Thematic and Narrative Analysis in the Context of Courtroom Examinations With Alleged Victims of Child Abuse
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Student Guide

Introduction

When conducting qualitative research, you may decide to interview your participants and transcribe the questions you ask and the responses they give so that you can more accurately and easily analyse the data. You may also wish to conduct qualitative analysis on question–response scenarios that initially occur for purposes other than research. An example of such a scenario includes when children are direct- and cross-examined by lawyers in a court of law about their alleged experiences.

This qualitative dataset illustrates how transcripts can be analysed thematically to explore what lawyers focus on when prompting children in the courtroom as well as how the themes can be reflected upon through narrative analysis to investigate why lawyers may have focused on the themes.

The research question of what themes lawyers utilise is an important one, since, in adversarial jurisdictions, the defence lawyer’s responsibility is to convince a jury and/or judge of the client’s innocence, and prosecution lawyers aim to portray their witnesses as truthful and credible. To achieve this, lawyers question child witnesses in ways that maintain their control of the discourse by limiting the
extent to which witnesses can provide information, while also leading them to co-construct a convincing narrative. Through the construction of lawyers’ narratives, jurors are encouraged to perceive events in the light of their own personal and societal beliefs (Willig, 2008). While lawyers cannot ask witnesses to draw inferences from the facts, they can encourage juries to make inferences consistent with their predetermined views about such crimes by directing the narratives and exploiting common misconceptions. The original research underpinning this example dataset therefore investigated how children’s narratives were differentially constructed by prosecutors and defence lawyers (see Prince, Andrews, Lamb, & Foster, 2018).

Thematic and Narrative Analysis

For the purposes of this research question, lawyers’ questioning first underwent thematic analysis to identify specific questioning themes and determine how the presence or absence of the themes varied depending on the lawyer’s role. Thematic analysis is a widely used, foundational method for qualitative analysis (if you want to read more about this method, see Gaskell & Bauer, 2000). It is a flexible method that emphasises identifying, examining, and recording patterns within data and in this way can provide a rich, detailed, and complex account of the data. Themes are patterns across datasets that are important to the description of a phenomenon and are associated to a specific research question. The aim of thematic analysis is to identify, analyse, and report patterns (themes) to minimally describe data in rich detail. Narrative analysis was then conducted to examine how these themes were used to structure arguments to support or disparage children’s allegations and to investigate how narrative construction techniques might differ depending on lawyer role. Narrative analysis does not attempt to predefine variables, but instead seeks to acknowledge the context and understand phenomena through the meanings that the speakers assign to them. Narrative analysis therefore has interpretative potential and is useful to apply
when considering how themes are used in a specific context (if you want to read more about this method, see Cortazzi, 2014).

Thematic and narrative analyses are distinct qualitative methods in their definitions, aims, philosophical backgrounds, data gathering, and analytical procedures. However, they are often used in research together as complementary approaches to not only search for patterns and themes (thematic analysis) but to interpret the meaning and reasoning behind the presence of those patterns and themes in context (narrative analysis). If you would like to read more about how these methods are distinct, as well as complementary, please read Vaismoradi, Turunen, and Bondas (2013). It is important to note at this point that when selecting a qualitative approach, it is important to think about the materials you have and the data that can be generated from them. For example, although the purpose of this research example involves investigating interactions between parties (i.e., lawyers and children), other research methods that may have been appropriate (e.g., conversation analysis) are not in this context. This is because the materials we have to analyse have not been produced in the Jefferson Transcription System Format, which accurately annotates speech with details of performance, acts, texts, movement, interaction between speakers, content, and context. Instead, our materials have been produced in a basic stage-script style and, other than the content of what is said, do not contain much detail in terms of how the speakers are interacting. It is therefore more appropriate in this case to employ thematic and narrative analysis, rather than conversational analysis.

