication amongst the group: listening to others made people feel less alone and safe to share their own experiences, which in turn built connection and rapport. Similarly, listening to others communicate their experiences and perspectives resulted in an expanded sense of awareness and understanding of the issue.

## **6.5 Enhanced awareness and male engagement with sexual harm**

That the process can generate increased awareness and understanding of sexual harm and the factors that contribute to it also has encouraging implications at a societal level. Much as in reactive restorative practices that seek to understand the harm that has been caused, a key goal of a proactive processes like the SRD is understanding the harm that exists as an integral part of addressing the culture more broadly.

Perhaps the most significant element of this finding is the potential the process has for engaging men with the issue. A growing body of literature shows that male engagement is an absolute necessity for addressing and reducing sexual violence (Crooks et al., 2007; Fabiano et al., 2003; Flood, 2006; Flood & Howson, 2015; Stathopoulos, 2013; A. L. Stewart, 2014). As Flood (2006) claims, while only a small minority may carry out harmful acts, all men can have an influence on the culture and environment that allow others to do so. Constructions of masculinity play a critical role in shaping sexual harm at both the individual and macro-social level: men are more likely to perpetrate sexual violence if they identify with traditional constructs of masculinity and male privilege, and rates of harm are higher in societal contexts where gender roles are rigid and being a man is defined in terms of power, dominance, and hypermasculinity. Flood (2006) argues that these factors leave us with no choice but to address men and masculinities if we want to stop violence against women.

However, feelings of defensiveness, helplessness, or a lack of legitimacy in a field that has traditionally been seen as a feminist domain have been identified as major obstacles or points of resistance for men engaging in anti-violence spaces (Stathopoulos, 2013). The notion that men feel they do not have legitimacy to speak on the topic was in fact raised by Cameron in our follow-up interview. At one point he comments, *“I think like the majority of dudes are scared shitless to get involved with anything like this, and it was like definitely something I had on my mind a little bit as well...just like just don't touch it, just stay well away you know, don't say anything.”* This suggests that men of Cameron's age group may avoid engaging in the topic for fear of being vilified and/or unwelcome in the space.

Defensiveness from men can stem from the perception that they are seen as part of the problem rather than part of the solution (Crooks et al., 2007). Cameron also identifies with this, as he goes on to note, *“it didn't really seem like something like I wanted to do, like to sit there and listen and just basically hear about how... like everything is shit like you're just the problem.”* In this part of our conversation we are discussing the challenges involved in

getting men to participate in processes that address sexual harm, and Cameron suggests that to make it appealing, it is important to emphasise it is an opportunity to have a positive and active role in addressing the problem. This view is supported in the literature on sexual violence prevention strategies (e.g. Flood, 2006; Stathopoulos, 2013). As Stathopoulos (2013: 17) claims, “providing a message that men are an integral part of the solution is a positive pathway to men’s engagement as participants.” Moreover, it is evidenced by the recruitment process in this study. As mentioned in Chapter 3, the linguistic framing of recruitment emails and advertising of the SRD was found to be significant in terms of attracting male participants. Figure 2 shows the primary changes made between the first email, which did not recruit enough men for the SRD to go ahead as planned, and the second email, which resulted in the participants of the present study. See Appendix 3 for full transcripts of both emails.

**Figure 2: Recruitment email comparisons**

	<b>Email 1</b>	<b>Email 2</b>
<b>Subject line</b>	<i>How can we reduce sexual harm on campus? Join the dialogue!</i>	<i>Help build a culture of respect and consent on campus</i>
<b>1<sup>st</sup> Paragraph</b>	<i>Are you interested in joining a sustained dialogue on understanding and reducing sexual harm on campus?</i>	<i>Sign up for a new restorative justice approach to building a culture of respect and consent on campus.</i>
<b>2<sup>nd</sup> Paragraph</b>	<i>Preventing sexual harm is a major concern of universities all around the world, including here at Victoria University.</i>	<i>Like many universities around the world, Victoria University is looking for ways build a culture of respect and consent on campus and to end sexual violence. Particularly in the wake of the #MeToo movement, there is a push for innovative ways to address this important issue. We want your voice included in the discussion!</i>

As we can see in Figure 2, the language in the second recruitment email has changed in two key ways: it has shifted from emphasising the negative to a more positive focus, and it invites the reader to take an active role in being part of the solution. Specifically, in contrast to Email 1, both the subject line and the first paragraph in Email 2 avoid the mention of sexual harm and instead frame the dialogue as *building a culture of respect and consent*. Furthermore, the use of interrogatives in Email 1 has been replaced with directive verbs (*help, sign up*) in Email 2, which seems to imply that the reader has a more active role to play. While the subject line in the first email does include a directive (*join the dialogue!*), it appears after a broad and somewhat vague question (*how can we reduce sexual harm?*). Conversely, in Email 2 the reader is offered proactive and positive involvement from the outset with a hortative: *help build a culture*. Similarly, the second paragraph in Email 1 has a decidedly negative focus and does not present an opportunity to engage in an active role. In contrast, the second paragraph of Email 2 reframes the primary goal of reducing sexual harm in a more positive way (*looking for ways...to end sexual violence, a push for innovative ways to address this*), and presents the reader with a clear and inclusive offer of involvement: *we want your voice included in the discussion*.

This is not only a powerful reminder of the considerable consequences of how we use language to convey meaning, it also illustrates that in addition to the programmes themselves, the recruitment and advertising for sexual harm prevention strategies must be considered with care. In sum, effective programmes and campaigns provide men with a sense of empowerment about their role in sexual harm prevention and how they can contribute positively in their own lives and in their communities. In other words, those that offer and provide a high degree of agency.

The indication is that the restorative dialogue is a process which can engage men in a topic they would otherwise avoid (e.g. Hubert, 2002) or do not feel socially licensed to speak to. It can also motivate women to widen the sphere of stakeholders to include men (see Excerpt

47) and thus incentivise engagement. An increase in engagement means an increase in people who have a stake in the harm and its resolution at a societal level, which is crucial, as prevention is a cultural change that requires a 'whole of society' approach (Baker, 2019; Stathopoulos, 2013).

This focus on male engagement is particularly important as it can have a cumulative effect. That is, men often have influence over the norms and behaviours of their male peers (Flood, 2006; Katz, 2006), a factor which is especially salient with regards to pro-social actions such as bystander intervention. As Banyard et al. (2004) note, when people witness their role models helping others it can facilitate their own intervention in other situations. The bystander approach is receiving considerable attention due to its potential to provide community members with a positive, tangible role in reducing harm, but also in its capacity to fundamentally shift violence-related social norms, as more people take a vocal stance against harmful or misogynistic behaviour (Banyard et al., 2004; Casey & Ohler, 2012). Because many men are profoundly influenced by both the examples and expectations of their male peers, a climate in which men do not tolerate other men's mistreatment of women would be a powerful force for a shift in culture (Katz, 2006).

The notion of bystander intervention was touched on a number of times in the data, usually under the guise of 'calling out.' Several participants commented on the often difficult realities of bystander behaviour, which is understandable, as the strategies and factors associated with 'stepping up' or 'calling out' are complex (e.g. Banyard et al., 2004; Casey & Ohler, 2012). While there is no specific evidence that participation in the SRD directly corresponds with an increased proclivity to enact bystander behaviour, it seems highly likely that people who are engaged with the issue would be more motivated to intervene in situations they perceive as harmful, and have better scripts to access in order to do so. For instance, people are often less likely to get personally involved in helping strangers if there are other people present due to a 'diffusion of responsibility' (Banyard et al., 2004;

Marshall, 2012), that is, a phenomenon whereby an individual's sense of responsibility is diminished, and thus they are less likely to act, when there are other people present (e.g. Darley & Latane, 1968). Marshall (2012) suggests that one potential explanation for a diffusion of responsibility is that people assume others are better equipped to take a necessary action. Therefore, if a person feels equipped (i.e. has clear scripts to follow) and feels a level of responsibility (motivated by an understanding of the wider issue), they may be more likely to intervene.

