

# The Political Use and Abuse of the “Pedophile”

James Hunter, MSW

Retired Clinical Social Worker

**ABSTRACT.** The cognitive/affective construct designated by the term “pedophile” is delineated on the basis of how he is presented in the popular media. His salient characteristics are listed and then examined in the light of scientific and historical data. The “pedophile” is discovered to be a “social construct that floats in the thin air of fantasy.” Since the truth-value of the construct “pedophile” approaches zero, we are confronted with the question of why he continues to be such a central and emotionally fraught aspect of American culture. The answer to this question is found in his political usefulness. Specifically, the religious right uses him to further its agenda of sexual repression, and the political right uses him to dismantle the machinery of a free society.

**KEYWORDS.** Pedophile, pedophilia, sex abuse, child abuse, child molester, scapegoating, moral panic, stereotype, sexual repression, civil rights, self-incrimination, indefinite sentence

## *INTRODUCTION*

Almost any day you read the newspaper you are likely to find another account of an “alleged” sex offender who has been indicted for “unlawful sexual contact” and/or “sexual assault.” One finds a certain sameness in

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James Hunter, is a retired clinical social worker.

Address correspondence to: James Hunter, MSW, 5E. Broadway, Lincoln, ME 04457 (E-mail: jedson@runbox.com).

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these reports. The alleged “perpetrator” is a “pedophile” who has “assaulted” a child “victim” and has thus damaged him or her for life. The alleged perpetrator could receive up to so many years imprisonment if he is found guilty—which, of course, one assumes he will. The word “alleged” is there as a courtesy and for the legal protection of the newspaper. In editorial statements and in “specials” on the subject, such perpetrators are frequently described as “monsters,” “sex fiends,” or “beasts.” This categorization of the pedophile is clearly both implied and assumed even when it is not explicitly spelled out. Often one finds the pedophile mentioned in a list that includes serial killers and rapists.

I have some newspaper clippings of one of the more recent accounts of an alleged “child abuser” being indicted in my area. According to a local newspaper, he was a choir director who was “an accomplished pianist, composer and director who has worked with children and adults in the area since 1991” (Buyers-Basso, 2006). One presumes that he was considered to be a decent human being during his 15 years in this community—perhaps even a rather caring and sensitive person. One parent in the area is quoted as saying “I always thought he treated the children with great dignity and respect” (Buyers-Basso, 2006). But that previous identity is utterly destroyed by the newspaper articles. All at once, this is a monster, a pervert who has committed a heinous crime. He is accused of unlawful sexual contact with an 11-year-old boy, and the newspaper has “reason to believe” that a charge of “sexual assault” will be forthcoming.

How can a decent human being become a monster so quickly? The dominant narrative would be that he was a monster from the beginning—as dangerous as any serial killer. It would portray him as cynically using his position of trust in the community solely as an opportunity to “groom” his future “victims.” Can we accept this as a fair assessment of who this choir director is? Or are there other narratives that might portray this person and the events for which he is being indicted with greater accuracy? Who is this “pedophile” that has so prominently haunted the imagination of the American people for several decades now?

In her study “The Social Construction of the Child Sex Offender Explored by Narrative,” Helen Gavin (2005) starts from the perception that “narrative functions to construct social reality and that the vocabulary we use imparts its own values” (p. 395) She observes that we frequently find competing narratives—alternative narrative templates if you will—that could be superimposed over the same set of facts, and she states that

“the prevalence of one over the other is not due to any correspondence to reality, but to its pragmatic nature. . . .The view that takes precedence, for those involved is the one that has the most utility at the time” (p. 395). She suggests to us, in other words, that in many cases the predominance of a given social construct is not due to its truth value but to its political usefulness.

Although I would not, of course, hold Gavin responsible for the specific conclusions I arrive at in this article, I will use some of her basic insights as a starting point. I will examine the social construct “pedophile” in terms of its truth value and then in terms of its political usefulness. I will argue that, as an interpretive construct, it is almost totally devoid of truth value, but that it serves political aims that are primarily, but not exclusively, the agenda of the political and religious right.

### ***THE “PEDOPHILE” AS A SOCIAL CONSTRUCT***

In her study, Gavin (2005) found that the most common source of information regarding the social construct of the “pedophile”—or to use her term, “child sex offender”—for most people is the media, especially newspapers and television. In his “Pedophiles on Parade,” David Sonenschein (1998) documents the importance that movies and novels also have in the creation of the image of the pedophile. It seems safe to assume that images in all branches of the popular media both reflect and help to define the dominant construct.

Sonenschein (1998) suggests that the full narrative is built around three figures: the “pedophile,” the “victim,” and the “hero,” (the one who protects the “victim”). The focus of this article is primarily the pedophile, but it is well to keep in mind that this figure fits into a larger narrative. Because the pedophile is defined largely in terms of his victim, it will be necessary to say a few words about this figure. In the sketch of the pedophile given below, I use Sonenschein’s data as well as the picture that is repeatedly drawn in article after article in local newspapers all over the United States.

The sameness that one finds in reports that have to do with pedophiles is in part created by the use of the words that are invariably used to talk about the latest one to have been uncovered. As Sonenschein (1998) says, “Descriptions of all adult-youth sex by distorting words such as ‘attack,’ ‘assault,’ ‘aggravate,’ ‘molested,’ and ‘abuse’ tell us

more about the speakers than about events and motivations. One can never tell from the police or the press, nor from most professionals, what actually happened in any given sexual relationship between an adult and non-adult” (p. 76). In every case, a predator or a pedophile has assaulted, raped, and/or attacked a victim who has been irrevocably damaged by the event. Every situation is made to fit the same narrative template. Again, “the message of the monstrous pedophile and the ravaged victim was generally consistent despite coming from a variety of sources” (p. 4).

The image of the pedophile that we encounter in the narratives of the popular media can be given reasonably clear definition by a number of attributes about which everyone seems to agree:

1. He is set aside from most people in that he finds children sexually arousing.
2. He is a predator—a violent, dangerous man who forces himself on children.
3. His activities are always traumatizing and cause great harm to the victims.
4. He is unable to control himself and will always “re-offend.”
5. Although he may speak of himself as motivated by an ethic of love, the “pedophile” is actually driven by hate.
6. He is a brutish, disgusting, primitive, freak.

We will examine each of these points.

### ***He is Set Aside from Most People in that He Finds Children Sexually Arousing***

If a person has become sexually involved with a child or adolescent, it is reasonable to assume that he probably found the person sexually exciting. But can we say that this distinguishes him from people we would not call pedophiles? If all we mean by the term pedophile is someone who is sexually aroused by children, and if we mean by “children” anyone under 18 years old, then pretty much every male around is a pedophile. If Germaine Greer (2003) is right, so are almost all women. If we reduce the age of children to 12 years or younger, we still find that a rather surprising number of men are attracted to children. A study of randomly selected “normal” men at Kent State University (Hall, Hirschman, & Oliver, 1995) discovered that “20% of the current subjects

self-reported pedophilic interest and 26.25% exhibited penile arousal to pedophilic stimuli that equaled or exceeded arousal to adult stimuli” (p. 690). It is likely that this is a conservative estimate because we are dealing with highly a stigmatized attribute which most men would wish to conceal from others and, if possible, from themselves. One would conjecture that those who feel at least *some degree* of attraction to children are much greater than the 25–30% of men for whom these feelings are as strong or stronger than potential partners within a socially acceptable age range. One would have to conclude that the simple fact of being aroused by children does not, in fact, set those who are socially defined in the media as pedophiles apart from a very large portion of the general population.

### ***He is a Predator—A Violent, Dangerous Man Who Forces Himself on Children***

The portrayals of pedophiles in American novels of the last few decades invariably portray the pedophile as a violent man. The language used in newspaper reporting is one of violence, that is, the child is always assaulted, raped, or attacked. A willingness to use violence is an essential feature of the construct. Without it, how would one explain the frequency with which young people permit the sexual activities and seldom report them? One typical example, from Richard Speight’s 2003 novel, *Desperate Justice*, illustrates the animal-like violence of the pedophile. A 12-year-old girl has been abducted and dragged into a car on her way home from school:

His hands gripped her throat, then slid down the front of her blouse, pausing for a moment at her tiny breasts. He jerked up her skirt pulling it above her waist, ran his fingers along her thighs, then up under the thin cotton of her underpants. . . . She wanted to vomit. (Speight, as quoted in Sonenshein, 1998, p. 20)

Baurmann (1983), in the largest study of child abuse ever carried out, discovered that violence was a factor in reported cases of illegal child sex contacts more often with girls than with boys. Overall, it was found that violence or the threat of violence was a factor in about 20% of the cases. This means that in “approximately 80% of cases, the suspected perpetrator had exhibited something other than threatening or violent behavior” (p. 291). One could reasonably speculate that the more violent the situations

were, the more likely they were to come to the attention of the authorities. Therefore, the actual incidence of violence in age-divergent sexual activities is probably significantly lower. This obviously should not minimize the importance of violence when it does occur, but rather allows one to conclude that a propensity for violence does not seem to be a defining characteristic of persons who are socially defined pedophiles.

