

Minor Attraction: A Queer Criminological Issue

Allyson Walker¹  · Vanessa R. Panfil²

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Abstract Despite a cultural tendency to sexualize youth, individuals who are primarily attracted to minors are subject to suspicion and stigma across society, extending into criminology and criminal justice. The prevailing assumption is that minor-attracted persons (MAPs) are mentally ill and predatory. However, there exists evidence that minor attraction is a sexual orientation, and the parallels between the treatment of MAPs and LGBT populations are striking. Employing queer criminology's use of deconstructionist techniques, we address the current state of criminology and criminal justice, which sees MAPs as a suspect population warranting formal control. We then argue for the use of queer criminology as a framework for future research with minor-attracted populations, which could have important implications for criminal justice practice and policy.

Introduction

On August 10, 2015, many American adults breathed a sigh of relief. It was not because the United States signed a nuclear deal with Iran a month prior, or any development related to global politics and security. It was because Kylie Jenner, of “Keeping up with the Kardashians” notoriety, turned 18. The internet and media were not shy about the tension. In recounting pictures of the star, entertainment magazine *Page Six*'s tagline read, “Look back at Kylie Jenner's sultriest looks to date—you know, now that you won't get in trouble for it” (Sager 2015). *Aol.com Entertainment* (2015) deemed their own photo collection “18 times we forgot Kylie Jenner was turning 18 this year,” which was aptly named,

✉ Allyson Walker
awalker1@gradcenter.cuny.edu

Vanessa R. Panfil
vpanfil@odu.edu

¹ John Jay College of Criminal Justice, 524 W 59th St., New York, NY 10019, USA

² Old Dominion University, 4401 Hampton Blvd., Batten Hall Room 6042, Norfolk, VA 23529, USA

particularly because the photos' captions repeatedly questioned how any 17-year-old could look and dress the way she did.

Although the point is well taken that Kylie Jenner clearly does not represent the vast majority of teenagers in terms of access to money, fame, and cultural resources that allow her to be regarded as older than she is, the fact remains that the fascination with and sexualization of a person younger than 18 presented a challenge for the mainstream media and for citizens finding themselves sexually attracted to a minor. However, the 'wink-wink, nudge-nudge' nature in which these photos and coverage were presented suggests that in this case, attraction to a minor is not seen as serious or meaningful. In fact, it is commodified and presented as understandable, and perhaps ubiquitous.

Instead, contrast this flavor of overall encouragement in sexualizing famous minors to the experiences of adults whose primary sexual and romantic attractions are to minors. The general population tends to equate individuals attracted to children with sex offenders, and the field of criminology habitually follows suit with this line of thinking. However, evidence shows that most minor-attracted persons (MAPs) have committed no offenses against children (Goode 2010). Distortions of the lives of MAPs portrayed in criminology serve to further the stigma against this population, reducing opportunities for meaningful treatment and humanistic regard, and also necessitating new and more diverse research on MAPs as a whole. Butler (2011: x) speaks of the need to question how "constraints ... not only produce the domain of intelligible bodies, but produce as well a domain of unthinkable, abject, unlivable bodies." In this paper, we aim to answer this call by exploring ethical and legal issues surrounding minor-attracted persons in criminology and the criminal justice system, using a queer lens to critically interrogate these issues.

Even the nomenclature we use here—such as MAP—reflects existing debates regarding these populations. The DSM-V identifies individuals with pedophilic disorder as people over the age of 16 who are preferentially attracted to pre-pubescent children and who either have acted on, or are caused significant stress by, their attractions (American Psychiatric Association 2013a); other categories exist for those attracted to adolescents.¹ To cover all age ranges of attractions to minors and to resolve the differences in definitions, the term MAP, a less-stigmatizing umbrella term,² will be used here to refer to all individuals preferentially attracted to minors.

We begin our discussion by elaborating what we mean about MAPs' place within a queered criminology, partially by discussing what queer criminology is. This is followed by explicit comparisons between MAPs and other folks with non-normative sexual identities on dimensions such as sexual orientation and identity formation, as well as facing stigma, which can include negative stereotypes, perceptions of illegitimacy, and discriminatory treatment. Our discussion also focuses on two key related issues in governing sexuality: the first is the shifting diagnostic criteria for what forms of sexual identity qualify as mental illness, while the second focuses on how the appropriateness of sexuality among and/or with young people has statutorily changed. Our framing is thus that many of our modern considerations are socially constructed, and MAPs arguably can be considered a queer population. We then evaluate how MAPs have been the targets of criminal justice

¹ Other sources document hebephilia and ephebophilia as preferential attractions toward children in the beginning phases of puberty and children in the late stages of puberty, respectively; however, there is much disagreement over which categories fit which attractions, and whether all categories are legitimate (Blanchard et al. 2009; Seto 2008).

