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EVIL MONSTERS AND CUNNING PERVERTS: REPRESENTING AND REGULATING THE DANGEROUS PAEDOPHILE[☆]

Anneke Meyer

ABSTRACT

Purpose – The crime of child sex offending or child sexual abuse is a serious social problem. Since the 1990s, it has been popularly conceptualised as a 'paedophile threat' and has become one of the most high-profile crimes of our times. This chapter examines the social construction of paedophiles in UK newspapers and its impact on official regulation of child sex offenders.

Methodology/approach – Discourse analysis is used to establish how newspaper language produces common discourses around child sex offenders. Documentary research of government legislation and law enforcement helps analyse the ways in which official regulation is informed by media discourses.

[☆]The bold font of certain words and expressions in newspaper quotes has been added by the author to highlight discourses.

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Findings – Newspaper discourses around child sex offenders construct the paedophile as a distinct and dangerous category of person. This media figure informs government legislation and law enforcement in several ways. For example, discourses around paedophiles necessitate and legitimate punitive legal trends regarding child sex offenders and facilitate the conceptualisation of specific laws.

The conceptual shift towards understanding child sexual abuse through the figure of the paedophile has several detrimental consequences. This chapter offers a critique of contemporary media and governmental/legal discourses, pointing to misrepresentation, sensationalism, demonisation and insufficient child protection.

Value – This research indicates that discourses and conceptual shifts around child sex offenders are driven by the media but have come to be accepted and perpetuated by the government and the law. This dynamic not only illustrates the power of the media to set agendas but raises questions regarding the adequacy of official governance informed by media discourses.

INTRODUCTION

This chapter explores the social construction of paedophiles in the media and the ways in which they inform official regulation of child sex offenders. Since the mid-1990s, paedophilia has attracted enormous interest and concern across many Western industrialised nations including the United States and the United Kingdom. This preoccupation can be witnessed in the media (e.g. the launch of anti-paedophile campaigns), the wider public (e.g. anti-paedophile protests, vigilante attacks and killings) and the government and its law enforcement agencies (e.g. the introduction of new legislation). The crime at stake is child sexual abuse or child sex offending; it came onto the public agenda in the United Kingdom in the 1980s when it was framed as a problem of the family (Campbell, 1988). Research has shown that the vast majority of child sexual abuse is committed by someone who is known to the victim and often stands in a close, familial relation to it (e.g. Cawson, Wattam, & Kelly, 2000; Grubin, 1998). While concerns about paedophilia are concerns about children being sexually abused, the terminological change from 'child sexual abuse' to 'paedophilia' reflects wider conceptual changes (Kitzinger, 1999). Paedophilia is embodied by the figure of the

paedophile who is a highly dangerous stranger who attacks, sexually abuses and potentially kills children (Meyer, 2007).

The media have both driven and reflect the obsession of Western cultures with paedophiles (Kincaid, 1998). Quantitative studies regarding the UK media (e.g. Critcher, 2003; Silverman & Wilson, 2002) have shown that since the 1990s, the number of paedophilia-related stories has risen dramatically and remained at a very high level. Coverage peaks at specific points, usually driven by particular high-profile events. The three biggest cases in the United Kingdom concern the murder of Sarah Payne by a convicted paedophile in summer 2000, the murder of Holly Wells and Jessica Chapman by a school caretaker in summer 2002 and the suspected abduction and murder of Madeleine McCann in summer 2007. Newspapers devote several pages, including the front pages, to these stories for weeks while television news programmes dedicate long reports. Aside from specific cases, the media continuously produce numerous factual documentaries and special investigative reports into a wide range of paedophilia-related aspects (e.g. on Internet paedophiles or the work of anti-paedophile police units), take issue with paedophiles in chat shows and magazine programmes and offer fictional accounts of paedophilia in television dramas or cinema films. But it is not only the *amount* of media attention which is central to the construction of paedophiles as a major social threat but also the *intensity* of coverage. A number of UK newspapers have run campaigns to expose convicted paedophiles by publishing their names, addresses and photographs (Kitzinger, 1999). The most infamous example is the *News of the World's* 'Name and Shame' campaign in 2000, which demanded legal changes in the form of indeterminate sentences for paedophiles and public access to the sex offenders' register (SOR). The *News of the World* branded these changes 'Sarah's Law' in reference to Sarah Payne and in imitation of 'Megan's Law' in the United States.

While paedophiles are widely represented in all media, this chapter is limited to an analysis of newspapers because of space constraints and salience of the press. Societal preoccupation with paedophiles is continuously fuelled by newspaper coverage of real-life cases. The analysis focuses on two different types of British newspapers: the *News of the World* and the *Guardian*. The *News of the World* is a tabloid with a conservative-populist outlook, which uses sensational language and attention-grabbing headlines. Much of its space is taken up by visual materials such as images, photographs and large writing. It covers some serious news material, such as political events or social issues, but often in little depth, and carries ample light entertainment news such as celebrity stories. The purpose of the

newspaper is to entertain as much as provide information. The *News of the World* is the biggest selling Sunday newspaper in the United Kingdom with circulation figures just over 3 million (ABC, 2009). The *Guardian* is a daily broadsheet with a liberal-left political outlook. It is a serious newspaper in which most space is taken up by dense writing and the style is largely sober and analytical. Most coverage is devoted to serious national and international news on politics, social issues, culture, finance and economy, and the *Guardian* often provides in-depth information including backgrounds and analyses. The *Guardian* has a high standing in the United Kingdom, but with average circulation figures around 330,000 copies it attracts a fraction of the readership of the *News of the World* (ABC, 2009). The *Guardian* and the *News of the World* are at opposite ends of the UK newspaper spectrum, which makes for a useful comparative analysis. The aim of the chapter is twofold. Firstly, it explores the discourses produced around paedophiles in the two newspapers. It will follow the media in referring to child sex offenders as 'paedophile(s)' but point to the problems associated with this terminology. Secondly, the chapter analyses the ways in which media discourses inform practices of government regulation of child sex offenders.