### ***His Activities are Always Traumatizing and Cause Great Harm to the "Victims"***

We find some difference between the experiences of boys and girls with regard to reported harm. For example, the Baurmann (1983) study concludes that "characteristics from the overall total also indicate that male victims are seldom harmed. None of the [male] victims in the follow up study reported harm" (p. 430). While the report of harm was significantly greater than for girls than for boys, even in this case 47% of the victims reported no harm (p. 515). Some if not most of the difference between the two populations would be explained by the fact that girls were much more likely to experience violence in their sexual contacts. As Baurmann summarizes, "Violent offenses against male victims only constituted 0.6% of all reported sexual contacts. On the other hand, 13.5% of all sexual offenses were violent acts against female victims" (p. 430).

In their study, Rind and Tromovitch (1997) came to the following conclusions:

CSA [child sexual abuse ] is not associated with pervasive harm and . . . harm, when it occurs, is not typically intense. Further, CSA experiences for males and females are not equivalent; a substantially lower proportion of males report negative effects. Finally, we found that conclusions about a causal link between CSA and later psychological maladjustment in the general population cannot safely be made because of the reliable presence of confounding variables. We concluded by caution that analysis at the population level does not characterize individual cases: When CSA is accompanied by factors such as force or close familial ties, it has the potential to produce significant harm. (Rind, 1997, p. 237)

In a follow-up study Rind, Bauserman, and Tromovitch (1998) analyzed the results from studies that used college samples of people who had been "victims" of CSA rather than samples of "victims" who had

come to the attention of the authorities. It was felt that in the college samples one would be likely to be dealing with fewer confounding variables. The study concluded that “self-reported effects from CSA revealed that lasting psychological harm was uncommon among the SA college students. Perceived temporary harm, although more common, was far from pervasive. In short, the self-reported effects data do not support the assumption of wide-scale psychological harm from CSA” (p. 44). It is worth mentioning that the Rind et al. study was officially condemned by the Congress of the United States, which provides striking evidence for the political as opposed to scientific basis for the social construct of the pedophile.

Because the matter of terrible and inevitable harm is such a central aspect of the dominant narrative about pedophiles, perhaps it will be useful to look at a few concrete examples.

Sandfort (1987) interviewed 25 boys who were involved in sexual relationships with men. (This kind of research was still possible at that time in the Netherlands.) He explains one of his reasons for doing this kind of research. “As so often happens in matters which concern children, the children themselves are seldom allowed to comment” (p. 29). Sandfort found that “the older partner was, for all of the boys, one person for whom they had many positive and few negative feelings. . . . About half of the boys judged their older partners to be the most pleasant person they knew; with eleven boys, however, their parents were the most important” (p. 61). According to most of the boys, the sex was not the most important aspect of the relationship, but generally speaking they found it quite pleasurable. Two brief examples from the interviews illustrate the typical attitudes. The first concerns a relationship between “Bert,” aged 35, and “Theo,” aged 13.

When you have sex with each other, what happens?

*Well, like it always does.*

And who starts it?

*Bert. Or me.*

Can you say any more about it?

*Well . . . I think it's nice, so I just go and make love with him.* (p. 68)

The next example is from a relationship between Gerard, aged 42, and Wouter, aged 12. Wouter answers the question about who generally initiates sex.

*Mostly I do.*

You start it?

*I decide if we're going to have sex or not.*

You decide that?

*Yes. And every day I come here it happens. I don't keep Gerard waiting around.*

Is that a kind of rule, that it happens every time?

*No. I like it. When I feel like it we just start. Then we first take a bath and then go to bed. Sometimes we do that the other way round.*

But if you have to say who starts it, on average, who would that be?

*Well, sometimes one of us, sometimes the other. Yes, and sometimes he wants it and I don't, so we don't do it. Mostly I'm the first one to begin. (p. 69)*

Another example comes from the writings of Heinz Kohut, the founder of “self psychology” and one of the most important psychological theorists of the twentieth century.

I had this private tutor, who was a very important person in my life. He would take me to museums and swimming and concerts and we had endless intellectual conversations and played complicated intellectual games and played chess together. (as quoted in Strozier, 2001, pp. 95–96)

They also did sexual things together, which they enjoyed, but Kohut felt was more or less incidental. The important thing for him was the relationship. “I was an only child. So it was in some way psychologically life-saving for me. I was very fond of this fellow” (as quoted in Strozier, 2001, p. 96). Heinz was about 10 or 11 years old at the time, and he describes his years with his tutor as being perhaps the happiest ones in his life.

It is apparent from the above examples that the actual data suggest that the outcome of sexualized relationships between adults and children is quite variable, and that it depends on a variety of circumstances. In some cases, the child experiences a caring relationship with an adult male—even when it contains a sexual dimension—as positive or even “life saving.”

As more evidence emerged to the effect that consensual intergenerational sexual relations may not be intrinsically damaging to the younger person, the position of experts who were aware of the data underwent an interesting shift. David Finkelhor, a frequently quoted advocate for a strong societal prohibition against intergenerational sex is a case in point. He acknowledges that some intergenerational experiences are positive, and that “much of the stigmatization accompanying abuse occur after the experience itself, as the child encounters family and societal reactions” (as quoted in Geraci, 1997, p. 195). Curiously, however, this does not raise a question in his mind about the validity of the social norms that seem to be the root cause of harm in cases of mutually desired sexual activities. Rather, Finkelhor says, “ultimately I do continue to believe that the prohibition on adult-child sexual contact is primarily a moral issue. . . . Some types of social relationships violate deeply held values and principles in our culture about equality and self-determination. Sex between adults and children is one of them. Evidence that certain children have positive experiences does not challenge these values which have deep roots in our worldview” (Sandfort, Brongersma, & Nasserssen, 1991, pp. 314, 315). To argue from this “moral” perspective for the draconian arrangements that are presently in place, one would have to make the case that the older partner in a mutually desired erotic relationship with a boy would be less likely than the boy’s minister, teachers or parents to respect his equality and right to self-determination. In passing I suggest that it would be a difficult case to make for it is precisely the more permissive social norm that respects the young person’s right to greater equality and self-determination.

### *He Is Unable to Control Himself and Will Always “Re-offend”*

In commenting on the image of the pedophile as a mentally imbalanced person, Sonenshein (1998) observes that “directly related to this [mental imbalance], indeed the primary expression of psychological disturbance and instability, is the presence of uncontrollable and insatiable desires” (p. 18). As one example of how this theme is developed in the popular media, Sonenshein quotes the hero in Vachss’ novel, *Blue Belle*, who says that every pedophile “is a bottomless pit. . . . These freaks, they can never get enough” (as quoted in Sonenshein, p. 18)

Comments about how the pedophile is totally unable to control himself and is, thus, a great threat to any community into which he moves after imprisonment are extremely common in newspaper reports. When estimates are given on the prevalence of recidivism, very high rates are

quoted—usually well over 50%. Such “statistics” would seem to be simply grabbed out of the air, and then repeated over and over. A very different picture emerges from actual studies. One of the more extensive studies, “Recidivism of Sex Offenders Released from Prison in 1994, is available from the U.S. Department of Justice (Langan, Schmitt, & Durose, 2003), which notes “within the first three years following release from prison, 3.3% (141 of 4,296) of released child molesters were rearrested for another sex crime against a child” (p. 1).

Even setting aside “statistics” that were clearly made up on the spot for public consumption, one finds a wide range of figures in actual studies. There are many reasons for this variance. What should be counted? Any new arrest? Only a new arrest that ends in a conviction? A new arrest only for a new sex offense or for any offense? Also, what time frame is being used? Three years, 5 years, 10 years? Does the study include estimates regarding re-offenses presumed to have occurred but that were never detected? How is a “child” being defined? There is little consistency regarding these matters. Perhaps, however, a meta-analysis would provide a good average with regard to estimates. A meta-analysis by Hanson and Bussiere (1998) allowed a time span of four to five years for a re-offense to occur. Their analysis suggested a sexual re-offense rate for child molesters of 13.4%. What all responsible statistics do show is that a clear, if not overwhelming, majority of men convicted for child molestation do not “re-offend.” These statistics do not support the thesis that, as a group, people who feel attracted to children have any more impulse-control problems than other groups of people.

### ***Although He May Speak of Himself as Motivated by an Ethic of Love, the Pedophile Is Actually Driven by Hate***

This hatefulness is seen to pervade the pedophile’s entire life. He is pictured as hating women, society, himself, and of course, the child with whom a relationship is developed. Sonenschein (1998) provides examples from novels that illustrate all these forms of hatred. Perhaps the most extreme portrait of the hate-driven pedophile is provided by the novelist Vachss. His villain, who kidnaps and forces himself on pre-teen boys, is portrayed as telling the boys that women are “Nasty, smelly, evil things. down there” (as quoted in Sonenschein, p. 11). In his novels we see all the forms of hatred at work.