To maintain the integrity of the analysis procedure, it is useful to adhere to Gaskell and Bauer’s (2000) criteria as quality indicators. These criteria aim to achieve confidence and relevance via triangulation (i.e., using more than one method to collect/analyse the data), reflexivity (i.e., awareness that the researcher’s relationship to the study can bias or skew results, and attendance to this issue), systematic sampling (i.e., ensuring the sampling is selected at random and/or free
from bias), transparency (i.e., being explicit, clear, and open about the methods and procedures used), thick description (i.e., providing a detailed account of the field experiences and/or context), and reporting unexpected findings. Communicative validation (i.e., collecting feedback on the researcher’s analysis from the sample) was deemed irrelevant for our purposes because assurances of confidentiality prevent researchers from directly exploring findings with child witnesses.

Data Exemplar: Transcripts of Courtroom Examinations With Alleged Victims of Child Abuse

Original Research
To attain the sample for the original research, the Court Service Team of the Scottish Court Service identified all cases conducted in six major courthouses in Scotland between 2009 and 2014 in which alleged victims of child sexual abuse had testified. The portions of the trials in which the children testified were then transcribed. Cases involving children who needed translators, retracted allegations, or had inaudible or missing audio were excluded to ensure the data analysed were complete and comparable between cases. Each case was heard before a judge and a jury, with the jury deliberating on the verdict and the judge deciding on the sentence. Transcripts of 42 trials involving a total of 66 5- to 17-year-old alleged victims \((M = 13.44, SD = 2.74)\) were used in total for the original research.

Data Exemplar
One of these transcripts has been selected as the data exemplar for this Student Guide. This case features the direct- and cross-examination of a 13-year-old female who alleged sexual abuse against her uncle.
Analysis

The analysis of the data exemplar consists of two parts. The first is thematic analysis in line with Braun and Clarke’s (2006) steps to thematic analysis, and the second is narrative analysis to contextualise the themes in relation to the purposes of the courtroom. Our research team consisted of a primary researcher and two other assistants who helped with reviewing themes and reliability assessments, which you will learn about below.

Analysis: Thematic Analysis

**Step 1: Familiarising and Noting.** The transcript should be read multiple times to ensure familiarity with the narratives. Any relevant or interesting material can be highlighted, and a log of initial notes can be made alongside the transcript so that you build up a series of descriptive terms, as if you are pulling out words for an index. For example, please see Figure 1.

Figure 1: A Portion of the Exemplar Dataset Labelled With Initial Notes.
Step 2: Generating Initial Codes. Codes are used to describe short segments of data and are a word or a brief phrase that captures the essence of the data – a bit like a hashtag on social media. Write these codes alongside your initial notes and be systematic about it. Most lines should have a code, and good codes tend to lead to good themes. For example, please see Figure 2.

Figure 2: A Portion of the Exemplar Dataset Labelled With Initial Notes and Initial Codes.
Step 3: Searching for Themes. Sort the codes into potential themes. Visual representations can help here; tables, mind maps, names of codes on pieces of paper organised into theme piles. Some of the codes may form sub-themes within the main themes. This step is a broader/interpretative level than the previous step where you are collating the data that relates to each code. “A theme captures something important about the data in relation to the research question and represents some level of patterned response or meaning within the data set” (Braun & Clarke, 2006, p. 82). For example, please see Figure 3.

Figure 3: Codes Drawn From a Portion of the Exemplar Dataset and Organised Into Potential Themes.
Step 4: Reviewing Themes. This step involves checking the themes work in relation to both the coded data extracts and the full dataset (other transcripts). Some themes may be collapsed together or discarded at this stage. You should generate an initial/draft “thematic map” of your analysis (see Braun & Clarke’s example).