THE SOCIAL CONSTRUCTION OF THE PAEDOPHILE: A CASE STUDY OF UK NEWSPAPER DISCOURSES

Evil

Following Foucault, discourses can be understood as follows:

[W]ays of referring to or constructing knowledge about a particular topic of practice: a cluster (or formation) of ideas, images and practices, which provide ways of talking about, forms of knowledge and conduct associated with, a particular topic, social activity or institutional site in society. (Hall, 1997, p. 6)

Hence, discourses are systems of representation which exist in the form of language, images and social practices. This section identifies some major discourses that British newspapers construct around paedophiles and the meanings produced in the process. In sum, the paedophile emerges as a distinct figure with a typical mindset, character and behaviour pattern that differentiates it from the rest of humanity. Central to this construction is the discourse of evil (e.g. Collier, 2001; Kitzinger, 2004). The British tabloid

press in particular frames paedophiles as possessing a thoroughly wicked, malicious and evil nature, devoid of any positive or ambiguous characteristics. Consequently, paedophiles have been identified as classic folk devil of our times (Critcher, 2003). Paedophiles are linguistically produced as evil through lexical items that directly associate them with the realm of the satanic, such as 'devil', 'evil', '(sex) fiend', 'depravity/depraved' or 'vicious'. In the *News of the World* editorial, demands such as 'For these **evil** perverts there must be no hiding place' (Editorial, 2000, p. 6) or descriptions such as 'The **fiend** spent 15 years indulging his **depraved** desires before being caught' (O'Dornan, 2008) illustrate the use of such language, which demonises paedophiles as evil and non-human. The newspaper is also littered with sensational headlines that highlight the discourse of evil because of their prominence. In the headline, '**Evil** paedos are secret BNP thugs' (Sabey, 2008), 'evil' is an adjective that attributes a specific meaning to the noun 'paedo'. But headlines such as '**Evil** on the loose' (Gekoski, 2003, p. 32) demonstrate that the discourse of evil has become so pervasive that 'evil' can be used as a noun to replace 'paedophile'. Readers can be expected to correctly decode 'evil' as 'paedophile' because of the constant connections made in the *News of the World* (Fairclough, 1989).

Broadsheet papers such as the *Guardian* also brand paedophiles as evil, for example, by proclaiming that

Nothing will prevent the existence and activities of paedophiles. So better, surely, that their **depravities** are enacted in their computers or imaginations than in reality. (Lawson, 2008, p. 32)

However, such direct demonisation is uncommon and less sensational and essentialising than in the *News of the World*. The *Guardian* tends to describe the *acts* of paedophiles rather than individuals per se as evil and there is no usage of 'evil' as a noun to stand in for paedophiles. There are also no headlines highlighting the discourse of evil. At times, the *Guardian* carries opinion pieces that directly speak out against demonisation. These emphasise the humanity of paedophiles, for example, by stating that they are

[S]imply men (and mostly men) who have committed criminal acts, often so horrific they seem unforgivable. That does not, however, make them devils or monsters. They are neither essentially different nor utterly evil. (Birkett, 2000, p. 20)

Demonisation is also frequently criticised for being counterproductive because it makes paedophiles more dangerous:

In short, they [paedophiles] are more likely to re-offend when they are "named and shamed", hounded from pillar to post, demonised, scapegoated and pilloried. [...] [I]f we

want to make children safer and stop others from falling victim to sexual abuse, we need to engage in a mature debate about what is likely to work with this group of offenders and not fall for lurid tabloid headlines, populist cries for castration or unleashed hounds. (Wilson, 2008, p. 27)

In these instances, the *Guardian* juxtaposes itself against tabloid newspapers that whip up public outrage. It portrays itself as the voice of liberalism and rationality, playing down its complicity in demonisation.

Demonisation is also effected through a terminology that equates paedophiles with animals. Words such as ‘monster’, ‘predator/predatory’, ‘beast’, ‘lurk’, ‘den’, ‘lair’, ‘prey’ or ‘pounce’ usually refer to animals but have become common language in the discussion of paedophiles. The *News of the World*, for example, justifies its demands for ‘Sarah’s Law’ writing that

[W]e must have Sarah’s Law to protect our children from **predatory paedophiles**. [...] These are real people with real fears about **monsters lurking** in their communities. [...] The information needed by worried parents will cover only those paedophiles who repeatedly **prey** on children and pose real danger. (Editorial, 2002, p. 6)

Or it offers extremely sensational headlines such as ‘Inside **Beast’s Lair**’ (Stow, 2009, pp. 20–21), which readers know refer to paedophiles because of the ubiquity of such language. The situation in the *Guardian* is more complex; some terms are acceptable, whereas others are not and contexts of deployment vary. Since 2003, the terms ‘predator’, ‘predatory’, ‘prey’ and ‘pervert’ have been used. For example, in a news article, the *Guardian* states that