Furthermore, we have seen evidence that the SRD can generate a shift in perception towards sexual harm as a structural, rather than an individual problem (see Excerpt 44), which is relevant to bystander behaviour, as understanding that such harm is a deep-rooted structural issue (rather than the misdeeds of individuals) can illuminate the active role men can play in challenging it. As Katz (2006) argues, because men often see sexual violence as an individual problem, they believe all that is required of them is to keep a check on their own behaviour. "It never occurs to a lot of thoughtful and responsible men that they have a much greater role to play" (Katz, 2006: 111).

Another factor that impedes a person's willingness to help a stranger is ambiguity around whether the victim really needs or deserves help (Banyard et al., 2004; Marshall, 2012), and the 2017 national report on sexual assault and harassment at Australian universities found that the most common reason students did not take action after witnessing another student being sexually harassed was that they did not think it was serious enough to intervene (Australian Human Rights Commission, 2017). If such students are instead recognising even low-level behaviours as manifestations of deep-seated gender inequality and male dominance (recall Samuel in Excerpt 44, *I'm seeing patterns*), they may be more inclined to perceive them as serious enough to challenge.

As I intimated in the previous chapter, enhanced engagement with the issue is essentially an

advancement in moral agency. Namely, an expanded capacity not simply to act, but to evaluate and reflect on one's own and others' actions and the moral aspects of responsibility they entail. This further demonstrates how the SRD process affords its participants agency, of which we have now seen ample evidence. In the following sections I discuss why this is meaningful, and how a wider implementation of SRD could be of great benefit to campus communities.

## **6.6 Agency, restorative practices, and sexual harm**

Not only did the SRD provide the space to exercise and develop agentic stances, but the key outcomes all involved participants developing an increased degree of agency. In communicating more, in feeling safe and comfortable to share, in understanding and engaging with the issue, participants presented themselves as empowered, and with a heightened sense of being able to act upon the world. This is an important finding as, while it is not a widely used term in restorative justice literature, agency is central to restorative practices; as has been discussed and evidenced throughout this thesis.

This is especially relevant to restorative processes that look to address sexual harm, which can be understood as a fundamentally agency-stripping issue at both the individual and societal level. For those that have been victim to harmful behaviour, ranging from verbal sexual harassment to rape, they have been acted upon and their personal agency has been at best obstructed, at worst erased. At a more macro-level, the social taboo and norms of silence associated with sexual harm results in a lack of voice around the issue, and voice is a central domain of agency (e.g. Klugman et al., 2014). Thus, restorative processes that provide opportunities for agency are a particularly valuable tool for addressing an issue which is inherently agency-reducing. Put in a different way, we have seen that the dialogue process resulted in people feeling safe, comfortable, connected, liberated, trusting; opposite states and feelings to those that sexual harm can often impose.



With this in mind, it is helpful to reiterate the value that restorative dialogue could have for addressing sexual harm in university communities.

### **6.7 The implementation of SRD on campus as a tool for addressing harm**

The findings from this study suggest that SRD would be an excellent process to implement widely in the university context, as part of a holistic approach to addressing sexual harm (e.g. Baker, 2019). As a Tier 1 process (see Figure 1 in §2.6), it could act as a prevention education strategy, and a way for all members of the university community to co-create a safe and responsible campus climate by engaging in meaningful circle-based discussions around sexual harm (Karp, 2017).

SRD would be particularly valuable for people at the beginning of their university journey and could be understood as an extension of or accompaniment to sex education (which is often inadequate), consent education, and bystander intervention training resources. The sustained nature of the process would be beneficial, as isolated training events are unlikely to effect a change in the wider campus culture, and the impact of educational experiences (workshops, on-line courses etc.) can only be maintained through regular, ongoing interactions and support (Karp et al., 2016).

Restorative dialogue as a vehicle for egalitarian discussion would be complementary to the more information-based strategies. We know that students learn more about relational issues from their peers than from information provided by authority figures (Earle, 2009). As Earle states, “an intervention that employs discussion, which is both interactive and introspective, maximizes the likelihood of self-examination and learning” (2009: 428). Processes that avoid a top-down approach are particularly relevant in light of the disconnect some students feel with University authorities, but also in the broader context of tertiary education, where many relationships are mediated by institutional structures like residential

halls, degree courses and administrative processes. Sustained circle dialogues may be a way to negotiate some of the power imbalances that such institutional structures dictate.

As noted in the recommendations in §5.1.4, familiarising students with the restorative circle process in other contexts (e.g. in residential halls to build relationships or as a classroom tool) would be advantageous, as it could lay the groundwork for people to then feel comfortable engaging in circle discussions which address more challenging topics, including sexual harm. This could increase student engagement, and may also address some of the obstacles associated with recruiting males for challenging conversations.

Once people learn to communicate in a restorative setting, it can have an impact on other conversations. For instance, participants stayed for nearly an hour after the culmination of the circle in Session 2 and, despite the circle structure being suspended, continued to speak one at a time, without interruption, and with relatively equal voice. Likewise, when the circle was suspended in Session 5, there was very little overlap in turn-taking. The circle process seemed to have a lasting impact on the nature of the discourse, and importantly, it created an inclination to listen. As Boyes-Watson (2002: 220) notes, circle practice is not only about being in the physical space but about “how to be in the Circle when you are not in the Circle.” The value found in the method of communication was noted by participants from the very first dialogue session, and the group identified it as a particularly important element of the process for others to experience (see §5.1.4), due to how positively they viewed the communicative style and what it achieved.

In Chapter 4, I raised the question: to what degree is the process responsible for the participants’ orientation to positive discourse? It is timely to return to this now, as the evidence suggests in fact it played a considerable role. Firstly, the method of communication provided the impetus for numerous displays of positive discourse. For example, the notion of building things (connection, community, ideas and concepts) was

created by the structure of the circle, and resulted in collective expressions of agency that were fundamentally oriented towards goals of social change. As noted above, even the representations of *us* that were developed by the group building on one another's expressions of discontent were essentially calls for positive action (e.g. Excerpts 27; 28).

Secondly, it seems reasonable to assume that a positive state or mindset is a precursor to positive discourse, and we have seen that being a part of the dialogue produced states and feelings associated with positivity. Indeed, *feeling positive* was reported explicitly on several occasions (e.g. Excerpt 54; 64), and implicitly in the numerous references to sharing and hearing others share that we observed in the previous chapter: participants repeatedly reported that speaking within the circle, and even more so, listening to others speak, had had a positive impact on them.

Finally, the process itself is a social practice designed to achieve positive outcomes, and the participants recognised it as such (as we saw, for example, in the expressions of moral agency in §4.1). That is, from the outset the dialogue was established as a space not only to explore an inherently negative topic, but to conceptualise positive and proactive ways to address it. Thus, simply creating a space dedicated to such goals encouraged positive pro-social discourse, or put in another way, the discursive enactment of moral agency.

These factors suggest that in addition to producing positive outcomes, the restorative dialogue can motivate participants to orient to positive discourse. If we recall from Chapter 3, Bartlett (2012) argues that studies in PDA should examine how counter-discourses can gain a foothold within institutional contexts. This study helps illuminate the potential for using SRD as a tool within the university environment, to promote much needed counter-discourses to those that currently exist around sexual harm.

## 6.8 Summary

This chapter has reviewed the central themes and findings in this study and how they relate to the wider questions this thesis seeks to address. It highlights the sense of connection and community that was developed within the circle; the importance of this in the context of sexual harm, and how this provided opportunities for intersubjectivity and moral agency, even in resistant and oppositional discourse.

