THE PRODUCTION OF THE INCEST OFFENDER

AS A

MODERN SUBJECT

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This thesis is presented for the degree of Doctor of Philosophy for Murdoch University
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STATEMENT OF AUTHORSHIP

I declare that this thesis is my own account of my research and contains as its main content work which has not previously been submitted for a degree at any tertiary education institution

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[Signature]
ABSTRACT

In this thesis the reader is offered two perspectives in relation to the incest offender: the one as deviant individual and the other as invented self. The first perspective is rendered visible in the question invariably asked by each incest offender when he first enters treatment, namely, 'why did I do it?' This is a psychological question in which the Truth of the offender's deviance is sought in psychological explanations based upon a Western concept of the person. However, in this thesis it is how the incest offender has come to be situated within the Field of Sex Offender Treatment as a deviant individual that is the subject of investigation. Hence, it is behavioral and cognitive-behavioral psychology's intellectual technologies, such as its ways of seeing and diagnosing, and its inscription devices that enable norms to be established, evaluations to be carried out and judgements to be made in the Field of Sex Offender Treatment that are the subject of investigation. This thesis is also concerned with regimes of self-governance. This domain of ethics is also rendered visible in the above question in which the incest offender is seeking to know the Truth of his self by both judging himself and seeking to know how he should have regulated his behavior and how he should behave. Here this thesis both investigates the regimes of self-governance invented by behavioral and cognitive-behavioral psychology in order for the offender as deviant individual to gain mastery over himself, and also offers the perspective of an invented self through an investigation of the incest offender's regime of subjectification. That is, an investigation of the diversity of ways in which the incest offender has acted upon himself, evaluated his existence and given his life meaning, as well as the diversity of ways in which he has been opened up to interventions conducted in the name of subjectivity. These investigations of how the incest offender has produced a particular relation with himself as an invented self, and how the incest offender has come to be situated within the Field of Sex Offender Treatment as a deviant individual open up different possibilities. First, the possibility for different questions to be asked regarding cognitive-behavioral treatment techniques. Secondly, the possibility that as an invented self, the incest offender can choose to invent himself differently.
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PREFACE

1. ACCIDENTAL BEGINNINGS

You are more plural than you think. (Rose 1996:170)

This thesis had its accidental beginnings in 1987, when I had moved to Adelaide, South Australia, shortly after my second marriage. Prior to this move, I had commenced a psychology degree at Murdoch University in Perth, Western Australia, as a 'mother of four', mature age student. But 'life' had intervened in these studies, and I still had approximately eighteen months to go before completion of my degree. After moving to Adelaide, I wanted to pursue a career in counseling, and had already completed numerous counseling courses. However, since I had not completed my psychology degree, I had positioned myself as outside of a complex 'know-how' and expertise awarded to those who have successfully participated in the pedagogic practice of courses, professional qualifying examinations and award of credentials.

It was therefore with great relief and delight, that I read in an Adelaide newspaper that the advertised job of co-counselor/administrator of a 'soon to be opened' refuge required applicants with some 'counseling experience', but not necessarily an academic qualification. The refuge was called Judith House and it had been funded specifically for adolescent, female child sexual abuse survivors. I subsequently learnt that this was the result of the work of a group of feminist, professional women who had formed a Collective, and had then been successful in gaining government funding to provide the first refuge of its kind in Australia for this specific client group.

The identification of adolescent female child sexual abuse survivors, and their need for a specialized refuge, was in part made possible in the late 1980s through knowledge claims based upon statistical documentation that had been collected by women's refuges/shelters and rape crisis centers since the mid-1970s (Breckenridge 1992). It had been in the late 1960s that the Australian
Child Protection Lobby had first established *child abuse* as a public concern. However, the notion that child *sexual* abuse be understood and included as a category of 'child abuse', had first been publicly stated in the United States by Sgroi (1975) in her paper *Sexual Molestation of Children: The Last Frontier in Child Abuse*. It was, however, feminism and the women's movement in the 1970s that had established child sexual abuse as a category of child abuse in Australia. The incidence of the number of young women entering refuges due to incest was then documented, once women's groups throughout the States had opened up refuges and rape crisis centers for female survivors of domestic violence and rape.