A **predatory** paedophile walked free from court yesterday after admitting a string of sex attacks on children, including an 18-month-old baby. Michael Porter, 38, used his trusted position as a prominent Jehovah’s Witness to **prey** on youngsters, many of them children of members of the church. (Morris, 2007, p. 6)

An article in 2003 carried the headline ‘The perfect family man who **preyed** on young chatroom girls’ (Morris, 2003a, p. 3). However, animal terminology is uncommon and headlines of this nature are extremely rare. Moreover, the *Guardian* uses these terms in the context of a broadsheet style of coverage characterised by matter-of-fact, news-based reporting. There are also many animal terms that are staples of the *News of the World* yet shunned by the *Guardian*, such as ‘beast’, ‘monster’, ‘lair’, ‘den’ or ‘pest’. The overall impact of the *Guardian*’s coverage is not as demonising or sensationalising as the *News of the World*’s, but it nevertheless categorises and objectifies paedophiles as a distinct and sub-human breed and contributes to the legitimisation of the discourse of evil.

Perversion and Pathology

Both the *News of the World* and the *Guardian* define paedophiles as adults who are sexually attracted to children. This sexuality is constructed as deviant and abnormal through discourses of perversion and pathology. The discourse of perversion describes paedophiles as sick and perverted through nouns such as ‘pervert’ or ‘perv’ and adjectives such as ‘sick’, ‘vile’ or ‘disgusting’. The *News of the World* frequently displays sensational headlines such as ‘What to do if there is a **pervert** on your doorstep’ (*News of the World*, 2000b) or ‘Schools put on red alert; Fear as **vile** paedophile is released from prison’ (Ferry, 2009, p. 6). Perversion is a moralistic and normative discourse that expresses feelings of disgust and repugnance. Moreover, it frames the ‘perverted’ sexuality as an obsessive, compulsive lust that drives paedophiles to perpetually offend. The *News of the World*’s writes that

If you think Britain cares about its children ask yourselves why convicted paedophiles are freed by courts to wander among our kids, when even THEY tell us they can’t be cured. (Malone, 2008)

Paedophiles are seen as incapable of changing their behaviour and therefore incurable: ‘once a paedophile, always a paedophile’ is a popular sound bite which sums up this view. As a consequence of this incurability, paedophiles are a permanent risk, and ordinary penal measures are declared ineffective. The *News of the World* uses these arguments to justify its demands for special legal measures such as public access to the SOR and indeterminate sentences for paedophiles.

Since 2003, the *Guardian* has also produced the discourse of perversion, using linguistic terms such as ‘pervert’, ‘vile’, ‘sick’, ‘warped’ or ‘twisted’. For example, paedophiles are occasionally described as ‘warped individuals’ (Nightingale, 2007, p. 23), and in 2003, a *Guardian* editorial considered the impact of the Internet on paedophile offending, suggesting that

Technology has opened up much greater opportunities for **perverts** (however small in number relative to internet users as a whole) but also offers sophisticated technologies to track paedophiles and other sexual offenders down as a recent spate of arrests indicates. [...] It is not an easy call. A serious debate is urgently needed. (Editorial, 2003, p. 23)

In many ways, this extract indicates a broadsheet style that is typical of the *Guardian*; for example, the pros and cons of technological developments are considered and the editorial calls for a debate rather than drastic regulatory measures. But suddenly, the term ‘pervert’ appears, which the newspaper considered unacceptable until 2003. The sober context arguably

lessens the sensational impact of 'pervert'; however, terminological changes over time are remarkable and an indicator of a lack of a truly liberal discourse around paedophiles.

Despite historical changes, the use of the discourse of perversion remains rare in the *Guardian* as the paper mostly understands paedophiles through a pseudo-medical discourse of pathology. This discourse classifies paedophilia as an illness that those afflicted have to be treated for. There is a belief that with medical help, paedophiles may learn to control themselves and stop offending. In this sense, there is potential for them to be rehabilitated. For example, the *Guardian* suggests it is important to 'involve them [paedophiles] in treatment programmes which can control their deviant sexual tendencies' (Travis, 2000, p. 3). The discourse of pathology lacks the sensational terminology and negative expressions of affect, which are central to the discourse of perversion. It is less condemnatory and instead geared towards understanding and help. For example, in an article on Internet paedophiles, the *Guardian* suggests that

In the case of internet offenders, there is a clear opportunity not only to reduce the demand that fuels actual abuse, but to modify problematic behaviour before it escalates. (...) [S]hifting emphasis from getting caught to getting **help** is in everyone's interests. Those working with viewers find them highly responsive to early intervention. (Brooks, 2008, p. 30)

Nevertheless, the discourse of pathology is normative, classifying paedophilia as abnormal and prescribing 'help' and 'treatment' as effectively retuning paedophiles to the norm, that is, sexual desire focused on adults. There is noticeably little talk of paedophiles being cured or rehabilitated in the *Guardian*. Instead, the discourse of pathology steers the debate towards the possibility of lowering recidivism rates through the *management* of sexual drives by means of medical treatment and social support networks. Both discourses of perversion and pathology frame paedophiles as a permanent risk; the differences are their respective positions on the size, manageability and preventability of this risk. A historical analysis of the *Guardian* over the past 10 years suggests that at the end of this decade, faith in rehabilitation, in the sense of a 'cure', has disappeared and firmly given way to a language of risk management.