The idea that the pedophile might actually love his partner is held up for scorn and ridicule. Sonenschein (1998) quotes a novel by Weesner (as

quoted in Sonenschein, p.19) in which a boy has just been kidnapped. The kidnapper (Vernon), and the boy both begin to cry. Vernon tries to reassure the boy, "I'm not going to hurt you. I love you. Don't you understand? This is love. This is love." The message could not be more clear. Pedophiles do not know what love is.

The popular image of the pedophile as a person incapable of love is reflected in treatment programs, which may owe more to the popular press than to science in their assumptions about the typical characteristics of the people they are treating. In the treatment programs developed for sex-abusers a great deal of emphasis is laid on teaching the offenders to empathize with the victim. Role playing and watching videos of victims describing what their victimization has done to them are used. The view of the pedophile as a hateful person naturally follows from the assumption that he is of the same character type as the few men that actually do rape and kill children—an assumption that is deeply embedded now in the thinking of most Americans.

A very different picture is obtained if one actually talks with people who are strongly drawn to intergenerational sexual activities. Lautmann (1994) conducted a study in which he interviewed 60 men for many hours who were self-identified boy or girl lovers. His approach was nonjudgmental and descriptive. Toward the end of the study he makes an interesting observation:

To many ears it probably sounds pretty absurd; and yet it's true: Child-desire as a differentiable sexual form does have an ethic associated with it. Although we hadn't explicitly asked about it in the interview, it was nevertheless addressed by almost everyone: how the child's wishes and views are to be taken into account, how much devotion, care, and supervision one should provide, what part to play in their up-bringing, and how thrifty one should be with money and gifts. (p. 68)

It is easy to be cynical about such professions of love and ethical responsibility on the part of child lovers. And yet their description of themselves in the Lautmann (1994) study was complimented and supported in the description that boys typically gave of their older partners in the Sandfort (1987) study: They felt that they were loved by the older partner.

Perhaps there are historical figures who might throw further light on the subject. James Barrie, the author of *Peter Pan*, was obviously very

strongly attracted to boys as is evident from his novels as well as from a curious and poignant biography of James Barrie by Birkin (1979). The book makes it abundantly clear that Barrie was in love with five brothers from the Llewelyn-Davies family. In an article in *The New Yorker*, Anthony Lane (2004) describes Barrie's first meeting with the oldest of these boys.

[In Kensington Park] Here, in 1898, Barrie met a pair of boys, George and Jack Llewellyn Davies, aged five and four, who walked there with their nurse. They were amused by the small Scotsman with the enormous dog. Barrie talked with children, rather than at or down to them, and the meetings with George and Jack became drawn into the rhythm of their days. To our panicked eyes, such a relationship would be unthinkable—or, if thought about, nipped in the bud. We assume that a strange man, nearing forty, in a public place can offer only one thing to children still in knickerbockers, and that is harm. We would call the police, or, at least, call our children away (p. 2).

Barrie sought from George a kiss that was eventually given to him. If such a thing were to happen today on the Boston Commons, the police certainly would have been called, and had the incident reached the newspapers, Mr. Barrie's character would have been publicly assassinated and his life destroyed without further ado.

There has been some controversy as to whether Barrie was in fact a pedophile. Part of the difficulty in discussing this is that it is never clear what people mean when they use the term. If a man's real passion in life is boys, and he loves to hold them, sleep with them, roughhouse with them, and kiss them, does that make him a pedophile? Only, I suppose, if there are sexual feelings tied up in it. Or, must there be sexual behaviors? But then, what are sexual behaviors? There is currently a man in prison for doing nothing more than sucking on some boys' toes ("Toe Sucker Gets Life," 2003). So do we give Barrie a plethysmograph test while he kisses one of his beloved boys to ascertain whether whether his love is pure, or indeed whether it is love at all?

It is as though Sigmund Freud had never lived. Once again children are "innocent," by which we mean asexual, and the interest that "normal" people have in them contains no hint of sexual energy. The world that Freud adumbrated was too frightening for us to look at. So we retreated to the comfort of our sanitized versions of reality. It is probably true that

Barrie's relationship with the boys was never expressed in an unequivocally sexual manner. But it is remarkable for an educated person to conclude, as Lane (2004) does, that there were no overtones of sexual feeling in Barrie's relationship with the boys. Perhaps such denials are necessary. Barrie, after all, created something beautiful. He is a cultural hero. He cannot, therefore, be driven by any of the passions that have been found to be literally demonic by the religiously unsophisticated and intrinsically exploitive and debasing by the rest of society.

Society has been unable to step into the room to which Freud has opened the door. In that room we might find that the pansexuality that pervades all our relationships is not in fact disgusting and base. For there to be sexual feelings in either same-sex or cross-generational relationships is not to say that they are impure. Sex itself, at least when it is a part of any caring and mutually desired relationship, is pure. Although Freud was himself ambivalent about the nature of the sex that he found within the frightening "id," he nevertheless opened the door to the room within which we might have undone the bifurcation that split sex into the "pure" and the "pornographic"—the great misunderstanding that has been the plague of Western Civilization for centuries. We as a society have withdrawn from this possibility in a panic. And we nurse the illusion that this cultural bifurcation—itself a social construct—can be undone while we continue to deny the sexuality of children and the Eros that informs every passionate relationship—whether it is politically correct or not.

Nico, the youngest of the five brothers that Barrie loved, wrote a very touching letter to Barrie when he was about 15 years old, when he was a boarding student at Eton:

Dear Uncle Jim,

. . . I am afraid this has not been a very happy half for me. I expect my tutor will tell you in my report, which I expect will be bad. Otherwise I will tell you everything. It is a long affair. My tutor is very sick about it but I don't think you would mind. I hope to heaven you won't. It is about me going about with a smaller boy named Wright. He is under two years younger and a good deal lower in the school. My tutor says it does both him and me harm, which I will never believe. He jaws about Sentimentality also, which is rot. Wright's people don't object in the slightest and I don't think you will. . . . I can quite see there would be a lot of harm if I led him into bad ways and used bad language, but as I do neither of them in

any way and nor does he, where's the harm? It infuriates me. . . . The chief reason why I go about with him so often, and is the only reason, is that I like him better than anyone else in my tutor's. He is good looking, and because of that my tutor says I am so to speak in love with him, whereas it is just perfectly natural friendship. I have been in despair about everything lately.

Loving  
Nico  
(Birkin, 1979, p. 281)

As Nico was to write about Barrie much later in his life, "He was never harsh or critical—he always tried to offer advise as a friend, not as a parent, even when I was very young." In retrospect, Nico admits that "a year or so later, I did go through a more or less bi-sexual stage" (Birkin, 1979, p. 282).

So was Nico's tutor right in thinking that Nico was "so to speak in love with" the younger boy. Probably so. Was he also right in assuming that this relationship therefore was doing both of the boys harm? Obviously not. Surely we can see that regardless of how it was or was not expressed, Nico's love for the younger student was in some way sexual, and that it was also pure and good. It also seems obvious that the only harm that was likely to come from such a relationship would result from society's homophobic response. The same could be said of Barrie's love of Nico.

T. E. White, the author of *The Once and Future King*, confesses in a letter that he was very attracted to a young nephew and it seems clear that he probably would have acted on these feelings if he had not feared the social repercussions both for himself and the boy. The letter is quite revealing of the author's sensibilities

. . . I have fallen in love with Zed. On Braye Beach with Killie I waved and waved to the aircraft till it was out of sight—my wild geese all gone and me a lonely old Charlie on the sands who had waddled down to the water's edge but couldn't fly. It would be unthinkable to make Zed unhappy with the weight of this impractical, unsuitable love. It would be against his human dignity. Besides, I love him for being happy and innocent, so it would be destroying what I loved. He could not stand the weight of the world against such feelings—not that they are bad in themselves. It is the public opinion which makes them so. In any case, on every score of his happiness, not my safety, the whole situation is an impossible one.

All I can do is behave like a gentleman. It has been my hideous fate to be born with an infinite capacity for love and joy with no hope of using them. I do not believe that some sort of sexual relation with Zed would do him harm—he would probably think and call them t’riffic.

I do not believe I could hurt him spiritually or mentally. I do not believe that perverts are made so by seduction. I do not think that sex is evil, except when it is cruel or degrading, as in rape, sodomy, etc., or that I am evil or that he could be. But the practical facts of life are an impenetrable barrier—the laws of God, the laws of Man. His age, his parents, his self-esteem, his self-reliance, the process of his development in a social system hostile to the heart, the brightness of his being which has made this what a home should be for three whole weeks of utter holiday, the fact that the old exist for the benefit of the young, not vice versa, that factual impossibilities set up by law and custom, the unthinkableness of turning him into a lonely or sad or eclipsed or furtive person—every possible detail of what is expedient, not what is moral, offers the fox to my bosom, and I must let it gnaw.” (as quoted in O’Carrol, 1982, p 17).