The chapter also re-examined the influence that underpinning structural forces can have on language, and how in this study, the exercise of non-agency was associated with gender. These structural observations are important, as they highlight the need for a deep overhaul of cultural scripts that, at their core, engender sexually harmful behaviour. Yet ultimately the focus must shift to emancipating discourses, of which restorative dialogue is a categorical example.

The need for increased communication around sexual harm, and the finding that SRD is an effective tool for helping to achieve this, has significant implications both for addressing the impacts and culture of harm and for developing prevention strategies, such as consent education. Similarly, the indication that the SRD can encourage male engagement with the topic has ramifications for sexual harm prevention and for cultivating the ‘whole of society’ approach necessary for systemic change.

The chapter ended with a discussion of the significance of employing a process which provides ample opportunities for agentivity to address sexual harm, a phenomenon which essentially reduces or erases agency. On the basis of this, and the overwhelmingly positive outcomes the dialogue produced, the proposition — that SRD should be implemented in the university context as a tool to reduce sexual harm and address the culture that fosters it — seems to be merited.

In the final chapter, I will return to the research questions posed in Chapter 3 and explore how the findings and theoretical advances made possible by this study have implications for future research.

## Chapter 7: Conclusion

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### 7.1 Introduction

This study has investigated the use of an innovative restorative dialogue process to address the pervasive issue of sexual harm in the university setting. The dialogue prompted participants to consider the issue critically, in a focused and intentional way, and a close linguistic examination of the ways in which they did so was able to illuminate the layered and collaborative nature of restorative practices, and the value that can come from using a dialogic model in the context of sexual harm. The findings from this study suggest there is considerable potential for restorative dialogues to build on and provide a practical, agentic platform for sex and consent education on campus, as part of a wider sexual violence prevention strategy. Moreover, both the SRD model and findings from this research could inform the implementation of dialogue practices in other communities, and potentially be used for other issues that are of high emotional impact and/or are challenging to discuss.

### 7.2 Thesis summary

This thesis has employed analysis of discourse and evaluative research to undertake a case study investigation of a Sustained Restorative Dialogue on sexual harm. Chapter 1 introduced and contextualised the primary themes of this study and the theoretical frameworks within which they are situated. The key research objectives and the contributions this study aims to make were presented.

Chapter 2 grounded the research in the relevant literature and involved an account of why the SRD model is much needed: the prevalence of sexual harm, the benefits associated with restorative practices, and how the latter can address the former. Following that, the multifarious conceptualisations of agency that informed the analytic focus of this study

were explored.

Chapter 3 outlined the approaches to analysis and methodology that were applied in this study: case study research, CDA & PDA, IS, and restorative justice analysis. The central research questions were presented, and the research setting, research design, and origins to the study were discussed.

Chapter 4 involved a detailed exploration of the ways in which agency was discursively enacted within the SRD. It applied micro-analysis of linguistic features in order to illustrate how participants claimed, rejected, negotiated, and co-constructed agentive positionings. Such an analysis was able to elucidate how structured and collaborative dialogue can foster connection, resistant pro-social discourse, and collective agency.

Chapter 5 focused on the primary outcomes of the SRD process and the impacts it had on participants. Through further analysis of participants' speech, the value associated with taking part in restorative dialogue was made clear: the process encouraged engagement and communication around sexual harm, and those in the group who had been sexually harmed found the experience to be positive and remedial. Specific evaluative commentary of the process, provided by participants, was also examined.

Chapter 6 explored the implications of the analyses, and the key findings that arose from them, in relation to the wider issues they are tethered to. The indication that SRD is a promising tool for sexual harm prevention strategies was unpacked, and in light of this, the argument for the implementation of the model on campus was reiterated.

In this chapter, I return to the key research questions that this study sought to address and consider the degree to which this thesis has been able to answer them effectively. I then examine the implications and contributions of this study, as well as some possible avenues

for future research, before closing the thesis with some concluding remarks.

### **7.3 Research questions revisited**

*1. How do people interactionally construct themselves as active agents or passive experiencers within dialogue about sexual harm?*

Throughout the data in this study, participants draw on a range of linguistic resources to construct positions of personal and collective agency whilst engaging in discussion around sexual harm. From the outset, many members of the group discursively positioned themselves as active agents by taking up stances that exercised and expressed moral agency. They achieved this by presenting their actions and choices, particularly regarding their participation in the group, as motivated and guided by their sense of social responsibility. In simple statements such as *I couldn't like not join in* (Excerpt 1) and *I didn't want to say no to it* (Excerpt 2), participants conveyed a great deal of meaning with respect to their moral framework and how it compels them, as well as the importance they ascribe to the issue. Group members established themselves as active moral agents as they, for example, challenged the disinterested youth stereotype (Excerpt 5) and positioned their reason for taking part as an attempt to improve a situation they perceive as flawed (Excerpt 4).

Perhaps the most persistent way in which the participants in this study constructed themselves as active and agentive was in the numerous displays of resistant discourse visible throughout the data. Participants used their speech turns to both identify and challenge the taboo nature of sexual discourse and stress the need for communication and action in the area of sexual harm (Excerpts 16-19). We observed how people discursively claimed agency in resistance at the macro-level, for example in Kala's endeavours that pursue social change and oppose structures of inequality: *I try now to change things in the*



*only way I can... studying law and trying to change structures* (Excerpt 20). And we saw how participants described the micro-level verbal strategies of resistance they use to respond to sexist speech and behaviour (Excerpts 22-24), thus constructing themselves as active agents in opposition to displays of sexism.

The group also discursively constructed themselves as collectively agentive around issues relating to sexual harm and goals of social transformation. This was achieved as the dialogue became multivocal and dynamic (Bakhtin, 1981) and the participants engaged in collaborative and interactive discourse (cf. Al Zidjaly, 2009). Group members built on one another's contributions and ideas in such a way that the conversation and conceptualisations gathered meaning and became layered. We saw evidence of this at a lexical and conceptual level in the co-construction of the agentive, pro-social action of 'calling out' (Excerpts 38-42), and in a broader sense in Session 5 as the group focused on recommendations to be made to the University — where the individual contributions of circle participants combined to "build action together" (Goodwin & Goodwin, 2005: 225).

The unification of the group also allowed for collective agentive expression, however, and from within the unified group discourse emerged another striking form of agency, one that ascribed the ultimate power, control, and responsibility, to the University. While the group members recognised and asserted the possible corrective actions to be taken, it was the University that must act. In these instances, the participants lacked the type of power synonymous with implementing one's agenda (Ainsworth-Vaughn, 1998; Al Zidjaly, 2009; Honneth, 1991), and while adopting morally agentive stances (in recognising and calling for courses of action), they simultaneously constructed themselves as passive recipients of ineffective guidance or support from the University as an institution.

Although to a lesser extent than the various agentive stances detailed throughout this thesis, participants also used linguistic, and in particular grammatical, resources to position

themselves as passive experiencers or to construct stances of diminished responsibility. In the negotiation of moral agency explored in §4.2, we saw Samuel and Cameron employ a range of grammatical strategies that served to manoeuvre between positions of agency, and, at times, obscure personal responsibility. This included, for example, the use of an agentive statement immediately followed by a causal or adversative conjunction and a non-agentive statement (Excerpt 6); the repetition of epistemic stance markers like *I don't know* (cf. O'Connor, 1995) (Excerpt 7); distancing strategies such as the use of constructed dialogue and the generic *you* pronoun (Excerpt 7); and grammatical constructions which conceal or omit an agent (Excerpt 8 and 9).

In §4.3 we saw evidence of speakers using linguistic constructions that positioned *others* as passive and non-agentive. Specifically, it involved women deflecting agency from the central male figures in their anecdotes about harmful or unequal speech and behaviour, either by hinting at positions of low-agency (e.g. *they don't like fully understand; I don't think they like understand the impact of it*) or by removing them entirely from the role of agent. This was accomplished both grammatically, by the use of agentless passives (Excerpt 11) and pronoun-drop (Excerpt 12), and more broadly by drawing on structural and societal norms, such as hegemonic masculinity (e.g. *ladishness*, Excerpt 11) and patrilineal naming conventions (Excerpt 13). In these parts of the data, the men were positioned as passive experiencers of such structural inequalities, rather than active agents responsible for the problematic stances under discussion.