Cunning

Unlike other discourses, the discourse of cunning is pervasive in both the *News of the World* and the *Guardian*. It is a complex and multi-faceted

discourse that constructs paedophiles as meticulously and carefully planning their actions, as being very smart, clever, organised, strategic and difficult to catch. The specifics and contexts of stories vary; from reports on paedophiles disguising their true identities to forging official documents, from stories on paedophiles using the latest technologies to facilitate abuse to evading police detection and arrest. Newspapers frequently cover national and global paedophile rings where paedophiles collectively network to share information, pornographic material and organise the sexual abuse of children, as evidenced in headlines such as ‘UK children rescued from worldwide sex abuse ring: Two-year inquiry smashes highly sophisticated group’ (Dodd, 2008, p. 13). Both individual paedophiles and paedophile rings are portrayed as facilitating sexual abuse through three core strategies. The first strategy concerns frequenting or living near typical children’s places, such as parks, playgrounds, funfairs, schools or swimming baths. For example, the *Guardian* writes that Roy Whiting, the paedophile convicted of the murder of Sarah Payne:

[M]oved into a flat a short walk for the Harbour Park **amusement park**, a **children’s playground**, and the shingle **beach**. [...] There is no direct evidence Whiting began **hunting** for children but the alibi he gave for his movements on the day of Sarah’s murder may be telling. He claimed he sat in two **parks** and went to a **fair**. Detectives believe he came up with these locations because they were the places he did often visit. Two and a half years after leaving prison ... Whiting was again to be found **near where children were playing**, apparently **waiting for his chance to pounce**. (Morris, 2001, p. 3)

Paedophiles are presented as frequenting these places to create opportunities for contact with and sexual abuse of children.

The second strategy has become known as ‘grooming’. This refers to a process in which paedophiles are said to befriend children or their parents to gain their trust, get close to them and sexually abuse the children (Lumby, 1997). ‘Grooming’ is often presented as facilitated by ‘tools’, such as presents for children or offering help to parents. For example, the *News of the World* defines this concept when it writes,

Cunning Shaun Jerome **lured** the 12-year-old [girl] into his evil clutches after he turned up to join her music group. (...) Jerome, 24, **won over the trainee band-members by playing cymbals and sounding “cool” by talking about Harry Potter**. But he **struck a different note with one trusting family who invited him back to their home**. He **groomed their 12-year-old girl with gifts of sweets and even an MP3 player** - before raping and subjecting her to vile sexual abuse. (Herbert, 2008)

The term ‘grooming’ is used by newspapers to refer to processes of befriending children both online (e.g. via Internet chat rooms) and in the

‘real’ world. The *Guardian* occasionally puts the term ‘groom’ in quotation marks and thereby indicates its contested nature. However, the newspaper uses the term and certainly accepts the concept behind it, writing for example,

Barron, himself a grandfather, went about **befriending** the parents of children he was to abuse through roles at primary schools, youth clubs and cub groups, **persuading** them to allow their children to stay at his house. Oxford crown court heard how he would later **bribe** the children, who were aged between three and 12 years old, not to reveal what he had done to them, by giving them ice lollies and sweets. (Glendinning, 2007, p. 6)

Both newspaper quotes illustrate that the discourse of cunning is not simply about organisation and planning but also involves a dimension of slyness, manipulation and deceit. Paedophiles deceive their employers, parents and victims and manipulate situations to achieve their goals. This dimension is often conveyed through words such as ‘lure’, ‘entice’, ‘trick’, ‘trap’, ‘persuade’ or ‘bribe’.

The third strategy refers to paedophiles actively seeking out jobs involving children to create opportunities of abuse. The *News of the World* and the *Guardian* both portray paedophiles as engaged in this strategy of employment, but they differ in terms of examples selected. The *Guardian* frequently devotes articles to paedophiles working in the Catholic church, child care homes, child care professions and education, as evidenced in headlines such as,

Ireland: Thousands raped and abused in Catholic schools: Report details 60 years of terror by priests and nuns: Victims say failure to seek prosecutions is a disgrace. (McDonald, 2009, p. 20)

Newspapers create the impression that these are not one-off incidents but that paedophiles systematically infiltrate certain professions by repeatedly covering numerous cases and using words such as ‘endemic’ or ‘thousands’ (McDonald, 2009, p. 20) to describe the extent of the problem. Popular neologisms such as ‘paedophile priest’ further reinforce this picture by consolidating a detailed concept into a memorable sound bite. The *News of the World* tells the same story as the *Guardian* but focuses on different examples. The tabloid frequently covers incidents of paedophiles obtaining jobs as scout leaders, teachers, babysitters and sports coaches. It writes, for example, that,

The **boy scout movement**, aware it has long been a **target** for sexual predators, has amassed the most complete list of child sex offenders in Britain. [...] **Five in every 1000 applications** are singled out as having more **sinister intentions** and barred. (*News of the World*, 2000a, p. 5)

The large scale of the problem is emphasised through repeated coverage, and the *News of the World* uses words such as ‘target’ and ‘sinister intentions’ to render explicit that paedophiles *deliberately* and *systematically* apply for jobs that involve children with the intention of sexually abusing them.