It is hard to imagine a reflection that would be more clearly motivated by an ethic of love.

### ***He Is a Brutish, Disgusting, Primitive Freak***

I am aware of no studies that speak to this issue of whether the pedophile is more disgusting and freakish than people in general. Indeed, it is difficult to imagine how such subjective concepts could be operationalized. At best, it would seem, one could research the degree to which people found this or that object or person “disgusting,” but that would be information about the person doing the observation—not about the person or object being observed. Nevertheless the issue needs to be addressed in some fashion because the view of the pedophile as a brutish, disgusting, primitive freak is quite central to the social construct that is determining how sex offenders are being dealt with in this society.

Sonenschein (1998) makes the point that the disgusting moral and psychological depravity of the pedophile is often symbolized by his physical repulsiveness. “McDonald’s rapist killer [in the novel, *The Patch*] is repulsive with ‘his toadlike fat little body, his thick wet lips, his hooded eyes, his greasy hair, his fat stubby fingers, and his blotchy and puffy complexion . . .’” (McDonald, as quoted in Sonenschein, p. 7). In one of

McBain's (1985) 87<sup>th</sup> Precinct novels, a minor character ("Fats") has a "penchant" for 10 and 11 year old females.

. . . an obese hulk who sat in a faded blue bathrobe, his complexion as pale as the January sky outside, his fat hairless legs resting on a hassock, one obscenely plump hand plucking dates from a basket on the end table beside his easy chair, the hand moving to his mouth, his thick lips sucking the meat off the pit. . . . A piece of date clung to his front upper teeth, making it look as if one of them was missing." (as quoted in Sonenshein, p. 7)

Such descriptions are cartoon-like in their lack of depth and sophistication. But they are very common in the novels, movies, television programs, and the popular press, in general, which is where most people derive their images of pedophilia. These sources are notoriously vague about just who is and who is not a pedophile. Although I have never seen any research on the topic, I would guess that in most people's minds, whether a person has actually broken the law and whether any sexual activity that did occur was mutually desired, are relatively minor points. All people with such inclinations are perceived as dangerous perverts and are to one extent or another demonized. Although some may be more so than others, pedophiles are all understood to be brutish, self-serving, disgusting freaks. They are certainly not gifted, sensitive, loving people who have made, and continue to make, large contributions to society.

In the absence of research on whether pedophiles are disgusting creeps, where can we turn for evidence regarding the accuracy of this portrayal? It is difficult to counter this image with people who are still living. I may know or know about a number of men who would be in danger of being labeled pedophiles by most people, but who are sensitive, selfless, and creative people. It is unlikely, however, that in the current social climate that they would appreciate being held up as examples in this regard.

Perhaps in a very impressionistic manner we can approach the issue of the brutishness of pedophiles with some historical examples. For this purpose I am using examples of people who may or may not have ever done anything illegal, but where it can be shown beyond any reasonable doubt that they were attracted to children and that they sought out intense relationships with them that were charged with sexual energy.

We might begin with Thomas Mann, who probably did not allow himself many liberties, but who was obviously highly appreciative of the sexual attractiveness of boys. His famous novella, *Death in Venice* is

about a man who was overcome with such longings, and there is considerable evidence that the boy in the story was one that Mann in fact saw on a visit to Venice (Adair, 2001). One finds similar themes in Henry James—especially in his *The Turn of the Screw*, and it can reasonably be conjectured that he shared these feelings with Mann. Lewis Carroll had an intense relationship with “the real Alice” and probably took photographs of her while she was naked. Alan Ginsberg did not hide his attraction to boys and Walt Whitman certainly gave some strong hints of his interests in this direction. Benjamin Britten, whom some consider to be the greatest composer of the twentieth century was attracted to boys as well as to men. We do not know the age of the young man who inspired Shakespeare’s love sonnets, but he might well have been of an illegal age by today’s standards. Perhaps we can conclude this brief and impressionistic list with the poet W. H. Auden, who wrote in “Lullaby,”

And fashionable madmen raise  
 Their pedantic boring cry:  
 Every farthing of the cost,  
 All the dreaded cards foretell,  
 Shall be paid, but from this night  
 Not a whisper, not a thought,  
 Not a kiss nor look be lost.  
 (Auden, 1991, p. 157)

My point is simply that if these men lived today, and if people knew about their inner lives, they would certainly be gathered up in the broad net of the pedophile label, and would be seen as perverts or worse. Whatever else these men were, they were not brutish, disgusting, primitive, freaks.

### ***THE TRUTH VALUE OF SOCIAL CONSTRUCTS***

Every image or model of reality is a social construction that falls short of being an exact replica of the objective reality that it represents. At best, models of social reality are what Max Weber called “ideal types.” They may disclose some aspects of reality that might otherwise escape our

attention; they may bring a useful order to a confusing diversity of experiences; they may have other uses as well. However, to be true, our models and our ideal types must be grounded in the actual experience of reality. We have demonstrated that the social construct of the pedophile is not thus grounded. It is a social construct that floats in the thin air of fantasy.

The essential relationship between the “world” we live in and the “world” as it exists “in and of itself” could be summed up by the following equation:  $W = f(I, X)$ , where the world (W) of which we are conscious is a function of an internal construct (I), and an external reality (X). (This equation is a slightly modified version of Gurwitsch’s, 1964.) The point is that one cannot open the parentheses and see the world as it is, in and of itself. We always see the world in terms of the subjective categories we bring to it. When one breaks open the parentheses the external world disappears entirely. But the internal part is still accessible. It can be examined independently of external reality. We can even live in a world that is devoid of any real data from external reality—a world in which the value of the objective pole is zero. We might write this as  $W = f(I, 0)$ . The world has become a function of a subjective construct with essentially no real input from the objective sphere. We are then dealing with a world of pure fantasy.

One can debate the value of a literature of pure fantasy. Curiously, an author who might be associated in some people’s minds with “fantasy,” Gabriel Garcia Marquez, did not like fantasy at all. In an interview recorded in “16 Cuentos Latinamericanos,” he was asked why he detested fantasy. His answer was informative:

Because I believe that the imagination is nothing but an instrument for the elaboration of reality. But the fount of creation, when all is said and done, is always reality. And fantasy, that is to say, invention pure and simple, as in Walt Disney, without any ground in reality, is the most detestable thing you can have. (Munoz de Coronado, 1992, p. 70; translated by author)

Why might Marquez feel so strongly about fantasy in general and Walt Disney in particular? We might easily grant that the world Walt Disney presented for public consumption was a bit vapid and sentimental. Perhaps it was not great art, but was it not harmless?

Walt Disney presented us with a sanitized world. In his world, Americans did not torture people and did not overthrow duly elected governments that were not to its liking. It (we) did not bomb other nations into submission

because the poor people in these countries tried to establish systems of government in which they could eat and feed their children and have access to medical attention. America did not persecute blacks or gays. Gays didn't even exist in the Walt Disney world, nor did very many Blacks. Children were asexual. The younger ones didn't even have genitals and certainly they never masturbated. Maybe, when they were well into their teens, they began to have such feelings, but even then they were expressed in sanitized and nonexplicit ways. Only truly bad people were put in prison and there they were treated humanely. The Beagle Boys were scruffy bad people from the underclass; Donald Duck's Uncle Scrooge may have been a bit of a fool, but he was good hearted and harmless.

While Americans lived in this bubble, the people in charge of the real affairs of this world continued building ugly dehumanizing gulags across the face of the land and continued putting increasing numbers of its citizens in them; continued assassinating foreign leaders it did not like and subverting any government in the world with which it disagreed; continued building more and more nuclear weapons with which to destroy the world; continued to supply nations all over the world with ever more lethal weapons of mass destruction with which to fight their wars; continued to teach in its School for the Americas how repressive and ruthless dictators could maintain control of their disenfranchised masses by means of torture, lies, pomp and bullshit, and disappearing people who disagreed with them only to have them turn up in garbage dumps later on as a warning to anyone who dared to say what he or she thought; continued to pretend that children had no sexual feelings and left them confused and terrified of the consequences of masturbation or a little sex play with a neighbor child, and forced them to grow up as repressed and violent individuals who were afraid of their own inner sources of love. Walt Disney presented us with an alternative reality so that we did not have to deal with the issues of life on anything resembling a realistic basis. The Walt Disney world is the bubble in which the American people have lived for decades while its government committed untold atrocities at home and abroad. Perhaps, seen in this light, Walt Disney was himself not without sin. Perhaps Marquez finds pure fantasy detestable for good reason.

Whether one agrees with Marquez about pure fantasy being detestable, it is clear that when fantasy becomes a substitute for the real world we have entered a world of psychosis. Whole communities can become absorbed in this kind of false reality—can in effect, become psychotic. This is what has happened with the sex abuse panic.