Paying close attention to how speakers interactionally position themselves and others proved instrumental in understanding the links between social and linguistic agency. Moreover, it was able to illuminate the role that agency plays in sexual harm discourse, and how people can challenge, but also at times orient themselves to implicit structural realities around sexual harm and gender inequality.

*2. How can a sociolinguistic analysis of discourse around sexual harm highlight the broader, structural implications of our societal culture?*

The data in this study reveals, in places, discourse that appears to emerge from social and cultural structures, rather than being the sole responsibility of individual speakers. A sociolinguistic analysis provided the necessary tools to elucidate these areas of the data, showing how specific moves and phrasings are tethered to wider ideologies and structures. Perhaps the most striking example of this was in the gendered deflection of agency discussed above. A detailed linguistic analysis of this phenomena highlighted how, even when attempting to challenge issues around sexual and gender-based inequality and harm, women can reflect and reproduce structural injustices and societal constraints which limit their own agency.

Another structural reality revealed by the analysis was in the norms of silence or taboo associated with sexual harm discourse that still exists in our society. This is all the more perplexing when considered in relation to the explicit, performative nature of pornography and online dating/social media which concurrently infuses young people's lives. While we have observed ample evidence of the participants in this study actively resisting and challenging this taboo, we have also seen the very real consequences of it (e.g. *I certainly felt like I was alone...cause people don't talk about*, Excerpt 55), and the ways in which it can shape discourse around sexually harmful behaviour. In Chapter 6, I argued that the negotiation of moral agency (with regards to witnessing potentially harmful behaviour) was at least in part born out of an uncertainty about how to act, or a lack of available scripts to draw from, and that this was likely linked to the norms of silence around sexual conduct.

Examining how people discursively navigate their sense of moral agency, while adhering to social norms and expectations, also highlighted structural constraints enforced by the institutional power imbalances that exist in the university environment. For example, in

anecdotes such as Gina's in Excerpt 10, where she discusses how she would like to challenge certain comments from her lecturers (*I wish that I had the courage to throw my hand up and be like that wasn't okay, but I will probably never do that*), it is evident that despite a desire to pursue a moral course of action, power imbalances and social norms restrict her from doing so. A similar social constraint on personal agency was visible in Kala's discussion of the 'lads' (Excerpt 11) and how she modifies her behaviour (*I'm still very careful about how I speak about these kinds of issues to certain groups of people*) to conform to the social norms of the group (and perhaps avoid labels such as *crazy feminist*).

Closely analysing participants' speech, with reference to these social factors and structural influences, made it possible to observe how their language use reflected social norms around sexual harm and, more broadly, gender inequality. A sociolinguistic perspective in this study — descriptive analysis situated within socio-cultural context — was able to provide insight into how structural realities associated with sexual harm can act as potent regulators of speech, and how certain constraints on agency are embedded in our social structures.

### *3. Can the development of a collective, shared space engender individual and group agency and accountability around complex issues such as sexually harmful behaviour?*

Throughout this thesis I have demonstrated how the SRD environment encourages individuals to claim agency in variety of different ways. As noted above, we observed from early on in the process how participants take up positions that present themselves as morally agentive and socially responsible (Excerpts 1-5); stances that refute the suggestion that young people are *all just on twitter and don't take any action* (see Excerpt 5). While it is true that the participants came to the process with these agentive positionings (i.e. they were visible in Session 1), the dialogue established a dedicated space in which to enact them. From these initial stances, agentive expressions were sculpted and developed

throughout the sessions. We have seen how participants used the dialogue space to exercise resistance: taking up pro-social stances and counter-discourses, opposing and resisting unequal social structures and negative ideologies, and expressing discontent with institutional procedure and (non)action. The dialogue space fostered and supported these claims to agency by giving the participants a voice, yet also encouraged them to listen.

By coming together and making the decision to engage in dialogue (cf. Saunders, 2005) around the issue of sexual harm, the group demonstrated their first exercise of collective agency. As the dialogue sessions progressed, so did the frequency with which participants discursively presented themselves as a collective, with common goals and aspirations and a shared moral framework. From within this emerging collective unit, expressions of group agency and the co-construction of pro-social stances became distinctly visible.

These representations of the group as a unit grew as participants became more comfortable with each other and a sense of connection was formed, and the basis for this sense of connectedness was people sharing and listening to others share. This seemed particularly effectual and affective due to the subject being highly emotive and having the potential to be distressing. As I discussed in Chapter 4, I believe the high emotional impact of Session 3 (where several participants shared their experiences of sexual harm) enhanced the feelings of trust and connection within the group, whilst simultaneously underscoring the gravity of what the group had come together to discuss. The development of a space where people felt comfortable and safe to both share and listen engendered connection, and connection provided the impetus for the participants to unify, thus resulting in collective expressions of agency.

The notion of accountability is perhaps not as pronounced in proactive processes as it is in reactive restorative practices, where people take responsibility for harm they have caused. Nevertheless, the SRD prompted participants to consider their own sense of accountability

around broader issues relating to sexual harm. For some of the males in the group, the most visible manifestation of this was in the often fluctuating degree to which they claimed moral agency and a sense of accountability around harmful speech or behaviour they had witnessed (Excerpts 6-9). Yet in other more subtle ways male participants expressed a level of accountability that they directly linked to participation in the dialogue process. For instance, in comments such as *I'm seeing way more manifestations of that now* and *I'm seeing patterns* (Excerpt 44), Samuel is expressing a new awareness of sexual harm as a systemic societal issue, and therefore one within which, as a member of society, he has a role to play. Similarly, when Cameron reports that after hearing about a case of sexual harm (e.g. in a news article) he is now more likely to think critically about the issue and consider it through a wider lens (Excerpt 45), he is both demonstrating a level of accountability as a consumer of media and casting the issue within a broader societal context.

Nuanced expressions of accountability were also visible in the speech of female participants, particularly as they reflected on their perceptions and preconceived notions in relation to the issue. Gina notes that she *should have more faith in the ability of people to listen and learn* (Excerpt 73), while Bianca reports that she had *preconceived misconceptions about societal understandings of sexual harm* (Excerpt 72), which is likely linked to the surprise she felt at the involvement of the male members of the group (Excerpt 46). In a similar vein, we saw how Kala moved from a position in which she would immediately *shut down* or completely disregard male views on the topic, to one where she recognised the *really productive* and *really interesting* contributions they were able to make (Excerpt 47). In acknowledging and expressing these preconceived ideas and how they have changed, the women are demonstrating accountability — both for holding a view which is perhaps narrow, and for shifting their perception based on learnings from the dialogue.

The co-construction of 'calling out' and how it could be most effective (Excerpts 38-42) can be understood as an exercise of collective accountability, as the group jointly developed a

pro-social action to respond to harmful speech or behaviour that they themselves could utilise, or be accountable for. 'Calling out,' or what has elsewhere been termed 'stepping up' (Casey & Ohler, 2012), is a form of bystander behaviour influenced by a range of factors, and discussing it within the circle does not necessarily mean that participants will enact it in a real-world context. However, by deliberating, highlighting, and negotiating the particulars of effective bystander intervention (as the group did in their construction of 'calling out'), the participants familiarised themselves with a behavioural script to follow, which arguably will increase the likelihood of them speaking out when a situation does occur. As has been discussed previously, a lack of behavioural and verbal scripts is a key reason individuals, particularly of university-age, choose not to intervene.

The potential the circle structure has for engendering joint expression is of great salience, as collective accountability and pro-social action are crucial for transforming the societal norms that support sexually harmful attitudes and behaviour. Moreover, it is an important element of the restorative justice paradigm, which seeks to shift the emphasis from establishing individual blame towards collective healing and accountability.