Dangerousness, Stranger Danger and Child Sexual Abuse

All discourses discussed categorise and Other paedophiles by defining certain characteristics as typical of a social group. But in contrast to Cohen’s (1972) folk devil, the paedophile is not portrayed as simply devilish or non-human. The discourse of cunning restores human-ness to the paedophile by being a distinctly rational and cognitive form of behaviour. It is the *mix* of evil and cunning, of devil and human, which makes the paedophile so dangerous: human appearance, behaviour and skills allow the paedophile to think strategically and act deceitfully, to effect evil most efficiently. Through the discourses of evil and cunning, the paedophile is constructed as a gothic monster with a dual identity: appearing normal, human on the outside and malicious devil on the inside (Jancovich, 1992). For example, the *Guardian* wrote about convicted paedophile Ian Huntley:

Beneath the **respectable façade** that Huntley **presented** to the school interview panel **lurked** a man with a proclivity for very young women and girls and a willingness to use **violence** when denied. (Morris, 2003b, p. 3)

Words such as ‘façade’ indicate that inner evil is seen as the true identity, which is hidden behind a performance. The ‘monster within’ or ‘invisible monstrosity’ makes the paedophile particularly dangerous because it destroys the possibility to visually identify danger. Both the *Guardian* and the *News of the World* construct the paedophile as a dangerous and distinct type of person, but there are differences regarding the kinds of discourses used (e.g. the *News of the World* never uses the discourse of pathology), the pervasiveness of discourses (e.g. the *Guardian* rarely uses discourses of evil and perversion), the extent to which discourses are highlighted through headlines (e.g. the *News of the World* contains a large number of attention-grabbing headlines), the range of opinions that are expressed (e.g. the *Guardian* contains different voices) and the use of sensational language (which is a hallmark of the *News of the World*’s coverage). Simply put, in the *News of the World*, the paedophile emerges as a thoroughly perverted, cunning and evil monster, which needs to be locked up for life, while in the

Guardian, it appears as a cunning, deviant and abnormal person with some, if limited and uncertain, possibilities of control.

Because of their dual identity, paedophiles are not visually identifiable and *anyone* could be a paedophile. The *News of the World* in particular makes these claims, repeatedly warning its readers to 'Be alert to **any adult** who pays an unusual amount of attention to your child ... Question why **any adult** is seeking to be alone with your child' (*News of the World*, 2000c, p. 4). Yet at the same time, newspapers create the paedophile as a distinct discursive figure marked by specific characteristics and behaviour patterns (e.g. organised, evil, manipulative, sexually driven, attracted to places and jobs offering easy access to children). These claims are highly contradictory. How can paedophiles be fundamentally different yet universal? How can paedophiles be monsters outside humanity, yet live unidentified in society? Kincaid (1998, p. 74) captures these patterns arguing that 'while we maintain the monstrous and perverse criminality of the act, we also make it universal and inevitable'. Here, it is important that these contradictory claims are at the heart of the dangerousness of the paedophile. Tabloid newspapers in particular construct a highly dangerous type of person, which they then universalise by suggesting that anyone could be this person.

Yet, the media do not actually claim that *anyone* could be a paedophile but that *any stranger* could be a paedophile. Paedophiles are by definition strangers, and the terminological shift from 'child sexual abuse' in the 1980s to 'paedophiles' in the 1990s has entailed a conceptual shift towards dangerous strangers (Kitzinger, 1999). Newspaper reporting of child sexual abuse nearly always revolves around stranger attacks, whether the topic is paedophile rings, paedophiles 'grooming' online and so on. High-profile paedophile stories, from Sarah Payne to Holly Wells and Jessica Chapman, are stories of strangers abusing children. Newspapers routinely identify parents as the protectors of children from paedophiles. For example, the *News of the World* frames its demand for 'Sarah's Law' as a right for parents to protect their children from paedophiles:

Our findings prove the urgent need for the introduction of Sarah's Law – currently on trial – which would let **families** check if their kids are at risk from predatory paedophiles. (...) But with no full commitment to Sarah's Law, many **parents** will still fear for their children. (Basnett, 2008)

It appears that parents are by definition not paedophiles; the two terms are mutually exclusive. There are few articles in the *News of the World* and the *Guardian* on child sexual abuse cases within the family. This is in line with the finding of Kitzinger and Skidmore's (1995) media review that 96%

of newspaper articles relating to child sexual abuse are concerned with threats from strangers (Kitzinger, 2004). Moreover, in stories about child sexual abuse in the family, offenders are seldom labelled paedophiles. Stranger danger is so fundamental to newspaper discourses on paedophiles that it does not need explicit stating and can simply be assumed (Fairclough, 1989). It underlies all the discourses hitherto discussed. For example, the discourse of the cunning paedophile who employs strategies to seek out children only makes sense if he is a stranger to the children. Or the framing of the paedophile as evil, perverted, pathological Other is incompatible with a well-integrated family father. Research suggests that child sexual abuse is a large-scale social problem and that the vast majority of cases occur in the home while stranger danger is extremely rare (Davidson, 2008). For example, Grubin (1998) calculates that around 80% of child sexual abuse is carried out by family members, relatives and friends, while Cawson et al.'s (2000) study estimates that strangers account for 5% of all child sexual abuse cases. Hence, the figure of the stranger paedophile fundamentally misrepresents the spaces and sources of danger.

REGULATING THE PAEDOPHILE: GOVERNMENT LEGISLATION, LAW ENFORCEMENT AND THE MEDIA

In the United Kingdom, paedophiles are regulated through civil and criminal laws on child sex offenders. Laws are conceived by the government and implemented by law enforcement agencies, most notably the police, the courts, prisons, probation services and multi-agency public protection panels (MAPPPs). The aims are to punish child sex offenders for their crimes, to deter them from committing future crimes and to protect the public. This chapter explores two ways in which media discourses around paedophiles shape the law, namely general legal trends and specific pieces of legislation.