² This term is used by the MAP-led group B4U-ACT and other organizations that work with this population (B4U-ACT 2016). However, other MAP-led organizations, such as VirPed ("Virtuous Pedophiles") still use the term "pedophile" to self-identify.

and criminological focus, often at the expense of their health and wellbeing, by being subjected to suspicion and formal control. Finally, we envision how a queered criminology might productively include MAPs, especially as it has the potential to allow for nuanced and humanistic research that can provide insights into prevention and intervention.

MAPs Within a Queered Criminology

Although we will soon discuss the potentially contentious choice of using a queer lens to evaluate the experiences of MAPs, queer criminology offers a useful framework from which to build. Criminology as a field has been criticized for distorting the behavior of various groups, including pigeonholing LGBT people as sex offenders, sex workers, and/or victims of hate crimes (Panfil 2014; Woods 2014). Queer criminology has recently emerged as a subfield dedicated to producing scholarly work that represents the diversity of queer communities within criminology, as citizens, offenders, victims, and criminal justice professionals. This subfield extends the work that critical and feminist criminological traditions have established with the goal of more accurately (or at least holistically) representing the lives of LGBT people, women, people of color, and other marginalized populations. While queer criminologists are primarily interested in issues related to sexual orientation and gender identity/presentation, this can be broadly conceived to include many forms of non-normativity. McDonald (2016) points out, however, that queer criminology has so far shied away from discussing minor attractions.

Queer criminology has multiple strengths that make it an ideal vantage point from which to examine issues related to MAPs. Included in these strengths is a focus on queer populations as a whole as they connect to criminology, as well as its use of queer theory, allowing for the exploration of issues surrounding non-normative attractions and behaviors. While “queer” could signify an identity category, it might also be linked with activism to inform a politic of resistance (Butler 1993), or describe an interrogative method, leading Giffney (2009: 8) to conclude that there is no singular queer theory, but that *queer* seems to involve a “doing.” A queered criminology therefore engenders a deconstructionist approach. Queer theory in criminological research provides, as Ball (2014: 536) notes, a “set of theoretical tools” for exploring concerns related to non-normativity. Such issues include how non-heteronormative individuals are made to feel othered in public spaces, so that their very existence becomes deviant, and ways in which sexual activity is governed socially and legally. Thus, we draw from queer criminology’s use of deconstructionist critiques to challenge existing assumptions about minor-attracted people and the ways we have sought to exert formal control on sexual non-normativity. Throughout, we also utilize concepts from queer theorists (e.g., Foucault 1977, 1978; Butler 1993, 2004, 2011) to better articulate what a queer lens adds.

Striking Parallels: MAPs as a Queer Population

Referring to MAPs as a queer population is a controversial proposal. Although its usage and meaning is still contested (see, e.g., Ball 2014), modern scholarly understandings of “queer” can include anyone with a non-normative sexuality or gender expression, and there exists precedence for such categorization (Giffney 2009; Sullivan 2003). Advocating for an even broader perspective, Halperin (1995: 62, emphases in original) famously

asserted, “Queer is by definition *whatever* is at odds with the normal, the legitimate, the dominant. *There is nothing in particular to which it necessarily refers.*” In articulating the utility of including diverse groups under this umbrella, Butler (1993: 19) offers, “If the term ‘queer’ is to be a site of collective contestation ... it will have to remain that which is ... never fully owned.” Further, Butler argues, “the critique of the queer subject is crucial to the continuing *democratization* of queer politics” (1993: 19, emphasis in original), indicating that a static definition of queer is counterproductive to liberatory social movements. Due to MAPs’ existence outside of the realm of sexual normalcy and the sociopolitical mainstream, they may be easily regarded as queer.

To better substantiate this argument, we compare the experiences and statuses of MAPs to other queer populations (specifically, LGBT individuals) in order to illustrate critical similarities between these groups. We do this on two key dimensions: sexual orientation and identity formation, and perceptions of illegitimacy and stigma. We also focus on another striking parallel between LGBT groups and MAPs, which is the ways their sexualities have been regulated as a mental illness in the modern period, and the ways these classifications have shifted. Concluding this section is a reflection on the resistance we can envision from existing LGBT communities regarding the possibility of MAPs being considered a queer population.