*4. Can Sustained Restorative Dialogue (and other like models) enhance current prevention education and achieve practical and beneficial outcomes? Does the implementation of them in tertiary institutions have the potential to motivate a shift in culture?*

As detailed in §6.7, the clear finding to emerge from this study is that processes akin to SRD would indeed enhance current prevention education in tertiary institutions. The egalitarian and interactive nature of SRDs would be complementary to the more top-down information-based strategies typical of sexual harm prevention, and their application in the university context could provide a way for the academic community to co-create a safe, responsible, and open campus climate by engaging in important discussions around sexual harm.

Of immense value is the potential that restorative dialogue has for enhancing understanding and awareness of, and thus engagement with, sexual harm, which is necessary for widespread social change. Of equal value is the evidence that suggests that participation in the dialogue motivates further communication in the real-world context, where there is still limited discussion around sexual harm. This has detrimental consequences for those that have been harmed and also means that, for many members of society, the issue is obscured or insufficiently understood — the extent to which it happens, the effects it can have, and the vast range of people who experience it. Recall, for instance, how Bianca explains Samuel's surprise at learning of her own experiences of harm, as she did not fit with his preconceived notion of 'victim' (Excerpt 49).

As the primary goal of the inaugural SRD was to better understand the broader environment that gives rise to sexual harm and explore possible ways to reduce it, in the developmental stages of this study it was not anticipated that the dialogue would in fact emerge as a valuable tool for people who have been sexually harmed. However, the data clearly shows that the process was beneficial for those members of the group who had personally experienced sexual assault. While only one round of the dialogue specifically asked how sexual harm directly impacted participants (Session 3, Round 4), and no-one went into any great detail about the instances of assault themselves, all the women who shared their experiences expressed positive consequences or feelings associated with doing so. Furthermore, as I have previously argued, this sharing of highly personal and vulnerable information had a notable effect on the group as a whole. It seems likely that the value found in sharing experiences of assault is at least in part associated with the need people have to talk about harms they have suffered in order to heal (Hopkins, 2012), and the dialogue created an optimal environment for this to take place. Of course, not all processes of this nature will include people who have been harmed, and choose to share their experience. However, based on the prevalence of sexual harm, and anecdotal evidence from participants which suggests that experiencing it was a motivating factor in signing up



for the dialogue, it is reasonable to assume that future processes may have similar dynamics and similar outcomes.

Significant cultural and structural change is a huge endeavour and clearly cannot be achieved by the implementation of any single practice within an institution or community. That being said, it seems evident that in order to advance the ‘whole of society’ approach that is required for systemic change, the level of engagement with the issue needs to be raised substantially. Arguably, people are considerably more likely to engage when they have a deeper level of (i) awareness, and (ii) understanding of sexual and gender-based harm. Thus, processes like the SRD that have the potential to increase engagement, through enhancing knowledge and comprehension, may be an extremely valuable tool to help motivate a shift in culture, if used in a widespread and recurrent way.

In the campus setting specifically, SRD can fill another necessary role — simply giving students a safe space to discuss an issue that is affecting many of them in one way or another. At the same time, based on the data and anecdotal evidence from the participants in this study (see recommendations in §5.1.4), the implementation of SRDs on campus would help to promote a university administration’s willingness to openly address the issue of sexual harm in the community, and demonstrate that, as an institution, it is taking serious steps in an attempt to change the culture.

We turn now to explore the opportunities for future research and how the findings from this study might have implications for others of a similar nature. In doing so, we revisit the concepts of analytic generalisation and transferability. If we recall from Chapter 3, analytic generalisation involves using the findings from a specific case study as evidence to support (or contest), refine or elaborate on a previously developed theory (Schwandt, 2011). Further, and in close alignment with transferability, the aim is to show how the case study findings might implicate (and be transferable to) similar contexts where analogous events

may occur.

## **7.4 Implications and contributions of this thesis**

This study has implications for restorative justice theory and practice, and is able to make a contribution to sociolinguistic scholarship that considers the discursive enactment of agency, particularly in the area of sexual harm. In the sections that follow I discuss how this research both supports and informs restorative justice theory, the theoretical and methodological implications of this study, and the potential that the findings have for generalisability and transferability.

### **7.4.1 Support for restorative justice theory and practice**

First, and perhaps foremost, this case study supports established restorative justice theory by presenting evidence, in both the analysis and evaluative commentary, that participation in the dialogue resulted in feelings and states at the core of restorative justice practice: connection, trust, inclusion, respect. That is to say, the process achieved the very things that restorative practices are designed to elicit.

More specifically to circle practices, Karp et al. (2016: 18) claim that “the circle creates a respectful space where people can build a collective foundation of the knowledge and experience that they bring to complex topics. It emphasizes peer-peer learning and empowerment.” The findings from this case study clearly endorse this proposition. The discursive space created by the SRD was indeed respectful, and we have seen how participants collectively built on one another’s knowledge, experiences, and ideas, in order to gain a critical and more in-depth understanding of sexual harm. Moreover, the outcomes of the SRD demonstrate a great deal of peer-to-peer learning; both the impact and knowledge gained from listening to others in the circle has been evidenced numerous times

in the data (in particular see §5.1.1 and §5.2.2). Likewise, the dialogue provided participants with an increased sense of empowerment, and agency.

Importantly, in the evaluative commentary in §5.3.1, participants repeatedly identified key elements of circle practice theory. Such as, how diverse perspectives result in a balanced and comprehensive view (Pranis et al., 2003) and allow people to learn directly from each other (Pranis, 2015); how the learnings from the circle differ from those in an ordinary group discussion (Pranis & Boyes-Watson, 2015); the pivotal role stories play in circle practice (Pranis, 2015); and the sense of connection the circle engenders (Pranis, 2015; Umbreit & Peterson Armour, 2011).

Furthermore, the findings of the present study support the position advocated by the Campus PRISM project, that restorative circles are a valuable tool for prevention and education in the university context. Not only has an examination of the SRD highlighted how facilitated discussions about sexual harm can foster community-building, personal reflection, and pro-social behaviour (as suggested by Karp et al., 2016), the indications are that the process encourages a key component of prevention and education strategies: communication.

#### **7.4.2 Theoretical and methodological implications**

This study is able to inform current restorative justice theory by advancing the knowledge base of proactive restorative practices in the university context, both in general and specifically in the area of sexual harm. We know there are only a relatively small number of proactive processes being used in the campus setting, yet they are necessary for a whole of campus approach to addressing sexual harm and the culture that gives rise to it (Karp, 2017; Karp et al., 2016). This study was able to examine the interactional dynamics of positive relationship-building and collective efforts to achieve social change. In doing so, it

illuminated the specific outcomes that such interactions are able to achieve. Moreover, by evaluating the process, that is, by (i) examining and judging accomplishments and effectiveness (Patton, 1990), and (ii) exploring the participants' personal assessments, this study is able to offer empirical evidence to support and enhance knowledge in the area of proactive restorative dialogues.

This thesis has also highlighted how agency intersects with the epistemological principles and values of restorative justice, and thus the importance of a more pronounced focus on agency (alongside accountability) as a conceptual ingredient in future restorative justice theory (cf. O'Mahony & Doak, 2017). As we have observed in the data, a salient aspect of the circle process is that it encourages the exercise of agency in the interests of enhanced accountability. One of the key reasons to closely examine these elements in this kind of process is that the interplay between agency and accountability is very different from the one that exists in adversarial resolutions of harm, where people invoke or deflect agency in order to vilify someone or avoid being vilified (e.g. Ehrlich, 1999, 2001). This relationship between agency and accountability is a significant focus for reactive, as well as proactive practices. As discussed in Chapter 2, both concepts are important factors in reactive restorative conferencing processes, where harmed parties are afforded voice and an active role in decision making, and those responsible for the harm are encouraged to be actively rather than passively accountable for their actions. Therefore, further work that seeks to understand the virtuous dynamic between agency and accountability would be advantageous in both proactive and reactive restorative settings.