Legal Trends: Demonisation, Dangerousness and Punishment

Official regulation of child sex offenders has become increasingly punitive since the 1990s, as evidenced in the creation of new offences, longer maximum sentences, preventative sentencing and an extension of control through post-release regulations and surveillance. This approach is based on

a 'community protection model' (Kemshall & McIvor, 2004) that prioritises public protection through punitive measures. Medical treatment programmes exist, such as the sex offender treatment programme, but are considered supplements to punishment rather than solutions in themselves. The ideal of rehabilitation has been replaced by a risk management approach. Many of the laws and measures brought in apply to all sex offenders, that is, those who sexually offend against adults and children alike, but pre-occupation with child sex offenders has often provided the impetus for their inception. It has also become customary in the United Kingdom to use these laws and measures in relation to violent offenders as well as sexual offenders (Rook & Ward, 2004).

The abduction, sexual abuse and murder of Sarah Payne in 2000 and Holly Wells and Jessica Chapman in 2002 are the most high-profile paedophile cases in UK history, triggering intense media coverage, government attention and public interest. The Criminal Justice Act 2003 came into force shortly after these two cases and introduced two new sentencing provisions for sex offenders: indeterminate sentences and extended sentences. Indeterminate sentences are applicable to all 'dangerous offenders' and can be given to those who have (a) committed a 'serious offence' (defined as offences with a maximum sentence of 10 years or more) and (b) are considered a serious risk to the public (Davidson, 2008). Indeterminate sentences are indefinite custodial sentences where release is not automatic but has to be approved by a parole board. The court sets a minimum term that needs to be served before a case can be considered for parole. Extended sentences are applicable to sexual and violent offenders who are (a) convicted of non-serious offences (defined as offences carrying a maximum sentence between two and 10 years) and (b) who are considered a serious risk to the public. Extended sentences consist of a custodial term and a period of licence, and it is the latter that is extended to protect the public post-release. The maximum extension period is eight years for sexual offenders and five years for violent offenders (Rook & Ward, 2004). This legislation shows that sexual offenders and violent offenders are grouped together under the same laws; sex offenders have by definition become highly dangerous criminals. Indeterminate and extended sentences form part of the trend of selective incapacitation of 'serious' offenders and preventative sentencing of 'high-risk' offenders in the name of public protection (Kemshall & McIvor, 2004). Danger is eliminated by removing child sex offenders from society (Ashenden, 2002). This trend is punitive as the law and its enforcement agencies are given the power to incarcerate and monitor offenders for extended periods well beyond the usual maximum sentence. It is also

noteworthy that the maximum extension period of extended sentences is longer for sexual offenders than violent offenders, suggesting that they are the more dangerous and persistent criminals. Media constructions of paedophiles as extremely dangerous and incurable offenders, driven by 'evil' and 'perverted' desires, both necessitate extended incarceration and surveillance in the name of child protection and legitimise harsher punishment as morally appropriate.

The punitive trend is also evident in the rise of custodial sentences for sex offenders. In 1995, 55% of sex offenders were given immediate custodial sentences, and in 2005, this figure rose to 60% (Davidson, 2008). The average prison sentence for sex offenders has increased from 36.8 months in 1995 to 41.5 months in 2005 (Home Office, 2007b). This increase is not a reflection of a generally punitive approach; only burglars, drug offenders and sex offenders are punished significantly more harshly today than a decade ago. It is also instructive to compare average custodial sentence lengths of serious interpersonal crimes in 2005, which stood at 41.5 months for sex offences, 17.8 months for 'violence against a person' and 35 months for 'robbery' (Home Office, 2007b). Sex offenders are seen as a more dangerous and serious category of offenders than robbers and those committing non-sexual acts of violence against a person. Davidson (2008) argues that this disparity is not entirely logical or proportionate but driven by government desires to reassure the public. The concerns of the public are to some extent driven by media constructions of paedophiles as extremely dangerous, evil and persistent offenders. The category of 'sexual offences' includes sexual offences committed against children and adults as statistics do not differentiate crimes by age of victim. Aggregate figures cannot reveal whether all sex offenders are subject to the punitive trend or whether child sex offenders are the most affected because of public and government concerns.

The 1997 Sex Offenders Act brought in the SOR, which requires all those cautioned or convicted of a sexual offence since 1997 to register their details with the police and notify any changes. Registration periods vary between two years and life. Initially, the details included name, date of birth and address, and those registered had to inform the police within 14 days of conviction or change of circumstances, either in person or in writing. Since 1997, several pieces of legislation, most notably the Criminal Justice and Court Services Act 2000 and the Sexual Offences Act 2003, have significantly tightened the conditions (Thomas, 2005). The SOR now additionally contains photographs and fingerprints; notifications after conviction or of any changes in circumstances have to be made within three days; these

notifications can only be made in person; offenders need to present themselves annually in person, and they have to notify the police of any travel over three days. The maximum punishment for failure to comply has been raised from six months to five years imprisonment. Since the Violent Crime Reduction Act 2006, the police have the power to apply for warrants to enter and search the homes of individuals on the SOR (Thomas, 2008). The SOR is a community risk management tool designed to control sex offenders in the community who are deemed a risk, which needs monitoring but is not 'high' enough to warrant custody (Kemshall & McIvor, 2004). It is not a criminal law and intended as a public protection measure rather than punishment. However, tightening of conditions has enormously increased demands made on those registered by adding new requirements, shortening time frames, increasing punishment for non-compliance and allowing for search warrants. As a consequence, the SOR has arguably become a punishment in its own right (Thomas, 2008).