The fact is that there is no simple character type or narrative that can appropriately be applied to that wide range of events that is now subsumed under the rhetoric of sex abuse with its master narrative of the predatory pedophile forcing himself on innocent and unwilling victims and destroying their lives. Many different things, in fact, happen. The rape and murder of a 7-year-old girl is not the same thing as a mutually desired relationship between a 14-year-old bisexual boy and a 40-year-old man. One cannot appropriately impose the same narrative template over all age divergent sexual experiences. When a 15-year-old girl falls in love with, and initiates a sexual relationship with a 28-year-old teacher, this is not a story of how the dreaded pedophile strikes again.

There is no evidence that all the people who are categorized in the popular press as pedophiles have any particular characterological traits in common. Certainly this has not been demonstrated in a scientific manner. On the contrary, scientific tests have found that, except, perhaps, for the strength of their attraction to children, people labeled at “pedophiles” actually have little that distinguish them from any other group. Berlin (2000) found that “individuals whose sexual orientation is directed toward children manifest the same range of personality, temperamental, and character traits as individuals whose sexual orientation is directed toward adults” (p. 838). When someone in the mental health community wishes to say that someone is a “criminal type” or “bad person” he is said to have “antisocial disorder.” Raymond, Coleman, Ohlerking, Christenson, and Miner (1999) found that people who are strongly attracted to children are not more likely than any other group to have antisocial or narcissistic personality disorder. Nor, as we have already pointed out, do they suffer more than any other group with problems of impulse control. There is no rational justification for forcing all the diverse stories concerning unapproved sexual feelings and/or behaviors that are actually encountered in real life into the Procrustean bed of one simplistic narrative.

The majority of people who are labeled pedophiles bears little or no relationship to the constructed image—or at least no more so than any other cross section of humanity. Just as with the “homosexual man” or the “heterosexual woman” or the “Black man,” some may be violent, others not. Some may be insensitive, others not. Some may be in poor control of their impulses, others not. Age divergent sexual relationships with some these adults may be very damaging for any number of reasons. In other cases, such relationships may be neutral or even helpful. This is what a dispassionate assessment of the actual data gleaned from social research, history, literature, and personal accounts actually suggests.

Stories of the inevitable and horrible consequences of masturbation were more or less universally accepted as true during the moral panic about “self-abuse” during the nineteenth century. Stories about the dangerousness of witches were not doubted by anyone during the moral panic in Salem during the late seventeenth century. These panics were driven by sexual hysteria just as was the Satanic panic that surfaced in the 1980s, and which persists today despite all the “data” having been debunked by science. It makes no difference that we have learned that “recovered memories,” whatever they are, are not accurate accounts of real events. The stories that are constantly repeated about how any age divergent sexual experience leads inevitably to a life full of dysfunction and suffering have no grounding in science. Why then was this image constructed in the first place, and why is it so passionately defended? In order to answer this question, we need to turn to the time honored practice of scapegoating.

### ***THE PEDOPHILE AS THE PERFECT SCAPEGOAT***

Scapegoating is a political activity. Through the ruthless persecution of a designated group of people, the dominant groups in society seek to solidify and enhance their own power and to impose their understanding of the correct norms, social structures, and power relations in the society. Generally speaking, scapegoats are useful to the dominant social groups in more than one way. For this reason, scapegoat phenomena can be extremely resistant to correction. The ideal scapegoat must be someone who can be plausibly pictured as very dangerous to society, yet should be in fact rather powerless. Above all, scapegoats must not be able to present information or arguments that would contradict the image that the dominant group wishes to paint. It is also helpful if the scapegoat taps into some irrational fears that are prevalent in society. He or she must be a person that others can be persuaded to see as subhuman. Scapegoats must be easy to demonize. The pedophile meets all these criteria and is, therefore, the perfect scapegoat.

### ***THE ABUSE AND USE OF THE PEDOPHILE***

A phenomenon that is at the same time so irrational and fiercely perpetrated as the current sex abuse moral panic, must be of use to society in a variety of ways. That is to say it must be “overdetermined”—driven by a

multiplicity of motivations. Some of the many motivations for perpetrating this phenomenon that immediately come to mind are as follows:

- The sex abuse network that has grown up around this image provides both money and prestige to its workers—many of whom are able to rise to positions of prominence as “experts.”
- Individuals who may be in some subliminal way aware of their own pedophilic impulses need to project this shadow side of their nature onto someone else as a way of not owning these feelings.
- By distancing themselves from, and even joining in on the demonization of the pedophile, gay and lesbian groups can enhance the possibility of their acceptance in the mainstream of society.
- Some feminists may use the pedophile, who is usually male, as a whipping boy on which they can revenge themselves for the slights and insults they have experienced at the hands of men.
- Perhaps some politicians are concerned that the conflict between divergent groups within the United States might get out of hand and cause serious harm to the country and they might see an advantage in the existence of a common enemy to rally against as a means of attaining a national cohesion—much as happened in Germany in relation to the Jews.

To explore all aspects of the problem would be a complex and time-consuming task. But some of the uses related to this phenomenon are more central than others. I would like to focus on what I believe are the three most important political uses of this panic, and identify the groups that are most centrally served by it.

1. the use of the panic by the religious right to further its agenda of sexual repression.
2. the use of the panic by the political and economic elite in the country to distract the American people from focusing on and dealing with crucial social, political, and economic problems.
3. the use by both the religious right and the political and economic elite in the country to establish a machinery of repression and control which it can use to keep all its citizens in line.

As I highlight these last three motivations, I should emphasize that this analysis is based primarily on the situation in the United States. To the degree that one finds a child sex abuse panic in Europe or in other parts of

the world, an examination of the political motivations that enable this panic might disclose a different pattern. Further research and discussion on the reality and meaning of these differences would certainly be valuable. But it is in the United States where we find the most extreme, irrational, and damaging manifestations of the child sex abuse panic.

### ***Sexual Repression—The Attack on Children’s Rights***

It seems to me that the continuing and deliberate exacerbation of the panic about child sexual abuse is first and foremost an agenda of the religious right. Its central use of the panic seems clear enough. The religious right is determined to reverse the liberalization of sexual attitudes and mores that occurred in the 1960s and early 1970s. It wants to re-demonize homosexuality, stop extramarital sexual activity, end adolescent sexual activity altogether, maintain traditional negative attitudes toward masturbation, and above all prevent any movement in the direction of children’s rights—especially in the area of sex.

It might be instructive to examine a monograph that was influential among sex educators in the mid-1980s. “Child Sexual Development” (Haroian, 2000) espoused a generally progressive perspective on the issue of the sexual freedom of children. In this paper, Haroian contrasted permissive and supportive societies with sexually repressive societies with regard to their tendency to produce healthily sexual adjustments. In sexually permissive and supportive societies, she found that a general pattern seemed to be in evidence which she briefly described:

In *infancy*, there is usually manual and oral genital stimulation of children of both sexes by parents as a means of comforting and pacifying them (most frequently between mothers and sons).

In *early childhood*, masturbation alone and in groups, leads to exploration and experimentation among children of same and opposite gender.

*Late childhood* (prepubescent) is characterized by heterosexual role modeling and attempted intercourse (girls may begin having regular coitus with older boys).

In *pubescence*, girls rapidly accelerate into a phase of intense sexual experience, culminating in the acquisition of basic sexual techniques at the adult level. Boys follow a similar pattern, but their learning process is not as rapid or complete because they are usually experimenting

with younger girls. Heterosexual patterns replace masturbation and homosexual activities for the majority of both boys and girls.

In *adolescence*, there is increased sexual activity with peers and adults for both boys and girls; and it is believed that birth control is facilitated by the practice of multiple partners. Marriage is common for late adolescent girls, but boys may delay marriage for economic considerations and continue their adolescent sex patterns for longer periods.

As her source of data for this description she cited Ford and Beach (1951).

Along with most sexologists, Haroian (2000) clearly feels that a permissive or supportive approach would be more conducive to sexual health than the more restrictive and repressive approach that is still characteristic of Western culture, especially in the United States. Most progressives would also agree with this assessment. Why then has progress toward a more permissive society been so conspicuously lacking? The answer that most immediately comes to mind is that the religious right has managed to set society's agenda with regard to society's sexual practices. It is true, of course, that the religious right does advocate for a well-articulated and very repressive set of sexual beliefs and norms which it imposes with considerable success. But that is only a part of the answer. The fact is that with the use of the image of the dangerous and self-serving pedophile the religious right has frightened the progressive community into supporting them in the building of a sex-negative and repressive society. This fact is well illustrated in the Haroian article. One anticipates that she will advocate for the sexual rights of children, but when one comes to that section of her paper what does one find?