This also has implications for scholars interested in the ways in which agency is enacted, particularly in the area of sexual harm, as previous work has typically (and understandably) focused on adversarial or oppositional discourse. Furthermore, a contribution can be made to scholarship that seeks to understand moral agency, as this study has provided insight into how speakers narrate themselves relative to a moral ideal, yet also use a strategic mix of

linguistic resources to mitigate and negotiate their moral stances. Similarly, this research has implications for the theorising of collective agency, and importantly, how this intersects with moral agentivity: how people collectively orient themselves to a shared moral framework.

These contributions to the theoretical framework of agency were made possible by the detailed linguistic analysis of the speech data, and this thesis aims to have shown the value of applying the tools of discourse analysis and sociolinguistic inquiry to investigate restorative discourse practices. Examining dialogue with the intricacy that linguistic analysis offers can enhance understanding of the process at a communicative level, so that we are able to capture a comprehensive picture of what happens in these restorative practices, and offer insight into how they work for addressing issues of significant harm.

Finally, the hope is that the inclusion of PDA in this study has highlighted the value of foregrounding positive discourse, a particularly worthy goal in the context of sexual harm as a counter to the dominating discourses that exist around the issue. The application of PDA has helped showcase restorative dialogue as a vehicle for positive discourse (which in turn creates positive, pro-social stances), demonstrating why this progressive branch of CDA should be considered in future research that looks to address sexual harm.

#### **7.4.3 Generalisability and transferability of the findings**

I would argue that many of the findings from this study have implications for, and are transferable to, other processes of a similar nature. It is reasonable to assume that the increase in communication, awareness, and engagement around sexual harm that occurred in this study could be replicated in other like contexts. Likewise, the way in which the group collectively built ideas and a sense of connection, as well as exercised group agency, could quite feasibly be observed in analogous environments. As could the feelings of safety, trust,

comfort, and liberation that were associated with sharing and listening to others share, particularly for those in the group who had been affected by sexual harm. Participants routinely reported the same feelings and outcomes, which suggests they are not random but a generative element of the process, and therefore could be generalised to other groups. Put simply, this study has shown that it is the process itself which is the main impetus for these positive outcomes. Therefore, the potential for them to be reproduced in future restorative dialogues (or other similar dialogue-based processes) is promising.

Some factors will of course be specific to this case study and its participants. For instance, the co-construction of 'calling out' (§4.6) is likely to be a particular of this group. However, the dialogue engendering intersubjectivity (of which this was an example) is a finding that, I would suggest, can be generalised to other processes. Similarly, the students vs University relationship that optimised the theme of *us* and *them* in the data (§4.5) might not occur in other student circles, yet the establishment of an *us* identity is likely to emerge in other dialogue groups, which is notable, as it is the unification of a group which results in expressions of collective agency and joint action.

A further indication of the transferability of these findings to other contexts is illustrated by the fact that the participants themselves felt that the learnings gained from the SRD could be transmitted to others. They felt strongly that other students would benefit in the same way from participating in future dialogues (see §5.1.4; §5.2.2). This speaks volumes about both the process itself and the impact of the outcomes it produced for participants.

In addition to these findings which focus heavily on process, this study was also able to make a number of observations and generalisations with regards to linguistic phenomena. Importantly, of those linguistic features discussed (primarily in Chapter 4) there were multiple tokens, i.e. I was not attempting to make generalisations on the basis of singularities within the data. This provided an insight into the kinds of things people are

*doing* with language, both within the structure of the circle and within discourse around sexual harm. To reiterate from Chapter 3, the goal of case-to-case transfer is to provide detailed descriptions that allow readers to make inferences about extrapolating findings to other settings (Polit & Beck, 2010), and the linguistic analysis in this study was a useful mechanism for this. That is, analysing discursive interaction within the circle was an effective way of providing detailed descriptions of what was happening in the process, and what it achieved. Therefore, as mentioned above, the design of this study — using linguistic analysis to examine and evaluate a restorative practice — is a valuable consideration for future research.

### **7.5 Avenues for future research**

Notwithstanding the positive outcomes of this study, it has some limitations which could be addressed in future research. For instance, and as discussed in Chapter 3, the majority of the participants were white and straight, and perhaps most importantly given the dialogic nature of the process, well-educated and articulate. The level playing field in terms of linguistic capabilities meant little attention had to be paid to power imbalances of this nature in this study, yet this is unlikely to be representative of many groups of university students, particularly those in their first year of study. That being said, being well-educated and/or articulate does not necessarily equate with being comfortable speaking, particularly in an area like sexual harm. We saw how Aaron described himself as being very nervous about taking part and speaking in the context of the dialogue (Excerpt 62), and how amazed Kala was at finding herself comfortable enough to share (Excerpt 55). Nevertheless, a more diverse group — with regards to ethnicity, sexuality, and education — may well produce outcomes and insights that differ from those garnered in this study, and may be particularly helpful for elucidating, in more depth, how the issue is affecting students in the university setting. Furthermore, having circle members who do not identify as cisgender (as a group who are disproportionately affected by sexual harm) would provide an invaluable voice in

the discussion.

Because of the nature of the process (where a larger group may have had a negative impact on circle dynamics) this study comprised a relatively small sample size. Ideally, future research will examine further restorative dialogues in the campus setting; however, at this point in time another SRD has not taken place and therefore there are no opportunities for comparative studies. The need, and potential, for future research is considerable. Further work that investigates practices of a like manner is needed to ascertain whether the outcomes of this dialogue are indeed representative of the process more broadly. Hopefully, this study might encourage the use of similar processes, and provide a foundation for research that seeks to examine them. For as I discussed in Chapter 3, simply getting this study off the ground came with its own set of strategic and logistical challenges, due to the risk adverse culture that exists within institutions.

## **7.6 Concluding Remarks**

We know that sexual and gender-based harm is systemically embedded in our cultural and societal norms. Therefore, identifying processes that can help to transform them is essential, both in the campus setting and in wider society. In many ways, sex and sexual conduct is very much out in the open in 2020 — in the Victoria University context you only need to pick up a copy of the student magazine to read all about it<sup>29</sup>— yet what the data from this study has shown is that we still have a long way to go in addressing sexual harm candidly and effectively. Facilitated discussions would be a very productive way to normalise communication around the issue, transforming it from a social problem that often goes unspoken, unnoticed, or is inadequately understood, to one in which the whole community

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<sup>29</sup> Salient is the Victoria University of Wellington student magazine, published weekly during term time.



has a shared understanding of, and a stake in, addressing. This critical shift in engagement is a prerequisite to the great deal of work that needs to be done to see a reduction in sexually harmful behaviour.

In recent years, Victoria University has taken valuable steps towards becoming a restorative university (Pointer, 2017; Pointer & Giles-Mitson, 2020), and, as Marshall (2018) notes, a genuinely restorative institution is one that extends its scope beyond responding to specific incidents of conflict to include practices that function proactively to foster positive relationships. This is pertinent in the context of campus sexual harm, as a holistic approach to the problem needs to simultaneously focus on prevention and response (Baker, 2019). It is clear that the use of reactive restorative practices in cases of sexual violence must be approached with caution and may be unsuitable in some situations. However, proactive practices do not have these same barriers, and instead can play an important role in sexual violence prevention.

Baker (2019) stresses that universities need to draw upon research and current understandings of effective teaching practices in order to be devising and constantly enhancing primary interventions, and the evaluative commentary from participants in this study is an encouraging indication of how the process might be received by university students more widely. Evaluative analyses such as those undertaken in this study are a promising start, but much more evaluation is needed, not only in terms of outcomes achieved, but also in terms of implementation, development, and sustainability (Morrison, 2013).