Sexual Orientation and Identity Formation

There exists overwhelming evidence that minor attraction is a sexual orientation. It is estimated that up to 5 % of adults in the United States are preferentially attracted to prepubescent children, to the exclusion of attraction to adults (Seto 2008), and larger numbers of adults have been shown to exhibit some attractions to prepubescent children, whether preferential or not (Hall et al. 1995). The prevalence of preferential attractions to minors who are in the beginning or later stages of puberty is unknown (although perhaps significant, as we later discuss), but the prevalence of attractions to prepubescent children alone mirrors numbers of other sexual minorities: According to Gates (2011), 3.5 % of the adult population in the United States identifies as lesbian, gay, or bisexual, while 11 % reports some level of same-sex attraction. Yet other research suggests there are additional dimensions to sexual orientation that extend beyond orientation to gender.³ For example, asexuality is a commonly accepted sexual orientation despite its lack of definitional pull toward attraction to a given gender (Prause and Graham 2007), though asexual people may still prefer to engage in romantic relationships with members of a particular gender.

Seto (2012) compared age of awareness of attractions, romantic behavior, sexual history, and persistence, between those attracted to prepubescent children and teliphilic straight and gay individuals (teliphiles are people who are preferentially attracted to adults). Seto’s findings showed that people attracted to prepubescent children experience a similar identity development process as gay and straight teliphiles. MAPs often report becoming aware of their attractions to children during adolescence, typical of the ages of awareness seen in other sexual minorities (Freimond 2009; Freund and Kuban 1993; Li 1991; Marshall et al. 1991; Seto 2012; Seto et al. 2000, 2003). For many MAPs, this means

³ Tweedy (2011) and van Anders (2015) promote the idea that polyamory (the desire to engage in multiple, simultaneous romantic and/or sexual relationships) is a sexual orientation unto itself. Additionally, objectum sexuality (romantic and/or sexual attracted to inanimate objects) has been classified as its own sexual orientation (Marsh 2010).

that they initially are attracted to same-age peers, but as they age, they realize that those who they are attracted to remain in younger age categories (Goode 2010).

MAPs also report feeling romantic attachments to children in addition to sexual attractions. In a qualitative study of men who have had sexual contact with minors, multiple participants described feeling love or affection in addition to—or in place of—sexual attraction (Li 1991). Minor-attracted persons may also have fantasies about children that approximate romantic imaginings among adults; for example, a respondent in Goode's (2010: 104) study detailed that his fantasies were "sometimes sexual, sometimes not, spending time together, walking on a beach, watching a movie, laughing, having fun, talking." Although there has been very little quantitative research about MAPs, one longitudinal study showed that among this population, attractions to minors persist over time (Hanson et al. 1993).

Due to the similarities between MAPs' and teliophiles' identity processes, Seto (2012: 231) and others have considered pedophilia a "sexual age orientation." In fact, this age orientation may inhibit orientation to a particular gender: MAPs are less likely to have a preference for gender than individuals who are preferentially attracted to adults (Freund and Kuban 1993; Freund et al. 1991). Additionally, while sexual orientation such as gay or lesbian identity is seen as an involuntary and enduring physical, romantic, and/or emotional attraction to members of the same sex (GLAAD 2010), it is not uncommon for minor-attracted people to describe their attractions as innate, inherent to who they are, or even that they were born like that, suggesting a similarly enduring and unchangeable orientation (Li 1991).

Perceptions of Illegitimacy and Stigma

MAPs also resemble other queer communities due to shared perceptions of illegitimacy and stigma by 'conventional' others. Emerging research shows that upon disclosing their attractions to friends and family, some MAPs find support, while many encounter negative reactions, including suspicion, threats, being labeled as "perverts," loss of friendships, increased stress levels, and the fear of being outed (Freimond 2009). One MAP explained,

When you come out, people have power over you. Not only because they can tell people and ruin your life, even if you haven't done anything illegal. But they have power over you because they can call you names, or they can tell you that you're sick or wrong. ... So it makes you very vulnerable, and it can change the power dynamic of your relationships or friendships quite a lot. And it can be very frustrating and intimidating if people don't agree with you, because they have the weight of society and social norms behind them. (Freimond 2009: 60)

These experiences parallel those faced by LGBT individuals who disclose their own sexual identities: the risks of coming out to family and friends as LGBT include hostile attitudes, shock, confusion, changes in relationships, harassment, discrimination, and compromised safety (Human Rights Campaign 2014). Departures from expected behavior can make one subject to punishment from the regulatory gaze (Foucault 1977), but in the case of MAPs as compared to LGBT people, this may result in formal social control as opposed to just informal means.