### *Sexual Rights of Children*

In the Western culture, great controversy has been perpetuated over what adult (parent and professional) attitudes about children's sexual expression should be. Many child rights advocates believe that children are a disenfranchised minority in the age/class system and state that the privilege and responsibility of sexual behavior is one of the many human rights denied them. They suggest that the proper adult stance is one of permissiveness to encouragement (Farson, 1974; Yates, 1978). This argument is more than vaguely akin to the rhetoric of the pedophile groups who have a vested interest in the

relaxation or abolishment of child protective (albeit restrictive) laws. Many child experts more conversant with the vulnerabilities of children in a complex pluralistic society opt for laws and social custom that, although somewhat limiting, provide protection from unscrupulous adults. Children, by definition, are not consenting adults in sexual matters and may need protection from the liability of sexual contracts in the same manner that they are not held accountable for business or labor contracts (Haroian, 2000).

So, we find that even though a more permissive society would be desirable we cannot afford to move in that direction because of the danger posed by “unscrupulous adults.” We know who these adults are because Haroian has already identified them as self-serving pedophiles. The laws and social customs that society has opted for because of this fear have turned out to be more than “somewhat limiting.” They have become repressive and draconian in the extreme. Progressives have joined with the religious right in creating a moral panic that equals the moral panic about masturbation in the nineteenth century both in its irrationality and its destructiveness.

The image of the dreaded pedophile was the Trojan horse that progressives allowed within their walls. By grossly and hysterically exaggerating the dangers of intergenerational Eros, the forces of repression have utterly destroyed any possibility of our becoming the sort of sexually permissive society that Haroian (2000) so eloquently pictured for us. One now hears nothing about children’s sexual rights. The voice of the few who would still dare to insist that this is a legitimate agenda—or at least an issue that should be debated—is drowned by the call to protect our children. From whom or what? Not from poverty certainly. Not from the abusiveness of being forced to attend repressive or “total” institutions for their education. Not from being micromanaged in every sphere of their lives. But from the self-seeking pedophile. As long as he is lurking in the shadows, we must continue to be diligent in protecting children. In the context of this hysterical rhetoric “protect” means “repress.”

### *Political Distraction*

The abduction and murder of a child is one of the most devastating things that can happen both to the child and to his or her family. I know of no one who would minimize the horror of such an event, and certainly no one would object to a reasoned discussion of what, if anything, might be done to prevent such events. Fortunately, it does not happen often.

According to a 1997 study by the State of Washington's Office of the Attorney General "the murder of a child who is abducted . . . is a rare event. There are estimated to be about 100 such incidents in the United States each year, less than one-half of one percent of the murders committed" (Gregiore, 2006).

As a way of putting this issue into perspective, Baurmann's (1983) 1982 study of sexual abuse in West Germany provided a breakdown of some causes of death in children: 5 as a result of sexual victimization; 112 by premeditated murder; 727 in traffic accidents.

Those responsible for the status quo in politics are always reluctant to allow anyone to point toward the social and political causes of suffering. Yet, the lion's share of unnecessary suffering in the world today has its base in economic and political causes. Consider just a few of these causes for which the United States is responsible:

- The efforts of the United States to gain control of the oil in the Middle East led to both Gulf Wars. The first war destroyed the infrastructure of Iraq, and the embargo initiated and enforced there by the United States prevented the rebuilding of that infrastructure. In the interval between the two wars, the embargo of Iraq caused an estimated death of a half a million people—the majority of them children. This is not to mention the carnage created by the second Iraq war—especially with its use of depleted uranium in weapons, which is certain to cause serious illnesses and birth defects.
- The United States has consistently pursued economic policies that widen the gap between the rich and the poor that will invariably lead to violence between the classes and more aggressive patterns of repression and control by those in power.
- In the recent genocide in Darfur, an estimated 300,000 people were slaughtered while the world looked on. To its credit, the United States officially recognized the events as genocide and recommended a military intervention by the United Nations to prevent further atrocities. But when France proposed that Sudan be brought before the International Court, the United States blocked the proposal out of fear that it might itself be compelled to appear before the court with regard to some of its actions.
- The Bush Administration (2001–2008) has allowed a level of deficit to develop that will pass huge and debilitating debts onto our children and will eventually lead to the devaluation of the dollar and the meltdown of the U.S. economy.

- The United States continues to refuse to cooperate with the international community in its efforts to come to terms with the causes and consequences of global warming.
- The United States continues to refuse to implement a universal health care policy or to address the other economic and educational needs of the nation.
- The United States continues to build its huge network of dehumanizing gulags in lieu of addressing the underlying social problems.
- The United States remains committed to an economic policy of endless growth which cannot be sustained on a finite planet.
- The United States managed in 2005 to allow the destruction of one of its major cities due to the mismanagement and misallocation of resources when they had been warned years ahead of the problem and of the potential of a disaster.

These are issues that most progressives would feel we need to expend serious amounts of time and energy addressing. It would seem that there is much from which the American people need to be distracted. Clearly it is preferable to some people to have the emotional center of the American people focused on a danger that can be defined in terms of personal sickness and evil so that we do not need to focus on social, economic, and political issues that might be hard to address and which might threaten the privilege of the wealthy and powerful if they were addressed.

### ***Establishing Precedents for Implementing the Machinery of Control***

The mechanisms of due process necessary for the protections of individual liberties are cumbersome and troublesome for an economic and political elite that wishes to have nearly absolute control of the thinking and behavior of its citizens and that wishes to repress effective resistance and protest. The United States has, of course, not been the first to discover this.

Until recently, there has generally been only one way of incarcerating people in the United States against their will without demonstrating through a designated process that they have in fact broken a law. What a person thought or felt was his or her business, as long as the laws were obeyed; the one exception was people with psychiatric labels, who could be incarcerated on the basis of a mental health professional's subjective assessment that they were dangerous and that they had a "mental disorder." Some elements of due process were put in place, but in practice, the

mental health professional could usually expect a rubber stamp from the court. It is important to note here that the person was incarcerated in this case not for breaking any law, but rather for being the kind of person he or she was—for having unconventional thoughts or peculiar ways of living.

After 9/11, the Bush Administration, through some very questionable legal “reasoning” established a second category of people who were denied the right to due process. These were “terrorists,” or “enemy combatants.” These people were treated as though they did not have even the protection of the Nuremberg Accords, which were described as “quaint” and no longer applicable. Even torture was condoned in their situation. It has been plain for a long time that the endorsement for the torture and even murder of prisoners of war came down from the very top of the political hierarchy.

Now with little fanfare and almost no significant debate or public attention a third group is being officially added to the previous two groups of people without political rights. This is the pedophile. Several precedents are being established with this group that will very likely be applied to other groups as time goes by.

### *The Incarceration of People in the Absence of Either a Crime or a Victim*

Perhaps the most important precedent in law that the pedophile has established concerns the incarceration of individuals where there is neither a crime nor a victim. Actually, the precedent was established with people who have received psychiatric labels. But with the pedophile it is no longer necessary even to prove the presence of a traditionally recognized mental illness for him to be incarcerated. This can work in one of two ways. First, through the use of obvious entrapment techniques, individuals are captured and incarcerated where not only is there no crime, but not even a *potential* victim. The person is being incarcerated on the assumption that he would have committed such a crime if he had the opportunity. It seems likely that there are very few individuals who would not commit one crime or another if a sufficiently attractive opportunity were offered to them. This hardly justifies tempting people into illegal activities in a random way with imaginary enticements, and then arresting them when they bite. The traditional litmus test for entrapment was that if it cannot be shown that the person would have committed a crime in the absence of the artificial enticement, then the person caught is a victim of entrapment and cannot be indicted or incarcerated. This standard has clearly been set aside with regard to pedophiles.

The second way individuals can be incarcerated in the absence of a crime deals with the civil commitments that are being used in a number of states for pedophiles who have already served their sentences. It seems probable that the federal government will soon require that states include a provision for the civil commitments of sex offenders if they wish to receive federal monies for law enforcement. It is important to note that such civil commitments do not require the commission of a new crime. It requires only that someone believe that the person is likely to commit a crime again. This option exists for no other group. Drunk drivers kill many more children every year than do sex offenders, as do arsonists. By any objective standard they are much more dangerous. Murderers have obviously shown themselves capable of dangerous behavior. Why should there not be civil commitments, in fact, for anyone who is deemed dangerous? The reason is, of course, that procedures that do not require the commission of a crime for a person to be incarcerated are an essential part of the machinery of a police state, and at least up until recently the United States has resisted becoming a police state.

But the recommendations go beyond instituting civil commitments for people who have served their term for a crime they presumably committed. As I write this article, Senate bill 1086 is before the U.S. Congress; it proposes that anyone who is found by a panel of experts to be a sexually violent predator can be incarcerated *even if the person has never broken the law*. Upon careful examination, the definition of a “sexually violent predator” is found to be quite loose. One need be neither violent nor a predator in any ordinary sense of the terms to qualify. If this law is enacted any person in this country could be incarcerated simply on the basis of the subjective judgment of a panel of experts that he might pose a threat to someone else. If a person shared a fantasy, wrote a story, or expressed a politically unpopular opinion, that might be sufficient to have the person referred to this new Inquisition. The person would remain incarcerated until found to be no longer a threat. In general, because of the inevitable politics of indeterminate sentences, that would mean he would never be released. The realization that serious consideration is being given to setting up the machinery by which citizens who have never broken any law might be incarcerated for life is sobering.