The hope is that this research can provide a blueprint of how the SRD practice can enhance understanding and awareness, increase communication, and be of benefit to those affected by sexual harm. Importantly, these outcomes, and participation in the process itself, are associated with an increased sense of agency; a universal human need (e.g. Bailie, 2019)

which sexual harm (both the acts and the ideologies that surround them) ultimately threatens.

On a personal note, as a participant of the restorative dialogue I was able to experience firsthand the affective nature of the process and the impact it had on the members of the circle, myself included. Much like many of my participants have commented, I was surprised at how unusual it felt to be having an intentional conversation about sexual harm, considering how widespread a problem it is in our communities. Equally, I was amazed at the overarching sense of positivity that was established around a subject of considerable weight. I have a strong conviction that processes of this kind would be productive and rewarding to a wide range of people at university, but also in wider society. For instance, in recent high profile cases involving sexual misconduct in New Zealand workplaces, such as Russell McVeagh, Parliament, and the Human Rights Commission, the standard response has been to commission an investigation or review, usually led by a QC or senior lawyer, and produce a report outlining findings and making recommendations (e.g. Bazley, 2018; Francis, 2019; Shaw, 2018). Yet while external reviews may be helpful in documenting the extent of the problem and incentivising management to address some of the systemic contributors to it, they have little power to effect culture change or promote healthier and more trusting relationships in the workplace. It would be interesting to consider how a sustained restorative approach might offer a more satisfactory process and outcome, and better meet the needs of people within the organisations who have been affected.

This study has aimed to demonstrate the value of close linguistic analysis of dialogue as a step in understanding the links between social and linguistic agency, and contribute to a more comprehensive understanding of the role restorative dialogue can play in strategies that look to address, better understand, and ultimately reduce sexual harm. While negative structural ideologies around sexual harm persist, so do powerful counter-discourses which challenge them. The SRD process itself can be understood as a discourse practice which

counters the norms of silence still associated with speaking about sexual conduct and sexually harmful behaviour. This research has shown that restorative dialogue is a valuable tool to promote discussion around the issue and made clear the benefits of having such discussions, thus addressing some of the concerns that made this study a challenging one to implement.

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# Appendices

## Appendix 1: Transcription conventions

<b>+</b>	short pause up to one second e.g. so I told her + don't put it there
<b>(1)</b>	pause one second or longer, seconds indicated by number e.g. but she wasn't (2) she wasn't even listening
<b>wha-</b>	hyphen indicates cut off word, both self-interruption and other speaker interruption e.g. I didn't know wha- I couldn't tell what was going on
<b>((laughs))</b>	double brackets indicate paralinguistic and relevant non-verbal features e.g. yeah ((laughs)) but it wasn't until later that ((clears throat)) I realised
<b>so::</b>	colons following letter and words indicate that sound has been drawn out e.g. he was there for a re::ally long time
<b>↑</b>	high rising terminal, i.e. a word or phrase that ends with a rising pitch intonation e.g. then he couldn't believe it↑ you know↑
<b>CAPITALS</b>	words spoken with emphasis; louder than surrounding speech e.g. but I had said the FIRST one
<b>(XXX)</b>	X in single brackets indicate that the word or series of words (depending on number of XX) is unintelligible e.g. I don't think it was on purpose but (XXX) maybe it was
<b>(best guess)</b>	words in single brackets indicates there is some uncertainty about what has been said but this is the best guess e.g. it was a (tough) situation

## **FOR THIS TO BE A SAFE AND SUPPORTIVE DIALOGUE,**

### **WE NEED...**

- To say as much or as little as we want
- To respect each other and suspend judgement
- Forgiveness when we use the wrong language
- Patience
- To assume best intentions
- An opportunity to learn
- An informal, friendly feel
- To not take offence when we may disagree
- To recognize our humanity and the humanity of others
- To be willing to separate the person from the idea
- To know that lack of education often leads to harm and explore that
- To ask for what we need
- To be open to different content, so long as we are speaking with each other in a respectful way

### Appendix 3: Recruitment emails

#### Recruitment Email #1

**Subject:** How can we reduce sexual harm on camps? Join the dialogue!

Kia ora,

Are you interested in joining a **sustained dialogue on understanding and reducing sexual harm on campus?**

Preventing sexual harm is a major concern of universities all around the world, including here at Victoria University.

The Diana Unwin Chair in Restorative Justice is looking for a small group of law students to take part in an innovative research project to explore the factors that contribute to sexual assault, harassment and other harmful behaviours and what can be done to create a safer and more respectful campus culture.

The project entails participation in a “Sustained Restorative Dialogue Group” over four sessions. The group will use a restorative enquiry framework to explore the issue of sexual harm, looking at what is happening, who is being affected, what can be done to repair harm when it does occur, and how can we prevent harm from happening in the future.

The dialogues will be managed by two trained facilitators and conducted in a safe, respectful, inclusive and confidential manner. The goal is to have a representative group of undergraduates from the Law Faculty, with a roughly equal balance between men and women.

The dialogue group will meet for four sessions of one hour each. **Participants must be able to commit for all four sessions. Dinner will be provided.**

**Session Dates:**

Monday 23 July, 6:00pm-7:00pm

Wednesday 25 July, 6:00pm-7:00pm

Friday 27 July, 6:00pm-7:00pm

Monday 30 July, 6:00pm-7:00pm

The project has Human Ethics approval and is supported by the Sexual Violence Prevention Group at Victoria, VUWSA and by the Dean of the Law School.

Spaces are limited. To register your interest, and for further information, please **contact:** [Lindsey.Pointer@vuw.ac.nz](mailto:Lindsey.Pointer@vuw.ac.nz) **before 30 June.**

Thank you!

Lindsey



## Recruitment Email #2

**Subject:** Help build a culture of respect and consent on campus

Kia ora,

**Sign up for a new restorative justice approach to building a culture of respect and consent on campus.**

Like many universities around the world, Victoria University is looking for ways build a culture of respect and consent on campus and to end sexual violence. Particularly in the wake of the #MeToo movement, there is a push for innovative ways to address this important issue. **We want your voice included in the discussion!**

The Diana Unwin Chair in Restorative Justice is looking for a small group of law students to take part in an innovative research project to **explore what can be done to create a safer and more respectful campus culture.**

The project entails participation in a **“Sustained Restorative Dialogue Group”** over four sessions. The group will use a restorative enquiry framework to explore the issue and what can be done increase respect, consent and communication on campus.

The dialogues will be managed by two trained facilitators and conducted in a safe, respectful, inclusive and confidential manner. The goal is to have a representative group of undergraduates from the Law Faculty, with a roughly equal balance between men and women.

**The dialogue group will meet for four sessions of one hour each. A free dinner will be provided at each session.**

**Session Dates:**

Monday 23 July, 6:00pm-7:00pm

Wednesday 25 July, 6:00pm-7:00pm

Friday 27 July, 6:00pm-7:00pm

Monday 30 July, 6:00pm-7:00pm

Spaces are limited. To register your interest, and for further information, please **reply to this email ([Lindsey.Pointer@vuw.ac.nz](mailto:Lindsey.Pointer@vuw.ac.nz)) before 30 June.**

Lindsey

## Appendix 4: Online feedback form

Sustained Restorative Dialogue Feedback

<https://docs.google.com/forms/u/0/d/18m79nDQqfY1BcmJ8...>

### Sustained Restorative Dialogue Feedback

Thank you for participating in the first ever Sustained Restorative Dialogue! We appreciate you taking part in this pilot and are eager to hear your feedback.

**\* Required**

1. What's your name? (optional)

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2. How satisfied are you with the Sustained Restorative Dialogue experience?