The women of the Collective, through their own work practices as lawyers, psychologists and social workers, had become aware that female adolescents were being periodically shifted by staff from refuge to refuge in Adelaide. This was in cases where the behaviors of the young women had been classified as 'disruptive', insofar as they were said to impact adversely upon other clients and staff. It was through the deployment of a feminist analysis and understanding of the *effects* of child sexual abuse upon survivors that the women of the Collective identified these young women as child sexual abuse survivors, thereby rendering their behaviors intelligible within a feminist way of thought. The women then transformed regulatory practices in relation to the (dis)placement of adolescent, female child sexual abuse survivors through the deployment of technical devices such as data collection, report writing, lobbying and application for funding.

However, my own previous studies had not provided me with a knowledge background of feminist analysis of rape or child sexual abuse. As a consequence, after my first interview and prior to my second interview and subsequent employment, one of the members of the interview panel sent me some articles to read written from a feminist position, a key text being Emetchi and Summerfield's (1986) paper on 'Power Theory'. This active intervention subsequently conferred visibility upon certain features of the texts that I had previously consumed in order to produce my knowledges of the 'psychological dynamics' of child sexual abuse. After reading the texts, I
became critically aware that my understanding of the issues of child sexual abuse had been produced *exclusively* by articles that I had read in journals from within the discipline of psychology, an approach that had it's beginnings in my psychology studies at University. I subsequently felt embarrassed by my previous lack of understanding of the issues raised in the feminist texts.

I now argue, from my present position, that the above intervention, and the truth claims within the feminist texts, set up the conditions of possibility that enabled me to effect, so to speak, certain operations on my thoughts. For example, I *transformed* my understanding of the domain of psychology, represented in the feminist texts as having rendered the 'incest victims' into objects of a certain *diagnostic gaze* that was authorized by certain *claims* to *Truth*. My emotional response of embarrassment, or so I now argue, was incited by this reading of the texts. This transformation of my capacities was made possible through my new connections with feminists and feminism in the particular place of Adelaide and space of Judith House. This intellectual labor on my part resulted in my understanding that to work towards a feminist knowledge of child sexual abuse was *desirable*. This constitution of myself thus necessarily involved the play of power and resistance - where power is conceived as a series of strategic relations characterized by their reversibility - and my (transforming into) feminist self emerged from that strategic relation. It was this (intellectual) work that I performed on myself that subsequently enabled me to enter into a coalition with the members of the Collective as well as the other two refuge workers and to then engage in the practices of enabling young women to effect their own self-empowerment.

At the time that I was employed at Judith House, feminist analysis was based upon 'power theory', which was understood as being both institutionalized and internalized power relationships, which formed a cornerstone of patriarchal hegemony. Emetchi and Summerfield's (1986) paper was *the* key text (to be) read by workers in the fields of domestic violence and child sexual abuse in Adelaide in the late 1980s. It gave a coherent critique of the psychiatric, family dysfunctional (sociological) and psychological literature, all of which were regarded as maintaining the status quo of Patriarchy, with a capital P.
The authors argued that Patriarchy was a world view that sought to create and maintain male control over females, being a system of male supremacy wherein men as a class dominated women as a class (Emetchi and Summerfield 1986).

Having read the above paper, I was so committed to working towards a feminist knowledge, to being *recognized* as a feminist, that I undertook additional training with the Adelaide Rape Crisis Center. However, according to my younger, radical separatist co-worker, I was still not entitled to take up the position of feminist subject, for my material reality also included 'sleeping with the enemy'. My separatist co-worker appeared, therefore, to consider me to be a politically incorrect liability for feminism. At that time in Australia in the 1980s, whilst radical feminists disparaged personal solutions to Patriarchy, expecting rather that *all* women would band together to protect each other from the power held *over* them, they none the less believed that one's sexuality should mirror one's politics. As Echols (1992:58) later observed, this was a conviction that 'promoted prescriptivism'.

Within radical feminist analyses, male sexuality was presented as being violent. Penetration, by the very nature of the act, was perceived as 'a violation of the woman's body' (Hollway 1984:65). Radical separatist feminists asserted that women could and should retrieve an authentically female sexuality by arguing that women were completely excluded from (dominant) culture and were therefore 'innocent of and uncontaminated by its values and signifying practices' (Braidotti 1994:224). The liberation of such an authentically female sexuality was then presented as the principle of legitimation for separatist feminist politics. Thus feminism was the question and lesbianism was the practice (Braidotti 1994).

It was hardly surprising therefore that I felt positioned by my separatist co-worker as having 'sold out' to the enemy, based upon having chosen to maintain my (hetero)sexual identity. But in fairness to my co-worker, and on reflection from my current position, I also think that our differences in age,
class and lifestyle were implicated in her resistance to my continuing attempts to produce myself as a female feminist subject (Braidotti 1994).