Community notification, that is, the disclosure of information on the SOR to the public, is widespread in the United States but has been rejected in the United Kingdom as a routine practice. However, the United Kingdom now operates a 'two-way system of disclosure' (Home Office, 2007a). The first system of 'controlled disclosure' has been in place since the 1990s and refers to the police notifying certain institutions or local communities about those they consider to be 'dangerous offenders' (Thomas, 2005). The second system, which has been dubbed 'Sarah's Law Trial', allows parents, carers and guardians to request limited information about individuals in close contact with their children. The police and local authorities make a decision on which, if any, information to disclose and recipients are not allowed to pass on this information (Home Office, 2007a). This system has been running as a one-year pilot scheme in four UK areas since September 2008. It looks likely to be rolled out nationwide given the positive feedback publicly expressed by the government and the police. Hence, the UK government has conceded some ground to a highly popular and populist system, which makes the SOR an even more punitive tool. The SOR and the community notification are specific legal measures that apply to sex offenders only and are rendered acceptable and necessary by media constructions of paedophiles as highly dangerous, evil and perpetually driven to offend by an abnormal sexuality.

The Sexual Offences Act 2003 introduced new civil court orders that give police greater powers to deal with paedophiles who have not yet committed an offence. Sexual offences prevention orders (SOPOs) contain prohibitions on an individual's activities and movements and are designed to protect the

general public or specific individuals (Stevenson, Davies, & Gunn, 2004). SOPOs can be imposed by courts at the time of sentencing or are applied for by the police in relation to individuals who have (a) a history of convictions and (b) have demonstrated so-called trigger activities, which signal 'dangerousness' (e.g. loitering outside schools). SOPOs require individuals to go on the SOR. Failure to comply is a criminal offence punished by imprisonment up to five years. Risk of sexual harm orders (RSHOs) are designed to combat 'grooming' and protect children from harm by specific individuals. The police can apply for RSHOs if they see a potentially dangerous pattern of sexual behaviour developing. Individuals do not need a history of sexual offending or have engaged in 'trigger activities' to become subject to RSHOs. RSHOs contain prohibitions on an individual's activities and movements and can be used to protect specific children. A fine and/or imprisonment of up to six months are the punishment for non-compliance (Stevenson et al., 2004). Both SOPOs and RSHOs demonstrate that child sex offenders are thought of as very dangerous offenders who need to be dealt with through special preventative measures. Various non-criminal behaviours can lead to serious injunctions and punishment, such as being put on the SOR. This trend of extending legal power to non-criminal behaviours to prevent crime is most strongly evidenced in the new offence of 'grooming'.

*'Grooming' Laws and Vetting Regulations:
Combating the Cunning Paedophile*

Media discourses around paedophiles can inform specific laws. The media construct the paedophile as a detailed discursive figure with specific behavioural, social and psychological characteristics. As a consequence, the figure of the paedophile allows for specific ways of knowing and regulating child sex offending, marking out certain persons, spaces, activities and institutions as dangerous and therefore targets of legislative control. This section focuses on two initiatives: the vetting of employees and the law against grooming.

The discourse of cunning constructs paedophiles as organised and manipulative people who employ deliberate strategies to create opportunities for sexual abuse. One major strategy concerns employment; paedophiles are understood to systematically obtain jobs involving children. In response to this, the government has introduced various vetting laws to prevent child sex offenders from working with children. The Criminal Justice and Court Services Act 2000 gave courts the power to legally ban

‘unsuitable’ people from working with children (Thomas, 2005). At the sentencing stage, a ‘disqualification from working with children order’ can be imposed on those who are convicted of a sexual offence against children and receive a custodial sentence of 12 or more months. Courts have to provide an explanation if they do *not* issue such an order, meaning that they are expected and instructed to ban convicts (Rook & Ward, 2004). ‘Disqualification from working with children’ orders last indefinitely, and both employers and employees commit a criminal offence if they breach them.

Legal bans can only be imposed on a small number of child sex offenders, notably those who have been convicted after 2000 and received a significant custodial sentence. But there are also discretionary mechanisms in place to vet *anyone* working with children and prevent a much larger group of people from such employment. Since 2002, employers need to contact the Criminal Record Bureau (CRB) for criminal record checks on prospective employees. Information is passed on to the employer who has the power to make a decision on whether to employ the person. This system leaves existing staff unchecked and the power of decision-making with employers. In response to the Soham murders in 2002, the government developed a much more comprehensive system headed by the Independent Safeguarding Authority (see <http://www.isa.gov.org.uk/>). This has come into effect in March 2009 and will be rolled out in full over the next two years. It is designed to stop *all* ‘unsuitable people’ from working with children; this means vetting all existing and new staff working with children, full-time staff as well as those with one-off contact (e.g. people giving talks in schools), and including ancillary support workers in the National Health Service and further education institutions (e.g. caretakers, cleaners and secretaries). The ISA oversees a new computer system holding comprehensive data on child sex offenders including not only hard data (i.e. criminal conviction records) but also ‘soft’ data such as allegations or suspicions collected through ‘evidential documents’ such as witness statements, social services records or dismissal and suspension letters. The ISA classifies each individual as either safe or unsafe to work with children. Suitable persons are classed as ‘ISA registered’ while unsuitable ones are placed on the ISA barred list. The information is shared with potential employers, but importantly, the decision on employment is made by the ISA. Once the scheme is fully in place, only those who are ISA registered will be allowed to apply for and carry out jobs involving children. The introduction of the ISA represents a significant tightening and widening of vetting procedures to stop paedophiles from working with children. It takes into account considerable ‘soft’ information in addition to criminal records, works retrospectively, checks all staff and extends to ancillary roles in some sectors. Moreover, the mechanism is brought under

government control and no longer appears discretionary as the ISA has the power to ban individuals from working with children. While courts can only ban those convicted of child sex offences to custodial sentences of 12 or more months, the ISA does not need criminal convictions to issue bans.