*Mark only one oval.*

- ☐ Very satisfied  
☐ Satisfied  
☐ Somewhat satisfied  
☐ Somewhat unsatisfied  
☐ Unsatisfied

3. Would you recommend the Sustained Restorative Dialogue to others?

*Mark only one oval.*

- ☐ Yes  
☐ Maybe  
☐ No

4. Why or why not?

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5. What can we do better? (Or what was your least favorite part and why?)

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6. What was your favorite part?

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7. Did the experience change the way you think about anything? If so, how?

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8. Would you like to see this process offered to others on campus? In what way?

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9. Any additional comments?

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10. Do we have your permission to use your anonymous comments in reports and papers? \*

*Mark only one oval.*

- ☐ Yes  
☐ No

11. Would you be willing to be interviewed about the experience for Amy's research? \*

*Mark only one oval.*

- ☐ Yes (make sure your name is above so we can follow up)  
☐ No

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## Appendix 5: Consent form for participants



### **The use of sustained restorative dialogue to help understand and combat sexual harm on campus**

#### **CONSENT TO PARTICIPATE IN SUSTAINED RESTORATIVE DIALOGUE SESSIONS**

This consent form will be held for 5 years.

Researcher: Amy Giles-Mitson, School of Linguistics and Applied Language Studies, Victoria University of Wellington.

- I have read the Participant Agreement Sheet and the project has been explained to me. My questions have been answered to my satisfaction. I understand that I can ask further questions at any time.
- I agree to take part in the audio recorded dialogue sessions.

I understand that:

- My identity will be kept confidential. My name will not be used in reports, nor will any information that would identify me. When the research data is transcribed pseudonyms will be used.
- Any information I provide will be kept confidential to the dialogue session facilitators, the researcher and the supervisor. However, pseudonymised research data will be used for a PhD thesis, academic publications and presented to academic conferences,

and the researcher may continue to work on the data collected in the future (either independently or with other approved researchers).

Signature of participant: \_\_\_\_\_

Name of participant: \_\_\_\_\_

Date: \_\_\_\_\_

## **Appendix 6: Information sheet for participants**



### **The use of sustained restorative dialogue to help understand and combat sexual harm on campus**

#### **INFORMATION SHEET FOR PARTICIPANTS**

##### **Who am I?**

My name is Amy Giles-Mitson and I am a Doctoral student in Linguistics at Victoria University of Wellington. This research project is work towards my thesis.

##### **What is the aim of the research?**

This research is part of a larger project being run by the Chair in Restorative justice, specifically, Professor Chris Marshall and PhD candidate Lindsey Pointer. The project has been designed with input and recommendations from the VUW Sexual Violence Prevention Group, Accommodation Services and Student Counselling.

The objective of this project is to trial the use of 'sustained restorative dialogue' with law students from Victoria University, to talk about issues of sexual harm and harassment on campus. These will be conversation sessions that will make use of the restorative circle process to engage in open and meaningful dialogue about sexual harm, in a safe and respectful space. The aim of the dialogue is not to address specific instances of sexual harm that have been experienced but rather to explore the broader climate that gives rise to such behaviour in the campus setting.

The conversation will take place over one week and will move through the main steps of a restorative justice process: What is happening? Who is affected and how? What responsibilities exist with respect to the harm? What can be done to repair the harm? And what can be done to prevent the harm occurring?

The sessions will be run by experienced restorative justice facilitators and a counsellor will be available during and following all circle processes to assist as needed. The counsellor will not participate in the circle but will be in a room close by in case they are needed. Students will be given information about how to reach out for help or further discussion (verbally and

in written form) and reminded about other pathways for help at every session. These pathways include: HELP, Living Without Violence, Student Health and Counselling Services and Student Support Coordinators (SSCs).

This research has been approved by the Victoria University of Wellington Human Ethics Committee, reference number: 0000025525

### **How can you help?**

You have been invited to participate because you are currently a law student at Victoria University. If you agree to take part you will be participating in a group that will meet for five one hour sessions over a period of three weeks to engage in a restorative circle practice, discussing issues related to sexual harm and building a culture of respect and open dialogue. This process will ask you to reflect on your personal experiences and share your ideas on what needs to happen to make things right. I will be recording the group sessions with your permission and writing them up later.

The information shared during the sessions is confidential. That means after the session you may not communicate to anyone, including family members and close friends, what others have told you within the group.

You can withdraw from the sustained restorative dialogue group at any time before it begins. You can also withdraw while group is in progress. However, it will not be possible to withdraw the information you have provided up to that point as it will be part of a discussion with other participants.

### **What will happen to the information you give?**

This research is confidential.<sup>30</sup> This means that the researcher named below will be aware of your identity but when the research data is transcribed pseudonyms will be used and your identity will not be revealed in any reports, presentations, or public documentation.

### **What will the project produce?**

The information from my research will be used in my PhD thesis and in papers submitted to academic publications and conferences.

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<sup>30</sup>Confidentiality will be preserved except where you disclose something that causes me to be concerned about a risk of harm to yourself and/or others.



**If you accept this invitation, what are your rights as a research participant?**

You have the right to:

- choose not to answer any question
- withdraw from the group while it is taking part, however, it will not be possible to withdraw the information you have provided up to that point
- ask any questions about the study at any time
- be able to read any reports of this research by emailing the researcher to request a copy.

**If you have any questions or problems, who can you contact?**

If you have any questions, either now or in the future, please feel free to contact me:

**Researcher:**

Amy Giles-Mitson

**amy.giles-mitson@vuw.ac.nz**

**Supervisor:**

Professor Chris Marshall

Diana Unwin Chair in Restorative Justice,  
School of Government

04 4637421

**chris.marshall@vuw.ac.nz**

**Facilitator:**

Lindsey Pointer

**lindsey.pointer@vuw.ac.nz**

## **Appendix 7: Participant agreement sheet**



### **Participant Agreement Sheet**

#### **Sustained Restorative Dialogue on Sexual Harm**

The purpose of the Sustained Dialogue is to talk about the factors that give rise to sexual harm on campus and what can be done to prevent it from occurring.

The meetings will be chaired by two trained facilitators, and participants must agree on a process that is respectful, inclusive, safe, confidential and supportive.

The dialogue is not a forum to address specific incidents of sexual harm, nor to resolve grievances between participants. It is not intended to run in parallel with criminal investigations or to discourage any person from making a police complaint.

If anyone experiences personal distress as a result of discussions, support is available through the Student Support Coordinator, who can assist in considering all options.

#### **By participating in the Sustained Dialogue, I agree:**

1. To keep everything said in the meeting in strict confidence.
2. To respect the agreed ground rules for the dialogue
3. Not to discuss anything in the meeting that is subject to a current criminal or disciplinary investigation.

4. Not name or identify anyone outside the group as being involved in, or allegedly involved in, sexual harm, without that person's written permission
5. My participation is entirely voluntary and I am free to withdraw at any time for any reason.

Signed:.....

Date.....

## Appendix 8: Consent form for interviews



### **The use of sustained restorative dialogue to help understand and combat sexual harm on campus**

#### **CONSENT TO PARTICIPATE IN FOLLOW-UP INTERVIEW**

This consent form will be held for 5 years.

Researcher: Amy Giles-Mitson, School of Linguistics and Applied Language Studies, Victoria University of Wellington.

- I agree to be audio recorded during the interview about my experience as a participant of the sustained restorative dialogue.

I understand that:

- I can request that the recording be stopped and/or withdraw from this interview at any point.
- My identity will be kept confidential. My name will not be used in reports, nor will any information that would identify me. When the research data is transcribed pseudonyms will be used.
- Any information I provide will be kept confidential to the dialogue session facilitators, the researcher and the supervisor. However, pseudonymised research data will be used for a PhD thesis, academic publications and presented to academic conferences, and the researcher may continue to work on the data collected in the future (either

independently or with other approved researchers).

Signature of participant: \_\_\_\_\_

Name of participant: \_\_\_\_\_

Date: \_\_\_\_\_