At the beginning of 1988, I made a long-term commitment to working in the field of child sexual abuse and resumed my academic studies whilst still employed full-time at Judith House. At that historical moment, I chose to complete a Sociology Major within a Communications degree, rather than continue my studies in psychology. This was a pragmatic decision, based upon tight time scheduling and geographic location, facilitated by the inter-disciplinary approach taken at Murdoch University, where I had undertaken several electives in Communication Studies whilst initially pursuing my psychology degree. Half way through the year, my husband and I decided that we would return to Western Australia the following December. This necessitated a second semester that involved my undertaking seven units in order to complete my BA, and after sad farewells to the young residents, my family and I returned to Perth. The following year, in December 1989, I was invited to participate on a committee that had been formed to submit an application for funding to the Child Sexual Abuse Treatment Service Scheme (CSATSS). The funding was planned for a community-based program that would be working with both statutory and non-statutory, self-referred incest perpetrators. Based upon my work with child sexual abuse survivors at Judith House, I had been invited by the cognitive-behavioral clinical psychologist on the committee to write a Victim Empathy module for the proposed 'multi-modal' program. The funding application was subsequently successful, and in 1990 the Sexual Assault in Families (SAIF) Program opened its doors to the community. The cognitive-behavioral 'multi-modal' program structure of the SAIF Program was similar to that in programs working with sex offenders in Canada and the United States, although the institutional and funding histories were quite different. By the early 1990s, there were 1,500 treatment programs of similar design for sex offenders in the USA and an undetermined number in Canada and other countries (Marshall 1993). In most 'multi-modal' programs, as with SAIF, there was a Victim Empathy, Relapse Prevention and Healthy Sexuality module and an Introduction module that dealt with issues of 'denial' and 'minimization' and acceptance of responsibility for the sexual assault.
Many such programs overseas also had a module that specifically addressed the enhancement of social skills, and such a module was planned for SAIF, but not executed during the period that I was a volunteer with the program.

CSATSS, the body that funded SAIF, provided funding to non-government agencies and service providers to deliver treatment services to children, individuals and families who had experienced intra-familial child sexual abuse. The Western Australian Government had allocated money for the establishment of CSATSS in response to recommendations made in the Western Australian Child Sexual Abuse Task Force Report (1987). The SAIF Program thus competed for limited funding that would not have been made available had it not been for WA Task Force recommendations. Child sexual abuse task forces had been established in New South Wales, South Australia, Western Australia and Tasmania from the mid-1980s. As a political strategy, task forces were situated within rape law reform, increased media coverage of child sexual abuse, government reports and the establishment of women’s services as alternatives to health and welfare agencies. This was also a time when a feminist form of thought entered into already existing systems of authority in 'tertiary institutions where professionals such as social workers trained' (Franzway et al. 1989:115). Social workers were becoming increasingly involved in the protection and prevention of child sexual abuse as workers were faced with ‘new information, conflicting theoretical perspectives, legislative reform and a changeable political/economic focus’ (Quinn 1992:86). Amidst these battles for Truth, feminists demanded state intervention in sexual and familial violence as the inadequacies of existing welfare services and the criminal justice system and their respective competencies in dealing with the issues were identified and challenged. The brief of the task forces was:

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1 For a comprehensive table of the establishment throughout Australia of task forces and terms of reference and service development and provision in the area of child sexual abuse, see Breckenridge, 1992 pp.28-31.
to identify problems associated with the existing law and current
method of service delivery, and to recommend on ways of
integrating and co-ordinating policies and services (and thus
reduce both conflict and costs). (Franzway et al. 1989:119)

In being successful in its bid for funding to provide therapeutic intervention
with incest offenders, the SAIF Program had thus received funding from
CSATSS that might otherwise have gone to WA community-based
organizations wanting to develop and provide services for survivors. Some
child protection agencies in Western Australia, for example the National
Association for Prevention of Child Abuse and Neglect (NAPCAN), situated
SAIF as being in opposition to child protection services, since SAIF would be
working primarily with incest offenders (whilst also providing support
services to survivors and family members). A number of child protection
professionals in Western Australia also situated SAIF as a diversion program
(Department of Community Development 1993), presupposing that the
program diverted men from the legal system. In New South Wales, the
recommendation in its Task Force (1985) for the adoption of a pre-trial
diversion program for offenders was 'perhaps the most hotly contested'
(Breckenridge 1992:34). Breckenridge (1992) outlines the feminist argument
against this recommended option of therapeutic intervention (that only existed
for offenders who had committed sexual assault within the family, that is,
incest or intra-familial child sexual abuse) as follows:

[n]ot only does this appear to contradict the alleged criminal
nature of the offence outlined earlier in the report but [it] also
appears to support the maintenance of the family by assuming
incestuous acts are a matter of 'deviance' able to be 'treated'.
(Breckenridge 1992:34)

From the late 1980s, a similar resistance towards offender treatment options
circulated within the discourse of child protection in Perth, as evidenced in a
convergence of events instigated by Tony Morrison's visit to Perth in 1993.
Morrison was a visiting (expert) child protection trainer and consultant from
the United Kingdom, invited as Keynote Speaker to the Children at Risk: The Politics of Practice (March 1993) conference sponsored by the Advisory and Consultative Committee on Child Abuse (ACCA). During the course of the conference Morrison, who was staying with a senior executive from ACCA whilst in Perth, was invited to visit the SAIF Program. He accepted the invitation and an appointment was set for the following week. On the morning of the planned visit, a message was left on the SAIF answering machine by the aforementioned senior executive from ACCA, saying that Morrison would be unable to keep the appointment as he had been 'overbooked' during his stay in Perth. Morrison subsequently wrote a letter to Kath French, Chair of ACCA, in which he 'outlined some concerns he had in relation to the SAIF Programme' (DCD 1993:2). The letter was forwarded to the then Department for Community Development (DCD) that decided that 'as a matter of urgency, it would set up a committee to review the operations of SAIF' (DCD 1993:2).

As part of the review of the SAIF Program, submissions were received by the DCD from ACCA, NAPCAN, Outcare, the Social Work Department of Princes Margaret Hospital, the Department of Corrective Services and DCD offices in Mirrabooka, Midland and Busselton (DCD 1993). I suggest that it was connections between Morrison's cancelled appointment, the senior executive from ACCA, Morrison's letter of 'concern' and the politics of child protection in WA at that time that occasioned the Review.

During the course of the Review, SAIF successfully established that child protection was its first priority and clarified its response to concerns made by other agencies about its duties of disclosure. SAIF clarified that in providing men with 'limited confidentiality', this meant that it reported to the DCD or Police any clients who breached their SAIF contract or where a child was seen to be at risk of harm. As the Review Committee's Report subsequently stated, this clarification was in response to 'the mistaken belief that SAIF will not disclose information that an offender is abusing a child to DCD or the Police' (DCD 1993:8). It was also in response to the mistaken notion that 'if you are treating offenders [it] means that you cannot also be child protective' (DCD:8).

However, the Review Committee subsequently made recommendations that SAIF undertake more frequent home visits (fortnightly) to 'victims'.
With regard to the issue of 'diversion', the Review Committee clarified that SAIF did not divert people who had been apprehended by the Police from the legal system. This was because, as well as offering its treatment service to statutory referred clients, SAIF offered its service to self-referred men who had not been detected by the justice system. Hence, SAIF did not fit into the current criminal justice system as a diversion program. Which is not to say that this would have been much consolation to many feminists/child protection workers, who may well have considered that this was merely 'splitting straws'. In order to address the concerns of its critics, SAIF spokespersons also clarified that SAIF encouraged men in the program to face up to the legal consequences of their actions. SAIF personnel played an active role in advising survivors of their rights and assisted them if they wished to seek compensation. In the case of a survivor or family member subsequently wishing to press charges, SAIF gave them full support whilst supporting the offender to plead guilty. In cases where survivors and family members (in most cases mothers) chose to get support from SAIF, charges were frequently laid against the offender.

SAIF spokespersons further addressed the issue of the program being a non-statutory, community-based program by arguing that they considered this to be a real strength of the program. This was because it enabled the program to draw into treatment men that had not been convicted for child sexual abuse, and hence might otherwise have gone undetected within the community. The Review Committee supported this position, stating that:

)[l]he potential for SAIF to draw into treatment offenders or potential offenders who may otherwise continue (or start) offending was seen as a major strength of the program. (DCD 1993:15)

Indeed, in 1984 the sociologist David Finkelhor had stated that he and others working in the Field of Child Sexual Abuse were particularly uncomfortable with the fact that so much of what they knew about sexual abusers came from men in prison and in treatment. He stated that '[w]hen information is gathered
about undetected molesters, the picture [regarding molesters] may change drastically' (Finkelhor 1984:52).