The discourse of cunning also stipulates that paedophiles ‘groom’ children for sexual abuse, which is defined as befriending children to gain their trust and sexually abuse them. The Sexual Offences Act 2003 adopted the concept and terminology and created a new child sex offence called ‘meeting a child following sexual grooming’. The offence is defined by a person (denoted as A) meeting or travelling to meet a child under the age of 16, with whom he has communicated on at least two occasions, with the intention of sexually abusing the minor (Stevenson et al., 2004). ‘Grooming’ is largely a preventative offence where the crime resides in the intention rather than an act that has been committed. Preventative offences are very rare in UK law, and therefore, ‘grooming’ requires a high standard of proof. The offence is committed at the point where A is caught meeting B or travelling to meet B. But the prosecution will also have to show that A communicated with B on at least two occasions, a preamble that has been introduced to demonstrate that conduct and intention were persistent and continued (Stevenson et al., 2004). Moreover, prosecutors need to demonstrate a sexual dimension to the intention, by either pointing to the content of conversations or any items found in A’s possession when meeting the child (Rook & Ward, 2004). The maximum penalty for this offence is 10 years imprisonment.

Vetting and grooming laws regulate child sex offenders in detailed ways, legally prohibiting particular forms of behaviour such as working with children or ‘befriending’ children. These intricate regulations are based on and enabled by the figure of the paedophile, which defines these behaviours and thought patterns, which in themselves are not sexual or criminal, as typical of people with a particular sexuality who intend to commit child sex offences. Foucault’s (1978) argument that discourses produce knowledge is illustrated here; the discursive figure of the paedophile has facilitated the proliferation of legal activity regarding child sex offences since the 1990s by producing knowledge on who and what to legislate against.

CONCLUDING REMARKS

This chapter has shown how newspapers use language to construct particular discourses around paedophiles and produce the paedophile as a different and dangerous category of person.

Media discourses do not determine but help shape official regulation, for example, by putting paedophiles on top of the government agenda and creating an impetus for legal activity, by encouraging and legitimising punitive legislation and law enforcement and by aiding the conceptualisation of specific laws. Media representations are not 'only' words and images but socially powerful constructions that can materialise in laws and law enforcement. In the case of child sexual abuse, this is a problematic dynamic because of the media's propensity to hype, demonisation, sensationalism, contradictoriness, incoherence and misrepresentation. Today, the media and the government tend to understand child sexual abuse through the figure of the paedophile who is a pathological, abnormal and dangerous stranger. Legal activity proliferates around this type of abuse, as evidenced particularly in grooming laws, vetting laws, SOPOs, RSHOs and disclosure of information on the SOR. Such measures allow for stricter regulation of child sex offenders and can help prevent offences and achieve convictions, but they are questionable as an overall response to the problem of child sexual abuse. As strangers only account for a small amount of all child sex offences, the child protection impact of these measures is necessarily limited. The media, especially tabloids like the *News of the World*, frame themselves as guardians of child protection, but their discourses promote partial measures and success as child sexual abuse in the family is sidelined.

Approaching child sexual abuse through the figure of the paedophile is also problematic because it individualises a serious social problem, shifting the focus onto individual 'pathologies' rather than social contexts that structurally enable sexual offences against children (Kitzinger, 1999). In the process, the widespread scale and nature of child sexual abuse throughout society is denied by locating dangerousness in a few 'abnormal' individuals. Abusers are taken out of the continuum of male violence (Kelly, 1996) and marked as 'different'; this distracts from the 'normality', in the sense of commonness, of this kind of behaviour and reinforces hegemonic masculinity (Cowburn & Dominelli, 2001). Masculinity is a factor shared by the vast majority of child sex offenders; Grubin's (1998) research review, for example, suggests that 95% of offenders are men. But the focus on dangerous strangers allows the media and the government to ignore the role of masculinity when discussing the causes of and responses to child sexual abuse. In fact, hegemonic masculinity, that is, the type of masculinity which is dominant and idealised in contemporary society, is not questioned but reinforced. As paedophiles are represented as abnormal and pathological, 'normal' men continue to be seen as totally unconnected to them and can continue in their roles as protectors of

children (Cowburn & Dominelli, 2001). Media demonisation also creates an 'us vs. them' paradigm, which renders those who sexually abuse children inexplicable and makes obsolete any uncomfortable issues, such as how similar paedophiles are to 'normal' adults or how the sexual abuse of children connects with the wider sexualisation of children in areas such as advertising, children's clothes or feminine beauty ideals. Narrow representations indicate a simplistic and limited understanding of child sexual abuse that generates partial solutions. To effectively combat child sexual abuse, we need to fully understand the social as well as individual factors driving it, and this has to include looking at wider social issues such as power structures within families, gender roles, hegemonic masculinity and the position of the child, to name but a few. Painting individuals who have been convicted of child sex offences as dangerous, monstrous, abnormal strangers does little to protect children, and we should bear this in mind when the media claim the moral high ground as the nation's child protectors.

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