Assessing the reliability (i.e., consistency) of your themes with other researchers is important, to ensure that you have not accidentally biased your results in any way. Reliability assessment can also be challenging, since disagreements may often arise, need to be discussed, and any changes need to be incorporated into your coding/analyses, which can be time-consuming. To assess reliability in the original research, a reflexive probationary coding session, involving the primary researcher and the two research assistants, was conducted on half of the transcripts ($n = 33$) using the initial themes generated, resulting in a small number of changes and modifications to the coding frame. The final themes were defined with examples to produce a codebook of 40 themes (see Prince et al., 2018). The presence of these themes was checked by one of the research assistants in a random selection of 20% of the transcripts. Inter-rater reliability was high for all
codes ($K's > .75$). To maintain reflexivity and confidence in the themes generated, reliability assessments as outlined above were performed throughout the duration of coding, and all disagreements were discussed.

**Step 5: Defining and Naming Themes.** Try and give your themes concise, informative, punchy names and finalise your “thematic map.” See the example below (Figure 4).

![Figure 4: A Finalised Thematic Map With Labelled Themes From a Portion of the Exemplar Dataset.](image)

**Step 6: Producing a Written Report.** Producing the written report is the final stage in the thematic analysis, but analysis is ongoing even at this stage. You need to select the most vivid, compelling extract examples, finalise your analysis of the selected extracts, relate it back to the analysis of the research question and literature, and produce a scholarly report of the analysis. The following formula
can be used to write up thematic analysis: (1) theme name as a subheading, (2) one or two sentences to say what the theme is about, (3) provide a quote from your data (longer quotes are usually more effective), and (4) describe in two to four sentences how the chosen quote illustrates the theme. For example, the theme “manipulation” refers to when coercion from the defendant was present towards the alleged victim. An example of manipulation is “He gave me £20 and told me not to tell anyone.” The child describes the defendant providing them with a financial incentive along with a coercive verbal utterance to keep the event under questioning a secret. The defendant’s actions are manipulative, and the prosecutor is allowing the child to describe these instances, and echoing the child’s words, to emphasise to the jury the extent to which the child was motivated to delay their disclosure of the alleged abuse.

Analysis: Narrative Analysis

The second type of analysis conducted on this data exemplar is narrative analysis. Narrative analysis considers the presence and usage of themes in a broader context, pushing the exploration further than Step 6 of thematic analysis. For example, narrative analysis can help us consider how and why prosecutors may utilise different themes compared with defence lawyers.

In the original research, the transcripts were analysed by the primary coder twice with the assistance of a qualitative computer programme called Atlas.ti, which is helpful for organising large volumes of thoughts and comments computationally. A systematic method for narrative analysis was adopted. The researcher began by chronologically identifying meaningful discussion points in the direct- and cross-examinations. These segments were then labelled. Next, the themes within each segment were identified and attached to quotations. From this, the core narrative was then identified, as well as the central statements illustrating it. To elucidate common patterns, narratives were then examined together and in relation to
lawyer role. To avoid under-analysis by examining quotations individually in specific regions of the text, coders focused on the section of text in which the theme appeared, rather than the individual quotation; more than one theme could be addressed in each part of the text.

In the majority of transcripts, children’s responses were limited to one-word answers to closed-ended questions. Hence, children’s responses could only be considered during narrative analyses when the children interrupted the lawyers, made sudden outbursts, or, more rarely, when lawyers and children engaged in joint narrative construction.

During this narrative analysis, the primary coder adopted and maintained the perspective of the jury and remained blind to the outcomes of each case. Further, the narrative was approached as though each new piece of evidence was presented cumulatively. Once narratives were generated, they were reviewed holistically to avoid “under-analysis through summary” (Antaki, Billig, Edwards, & Potter, 2003, p. 1). To increase and assure reliability and allow for thick description, a full data audit was conducted by the primary coder and a secondary coder to ensure that all possible interpretations of the data were explored. Below are some examples of this process from the exemplar dataset.