### *The Legal Enforcement of Belief*

Most states require that persons convicted of the sexual abuse of children attend treatment groups either while they are in prison or after they

have returned to the community. The successful participation in these groups is invariably a condition of probation. Technically, the leaders of community-based groups do not have the authority to reincarcerate individuals. However, if a person is rejected from a group because he is not complying with treatment he might well be reincarcerated by the probation officer for not complying with the treatment condition of parole. Most treatment programs are based on what is called a “cognitive/behavioral model.” This means that “thinking errors” become a major focus of the treatment. Consider some possible examples of what might be considered “thinking errors”:

- “I sought out sexual relationships with a man when I was a young teen-ager, and do not believe I was ‘abused’ by that man.”
- “I do not think the mutually desired sexual relationships between any two people is abusive.”
- “Although my partner was a teenager and I was in my middle twenties, I do not think she is my victim. She and I believed simply that we were in love, and still believe this.”

The point here is not that any of these beliefs are true or false. All of them could be debated. But they are beliefs—not behaviors. A central tenant of any free society is that belief is not punishable by law. Yet, if a person persists in holding to any belief that the group leader deems is an example of a thinking error, he may be released from the group as noncompliant and reincarcerated. Clearly this use of cognitive therapy techniques in mandated treatment groups is in violation of the principle that people should be incarcerated only for illegal behavior. Presumably no thoughts are illegal in a free society.

### *The Use of Lie Detectors in Legal Processes*

Polygraphs (lie detectors) are notoriously unreliable as a means of ascertaining facts. They show only the degree to which a question has elicited anxiety. There are obviously many reasons why this might happen—lying being just one of them. Lie detector tests are required in most treatment programs. It is claimed that they are used only for therapeutic purposes, but if a person “fails” a lie detector test on some crucial point, and insists that he was telling the truth, he may be excluded from the group for noncompliance, and again this may lead to reincarceration. The lie detector test is often used to get people to confess to crimes that

the group leader thinks they may have committed, but to which the person has never admitted. One's performance on the test can, and in fact, does have legal consequences of a most severe nature.

### *Self-Incrimination*

An essential aspect of most treatment programs is that a person "come clean" about past offenses. If a person claims that some crime that was attributed to him was not in fact committed, he may be found to be noncompliant and end up being reincarcerated. Again, it is claimed that whatever a person confesses will not be used against him, but if he is found to be "in denial"—which is based on a subjective judgment on the therapist's part, not an objective ascertainment of facts—he may find himself back in prison. If he does confess to crimes for which he was not convicted, either because it is true or just to appear compliant, there are many real legal consequences for him to face.

### *A Back Door by Which the State May Renege on All Its Agreements*

Most cases are resolved by plea bargains. A plea bargain will specify the length of sentence, what portion of the sentence will be suspended and the conditions of parole. One can argue the pros and cons of such a system, but at least for many people it provides some dependable information as to what consequences they will have to face should they plead guilty. Not so with the pedophile. As soon as he is in a treatment group, the group leader can establish whatever conditions he or she wishes—without any limits. If a condition of probation was that a person was not to have contact with any girls under the age of 14, the group leader can change that to no contact with anyone of either sex under 18 years of age. If the treatment leader does not want a person to live in a particular place, have a particular job, maintain a relationship with a significant other, talk to the newspaper, or associate with any designated group of people, any of these conditions can be imposed. Nothing need be proved. It is sufficient that the condition imposed be, in the treatment leader's "clinical judgment," in the interest of the person's treatment. And there is no limit as to how long you will need to be in treatment, no objective criteria as to when you have successfully finished it. In other words, the entire agreement about the conditions of probation—something that was negotiated in a plea bargain—has no meaning whatsoever. And, if someone should decide to initiate a civil commitment (again for whatever subjective or even political reasons), even the length of the incarceration settled in

the plea bargain becomes meaningless. The state again can do whatever it pleases. It should be kept in mind that there are huge social pressures in place that would discourage anyone from advocating for a pedophile with regard to any measures that would be brought against him for any reasons. Again, this begins to have the flavor of a police state.

### *The Reenstatement of the Indefinite Sentence*

In order to understand why the indefinite sentence is utterly contrary to all the principles of a free society, one needs to reflect for a moment on the political situation that is created for the incarcerated. Generally speaking, the hoped for release is made contingent not just on the person demonstrating acceptable behavior but also on complying with a treatment program. The treatment program has no time frame connected to it. It is over when the therapist feels the person is sufficiently rehabilitated and not before. The criteria for rehabilitation are in the mind of the therapist and not subject to behavioral or objective confirmation. This situation almost invariably creates a hopeless situation for the one incarcerated. First, consider what might motivate a therapist to recommend release or a judge to grant it. Very little if anything. Therapists and judges fear that if a person they release commits another crime, they will be held responsible. If they do not release them, they expose themselves to no risks whatsoever. For this reason alone an involuntary commitment is usually tantamount to life imprisonment. This is especially true of a group of people with regard to whom the public is in a state of irrational panic.

The second reason that indefinite sentences are not desirable in a free society is that they give the treatment staff almost total authority over a person. A total institution is created that typically has very low visibility with the public. In such a situation, those who are incarcerated have no effective appeal. Anything can be done to them in the name of treatment—even if it is clear that the person will never leave the institution and the usefulness of any treatment that aims at making the person more likely to conform to social expectations is questionable.

History provides us with considerable evidence that in a situation where one group of people has virtually total control over another, with little visibility or no real accountability, abusive practices will almost certainly be established. Again, this is especially true of any group of people who are generally held in contempt by the rest of society. When such institutions are considered to be “treatment” facilities, they become the most intrusive and abusive of all. A prison is primarily concerned just

with behavior. If an inmate follows the rules he or she is doing “good time” and is generally left alone. In a treatment center, the focus might well be on beliefs and feelings as well. Also one might speculate about biological deficits that need to be corrected. The individual in his or her totality—the synapses of the brain, the functioning of the sex organs, the secret fantasies, and all the beliefs and feelings the person might have—is totally subject to control and manipulation. Mandated treatment facilities (where people are sent with indefinite sentences) promise to be the most abusive of all total institutions.

The pattern for the establishment of a police state begins with a focus on problems that might be a legitimate source of concern. Then it calls attention to a group that is presumed to be responsible for this problem. After that, one sees a great exaggeration of the dangers that this group presents to the society. The problem is presented over and over in the media, always with an escalating sense of urgency and hysteria. Fictions and myths are repeated often enough that they become “factoids,” unsubstantiated and often erroneous beliefs that “everyone knows” are true. “It is estimated . . .,” “It is well known . . .,” etc. Anyone who questions the accuracy of these factoids is attacked. The next step is the demonization of the people who are held responsible for this problem. They are “monsters.” They are beyond the understanding of normal people. These people and the problems they cause are so novel and dangerous that the normal processes of social control must be set aside in dealing with them. Something more total and aggressive is needed. In this way a process is initiated by which the machinery of a free and human society can be dismantled.

### CONCLUSION

Violent sexual predators do exist. This category of people can be defined in a meaningful and fairly accurate manner by the use of behavioral criteria. Such individuals force themselves on their victims by means of violence or threats of violence, and they engage in sexual activities that are not mutually desired. Each year such individuals sexually assault and murder about 100 children in the United States. Whether the victim is aged 5 or 50, male or female, such behavior is, and obviously should be, against the law. To the extent that such individuals can be accurately identified by behavioral criteria—by things that they have actually done—they should be contained in a situation that prevents them from

acting on their impulses. There are laws in place that make this possible within the framework of due process. The entire Constitution does not need to be trashed in order to afford children the protection they need from this small group of people.

The image of the violent sexual predator, with all the intense emotional feelings attached to it, has deliberately been carried over to a much larger and poorly defined category of people called pedophiles. By placing a very large number of people in the same category as the truly dangerous sexual predator, and calling that group of people pedophiles, those who are perpetuating the sex abuse panic have convinced the majority of Americans that this very large and ill-defined group should be feared and treated as dangerous predators.

Kohut's older friend, who was according to him a "life-saving" influence, bears no resemblance at all to the person who has committed the most recent child murder. He would no more have murdered a child than the average heterosexual male would kill a woman. The friends of the boys interviewed by Sanford (1987) are not in any way similar to a man who drags a child off a playground and then rapes and murders her. Rather, the boys interviewed by Sanford describe their older friends as being highly solicitous of their wishes and respectful of their needs. Walt Whitman, W. H. Auden, and James Barrie may have found pubescent boys to be very beautiful and may have been aroused by them, as Lewis Carroll was undoubtedly aroused by the real Alice, but none of them were brutish, nor were they monsters—nor were they potential violent sexual predators.