The SAIF Program had emerged out of the decision of the instigating co-founder Jackie Vince-Wyatt - who subsequently became the SAIF Coordinator - that it was desirable to set up a community-based program that would attract undetected incest offenders into treatment. Vince-Wyatt had been caught up within the discourse of child sexual abuse through a situation involving extended family members. After witnessing the inadequacies of those authorized to intervene, and after transforming her previous understanding that incest offenders were 'sick', suffering from a psychiatric disorder\(^3\), Vince-Wyatt was left with a new set of problemizations arising from her question 'why did they do it'?\(^4\) She therefore sought to mobilize expertise that would assist her in the formulation of a community-based program that would be an alliance between professionals claiming to provide an answer to her question and self-referred incest offenders incited to seek help within a therapeutics of autonomy and normalcy.

Jackie Vince-Wyatt eventually made the connection with Les Harrison, a white, male, middle class, mature age clinical psychologist working in the Department of Community Development. Harrison supported Vince-Wyatt's idea of a 'crisis line' for incest perpetrators as an intervention strategy and his subsequent involvement in the project positioned him as co-founder of the program. Harrison had the requisite qualifications and forms of expertise concerning the internal characteristics of the domain to be governed (i.e. the SAIF Program). As Rose (1996:28) states, domains are not 'dominated' by rule, but must be 'known, understood, and related to in such a way that events within them...support, and do not oppose, political objectives'. Harrison - who worked in a voluntary capacity at SAIF whilst continuing to work in the DCD - had this 'know-how'. I argue that it was Harrison's knowledge and understanding of what supported and did not oppose political objectives both within SAIF and within the DCD that contributed to the positive outcome for

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\(^3\) Personal communication 9/2/2001
\(^4\) Personal communication 9/2/2001
SAIF from the Review. This key dual positioning was also raised as an issue of concern with the Review Committee. First, because of the perception of others that this had a potential for 'conflict of interest' and secondly, because there was also a perception by some that because of this linkage, SAIF was a Department service (DCD 1993). As a consequence, the Review Committee recommended that 'DCD staff should withdraw as soon as possible from providing client services to SAIF' (DCD 1993:7). However, Administrative Instructions were not binding on staff outside of working hours, if staff were not engaged on official duties, so Harrison was able to continue to work at SAIF in a voluntary capacity that did not involve providing client services. Harrison subsequently assumed a particular significance in relation to the SAIF Program, through presenting papers on SAIF at conferences and conducting other activities in the public domain. Over a period of time, he came to function as the (patriarchal) head of SAIF that subsequently became known as 'Les's' program. Within these power relations Vince-Wyatt, the Coordinator and instigating co-founder, was marginalized. Some years later, Vince-Wyatt left the program and constructed her resistance by gaining the requisite 'know-how' through the successful completion of a psychology degree, majoring in ethics.

After initially accepting the invitation to write Victim Empathy, I commenced co-facilitating the module in 1990, and continued to do so for the next four years, that is, until 1994. I was therefore situated within the above political struggles and battles over truth claims waged between different forces as evidenced in the Review. As Foucault (1984a) argues, humanity does not gradually 'progress' from combat to combat, arriving ultimately at universal reciprocity where the rule of law replaces warfare. Rather, 'humanity installs each of its violences in a system of rules and thus proceeds from domination to domination' (Foucault 1984a:85). Finally, it was also my involvement in the SAIF Program that gave me access to the men who subsequently accepted my invitation to participate in the 'collaborative inquiry' research component of this thesis.
I have two aims in presenting the above analysis that includes the assemblage of my being as 'body-thought' (Rose 1996:183) - rather than a storying forth of my 'self' as an autonomous individual - within the context of Judith House and the SAIF Program. The first is to dislodge the latter reading and the second is to alert the reader to the critical analytic position that I take up within this thesis. It is an analytics that shifts our understanding from that of the self as an autonomous self inhabited by an inner psychology, to that of an invented self, whereby that very invention constitutes our truth. This difference in the understanding of what it is to be human separates my analysis of the incest offender from that of cognitive-behavioral psychology, the discourse within which the incest offender is positioned as a deviant individual, possessing deviant cognitions. It is this latter position that the men were incited to take up when they entered the SAIF Program, a positioning I discuss in the Introduction that follows.