**Prosecutors.** Prosecutors’ direct-examinations formed narratives suggesting that children were competent and truthful victims. The accounts attempted to follow a coherent, chronological structure, with the development of abusive relationships attributed to the actions of the defendants. Children could contribute to the narratives in response to open-ended questions asked by the prosecutors or by using language that the prosecutors incorporated to form joint narratives. This has previously been shown to increase children’s credibility (Ernberg, Tidefors, & Landström, 2016). The exchange was as follows:

**P:** And what did he do with his penis?
C: He touched it against me.

P: And what part of you did he put it against?

C: Um my fairy.

P: Your fairy?

C: Mhhmm

... 

P: Now you told us there about S. R. putting his penis against your fairy?

C: Yeah.

By using the children’s language in later questions, prosecutors enabled children to provide their own version of events. To make children appear victimised, some prosecutors reinforced the idea that the children were younger at the time of the abuse than at the time of trial, so that jury members could picture young innocent figures subject to abuse, rather than the older individuals testifying.

P: And of course, you’re now 13, aren’t you?

C: Aye.

P: And at the time you were giving the statement you were 11, weren’t you?

C: Aye.

P: And you were talking about events prior to giving that statement, is that correct?

C: Hm.
P: When you were even younger than 11, yes?

C: Aye

...

P: And as a young girl what was it like, the thought of your family breaking up and you going into care?

Defence lawyers. Defence lawyers attempted to undermine children’s evidence by portraying the children as consenting. Previous research has suggested that once it has been suggested that the alleged victims bore some responsibility, children’s answers cease to affect subsequent decision-making (Westcott & Page, 2002), and so the lawyer’s use of social narratives becomes even more influential. On occasion, lawyers introduced the idea that children had implicitly consented to sex by exploiting their lack of knowledge about relationships.

D: Uhhuh, but you must have had some idea as to what might be the agenda here? That there would be greater intimacy or continued intimacy?

C: I had no idea that he was going to try and take it further.

The theme of “Implicit Sexual Behaviours” reinforced the idea that sexual intercourse was inevitable and thus that the child was not a faultless victim. Sometimes defence lawyers adopted more explicit approaches to narrative construction by openly accusing children of consenting to sexual encounters. In the example below, the jury was shown a video of the alleged perpetrator having sexual intercourse with the teenager being cross-examined.

D: Did you ask him to come downstairs and act out a rape fantasy?
C: Absolutely not.

The discussion of the rape fantasy stops here, suggesting that the defence lawyer’s aim was not to get the child’s acquiescence, but rather to introduce the possibility that the perpetrator was not fully responsible for the sexual encounter. This idea was reinforced by a later comment.

D: Why were you having sexual relations with a rapist?

The responsibility attributed to the child was made salient here to such an extent that this question could represent a form of “secondary victimization” (Zydervelt, Zajac, Kaladelfos, & Westera, 2016). Furthermore, this question is impossible for the child to answer because it suggested that the child had either consented or was foolish enough to associate with this “rapist,” and so bore some responsibility for what happened.

Summary

The results of the thematic analysis found that lawyers employed multiple themes when structuring narratives about the children and that theme employment varied in relation to the lawyers’ role. These results of the narrative analysis further illustrate qualitative difference in the narratives employed by lawyers, showing that prosecutors and defence lawyers use representations that they expect jurors to believe and also try to pre-empt the line of questioning their opponents might employ.

You have learned to systematically apply thematic analysis to minimally describe data in rich detail and to consider how and why these themes are utilised in the context of courtroom questioning through the technique of narrative analysis.

Reflective Questions
Please consider the “Extra Data for Use With Reflective Questions.”

1. Carefully follow the instructions for thematic analysis above and apply the steps to the “extra data” set. What themes emerge from the “extra data” set?

2. Carefully follow the instructions for narrative analysis above and apply the steps to the “extra data” set. What observations can be drawn from the “extra data” set?


4. In light of your answers to the questions above, consider revising your thematic codebook so that the themes can be reliably applied to courtroom examinations with any alleged victim of child abuse.

Further Readings