The agenda of the religious right is not just to protect a small number of children from realistic dangers. Certainly we could all join them in that endeavor. The agenda of the religious right is to use the expanded construct, "the dangerous pedophile," as a rallying point from which to impose their entire sex-negative agenda on the nation. In large part, they have succeeded either because progressives have not been able to see through this strategy, or because they have been too intimidated to speak. Unless they wish to continue to allow fundamentalist Christians to define the sexual mores for the entire population, progressives must begin to speak up. An enlightened and progressive ethic of sexuality needs to be defined. Such an ethic would need to begin with a realistic acknowledgment of the sexuality of children and a consideration of what their rights in this area should be. If boys and girls are turned over to the religious right for their sex education, and constrained within the mores prescribed by the religious right up to the age of 18, the battle has already been lost.

An 18 year old raised under those circumstances is unlikely to suddenly turn into a sexually healthy and liberated adult.

As Mirkin (1999) points out, “The battle to prevent the battle—the attempt to preserve the vision of the existing order as natural and unquestionable, and thus prevent its maintenance from being seen as a political question—is probably the most significant and hard fought of the ideological battles” (p. 7). This is a battle that the religious right has thus far won. There are issues that cry out to be discussed. Yet, one hears little more than factoids being repeated ad nauseum and hysterical rantings in the popular press. And, from those who are better informed, one hears silence.

Society needs to deal openly and intelligently with some difficult questions:

1. What social norms and interpersonal practices with regard to sex are most conducive to human well being?
2. What circumstances justify the forceful intervention of the state into sexual practices between individuals who are both consenting?
3. What is a “child” and what rights should a child have?

I do not think there are easy answers to these questions. But within the current atmosphere of fear and hysteria engendered by the image of the dreaded pedophile it is almost impossible to give these questions any realistic consideration at all. Certainly the sort of careful and reasoned discussion that is needed—a dialog rooted in fact and scientific research—is nowhere to be seen. It is unlikely that policies that emerge out of the exaggerated and hysterical claims of a moral panic are likely to be in the interest of either adults or children. Perhaps progressive thinkers have a responsibility to allow this topic to be opened up for discussion.

It might be claimed that the word “hysterical” is too strong a term to describe the emotional climate surrounding this rhetoric. But it is important to realize that we are dealing with the same social forces that produced the deadly absurdities of the day care sex abuse panic of the 1980s. Beginning with the McMartin preschool case in California, a series of accusations and court cases were brought against preschools that led to major travesties of justice and the destruction of many lives. At that time otherwise sane and reasonable people were brought to believe the most bizarre and preposterous stories about a number of normal looking preschools—stories about children drinking blood and urine, participating in the ritual killing of other children, being victimized by teachers in sex

orgies, and being taken to strange and exotic places, only to be returned from all this in time to be picked up by their parents, to whom they appeared to be neither traumatized nor in any way upset. Similar preposterous beliefs were held on the basis of “recovered memories.” But as some of these absurdities were debunked one saw no major headlines that said “sex panic found to be based on wild and unsubstantiated claims.” The child sex abuse panic continued, unabated. The image of the world created by those absurdities lives on in the minds of most of the American population, as do the sources of conflict and confusion that have been giving rise to sex panics for centuries in this country.

While I believe that the sex abuse panic is largely a creation of the religious right, others have cashed in on it for their own purposes. Most conspicuously, the economic elite in this country are feeling the need for more powerful methods of controlling a population that is becoming increasingly dissatisfied with their lot in life. As the gap between the rich and the poor continues to widen and the United States begins to look more like a Third World country, with a rich elite resting on the top of a large underclass, and only a small middle class, such control will become more necessary. Those who are in need of gaining a more absolute control of the people are anxious to exacerbate the public’s fear of any dangers that will justify the dismantlement of the machinery of a free society. There needs to be a dangerous enemy within the walls. Who can better play this role than the ruthless and subhuman pedophile. It is a construct built not out of the stuff of science and fact but out fantasies and delusions. It is an image that is perpetuated because it has a certain political usefulness.

## REFERENCES

- Adair, G. (2001). *The Real Tadzio*. New York: Carroll & Graf Publishers.
- Auden, W. H. (1991). *W.H. Auden: Collected poems*. New York: Vintage International.
- Baurmann, M. (1983). *Sexuality, violence, and psychological sequelae: A longitudinal, cross-sectional study of sexual assault victims and representative offenses involving sexual contact*. Wiesbaden, Germany: Federal German Police Bureau. [Unpublished translation by J. Nickel] Accessed at <http://www.baurmann.gunstories.com>
- Berlin, F. S. (2000). Treatments to change sexual orientation. *American Journal of Psychiatry* 157, 838.
- Birkin, A. (1979). *J. M. Barrie and the lost boys: The love story the gave birth to Peter Pan*. New York: Clarkson N Potter.
- Buyers-Basso, B. (January 5, 2006). Children’s chorus director arrested. *The Ellsworth American*. Retrieved January 20, 2006, from <http://www.ellsworthmaine.com/site/>

- Farson, R. (1974). *Birth rights*. New York: MacMillian.
- Ford, C. S., & Beach, F. A. (1951). *Patterns of sexual behavior*. New York: Harper Brothers.
- Gavin, G. (2005). The social construction of the child sex offender explored by narrative. *The Qualitative Report*, 10(3), 395–415.
- Geraci, J. (1997). *Dares to Speak: Historical and Contemporary Perspectives on Boy-Love*. Gay Mens Press.
- Greer, G. (2003). *The beautiful boy*. New York: Rizzoli International
- Gregoire, C. (2006). Case management for missing children. Retrieved August 19, 2008, from <http://www.pollyklaas.org/media/pdf/abduction-homicide-study.pdf>
- Gurwitsch, A. (1964). *The field of consciousness*. Pittsburgh, PA: Duquesne University Press.
- Haroian, L. (2000). Child sexual development [Electronic version]. *Journal of Human Sexuality*, 3. Retrieved January 28, 2006, from <http://www.ejhs.org/volume3/Haroian/body.htm>
- Hall, G. N., Hirschman, R, and Oliver, L. (1995). Sexual arousal and arousability to pedophilic stimuli in a community sample of normal men. *Behavior Therapy*, 26, 681–694.
- Hanson, R.K., & Bussiere, M. (1998). Predicting relapse: A meta-analysis of sexual offenders recidivism studies. *Journal of Consulting and Clinical Psychology*, 66(2), 348–362.
- Lane, A. (2004, posted 11, 15). The lost boys: Why J. M. Barrie created *Peter Pan*. *The New Yorker*, pp, 11–22. Retrieved January 15, 2006, from [http://www.newyorker.com/archive/2004/11/22/041122crat\\_atlarge](http://www.newyorker.com/archive/2004/11/22/041122crat_atlarge)
- Langan, P, Schmitt, E., & Durose, M. (2003). Recidivism of sex offenders released from prison in 1994. U.S. Department of Justice. Retrieved January 20, 2006, from <http://www.ojp.usdoj.gov>
- Lautmann, R. (1994). *Attraction to children* (J. Nickle, trans.). Hamburg, Germany: Ingrid Klein.
- Mirkin, H., (1999). The patterns of sexual politics: feminism, homosexuality and pedophilia. *Journal of Homosexuality*, 37(2), 1–23.
- Munoz de Coronado, M. (1992). *16 Cuentos Latinoamericanos*. Lima, Peru: Promocion Editorial Inca S. A.
- O'Carroll, T. (1982) *Pedophilia: The radical case*. Boston: Alyson Publications.
- Raymond, N., Coleman, F., Ohlerking, Christenson, G., and Miner, M. (1999). Psychiatric comorbidity in pedophilic sex offenders. *American Journal of Psychiatry* 156, 786–788.
- Rind, B., & Tromovitch, P. (1997). A meta-analytic review of findings from national samples on psychological correlates of child sexual abuse. *Journal of Sex Research*, 34(3) 237–255.
- Rind, B., Baurseman, R., & Tromovitch, P. (1998) A meta-analytic examination of assumed properties of child sexual abuse using college samples. *Psychological Bulletin*, 124(1) 22–53.
- Sandfort, T. (1987) *Boys and their contacts with men*. Elmhest, NY: Global Academic.
- Sandfort, T., Brongersma, E., & Nasserssen, A. (eds.). (1991). *Male Intergenerational Intimacy: Historical, Social-Psychological, and Legal Perspectives*. Harrington Park Press.

- Sonenshein, D. (1998). *Pedophiles on parade: volume 1: The monster in the media*. San Antonio, TX: Author.
- Strozier, C. (2001) *Heinz Kohut: The making of a psychoanalyst*. New York: Farrar.
- Toe sucker gets life. (July 12, 2003) *Fairfax Digital*. Retrieved January 23, 2006, from smh.com.au
- Yates, A. (1978). *Sex without shame: Encouraging the child's healthy sexual development*. New York: William Morrow & Co.