Along with experiencing stigma from family and friends, queer populations are often at risk for feeling stigma from society at large, believing, for example, that members of the public think less of gay people, would not hire qualified openly gay people for jobs, or would not want openly gay people caring for their children (Herek 2009). MAPs similarly

face stigma from the general population: in a pair of joint studies measuring social distance, 38 and 49 % of participants indicated that they thought MAPs who had not committed a crime should nonetheless be incarcerated, and 14 and 27 % thought they would be better off dead (Jahnke et al. 2015). These studies showed that participants were significantly more likely to fear and socially distance themselves from MAPs as compared to alcoholics, sexual sadists, and individuals presenting antisocial tendencies. Due to MAPs' assumed connection with sex offenders, we are unfortunately not surprised.

Hatred is more widespread for those MAPs who *have* illegally acted on their attractions. Sex offenders are arguably one of the most hated folk devils of our time, scapegoated for many ills beyond their actual crimes, and subject to aggressive campaigns of surveillance that exceed those related to other crime types, including crimes with higher risks of recidivism. Despite a historical shift away from punishment as public spectacle (e.g., Foucault 1977), sexual offenders are the recipients of punishment that intends to make a spectacle out of them, to visibly mark them as in need of degradation and regulation. Entire websites exist to inform the public about the whereabouts of sex offenders in any given neighborhood. This is perhaps due to the incorrect, yet seemingly ubiquitous, notion that individuals who commit sex offenses against children are at a high risk for reoffending (Klein 2015). Indeed, this assumption regarding the high risk of reoffending is the core justification for residence restrictions, which prevent convicted sex offenders (even those who have not offended against children) from living a specified distance from playgrounds, schools, and other places where children congregate (see Socia and Stamatel 2010, for a review). Studies have shown that verbal and physical harassment, eviction, and property damage are all relatively common occurrences for those individuals who are registered under Megan's Laws (Levenson and Cotter 2005; Levenson et al. 2007). Assumptions about the risks sex offenders pose to others have also been used to justify their civil commitment after they have served their sentences, a practice legal in 20 states and the District of Columbia (Association for the Treatment of Sexual Abusers 2010).

Even among prison inmates, those who have committed a sexual offense against a child are vilified: research conducted by Trammell and Chenault (2009: 334) showed that inmates justify violence committed against individuals who sexually offend against children, referring to it as a "public service." The researchers also found that inmates felt compelled to exert violence against those who had committed sex offenses against children in order to socially distance themselves from them. Establishment of boundaries between oneself and socially undesirable others is a way to reduce the risk that one's own claim to decency might be tainted (Snow and Anderson 1987), which may be particularly salient among convicted prisoners, and thus helps maintain power hierarchies in prison.

It can be (and has been) argued that the struggles of lesbian, gay, and bisexual (LGB) individuals to be accepted as legitimate members of society cannot be compared to those of MAPs due to issues of morality. Specifically, this line of reasoning states that healthy LGB relationships exist between individuals of similar (or at least legally consenting) ages, whereas MAPs are unable to engage in consensual relationships due to the age of their potential romantic and/or sexual partners and thus engage exclusively in violent and immoral sexual activity. Therefore, according to this claim, it would be appropriate to treat attractions to minors as deviant, or a mental illness—we explore this in greater depth below by evaluating the contentious recent history of mental health campaigns directed at MAPs and LGB populations. While we emphatically agree that the ability to consent is necessary in healthy relationships, this argument fails to take into account MAPs who resist acting on their attractions, falling into the trap of equating MAPs to sexual offenders. This argument

additionally makes a blanket assumption that no minors are capable of consenting to sex, which we will explore later on.

Disordered Classifications: The APA's Shifting Standards

MAPs, as with other queer populations, have been subjected to inconsistent standards of mental illness and health. "Homosexuality" was labeled a mental illness in the American Psychiatric Association's (APA)⁴ original Diagnostic and Statistic Manual (DSM), published in 1952. It was first considered a "Sociopathic Personality Disorder" and then as a "Sexual Deviation." This classification was not changed until the DSM-II was published in 1973, and other iterations of related disorders, such as "Sexual Orientation Disorder" and "Ego-dystonic Homosexuality" were not fully removed until the 1987 publication of the DSM-III-R (Silverstein 2009). Similarly, The World Health Organization classified homosexuality as a disorder in edition six of its International Statistical Classification of Diseases and Related Disorders in 1948, and did not remove this classification until the (current) tenth edition, released in 1990 (Cochran et al. 2014). Clearly, differences existed between US and global perceptions of same-sex attraction, further illustrating the disputed nature of projects regulating sexuality.

The process of removal from the DSM was spurred by the proliferation of research on human sexuality and the political activity of homophile (pro-LGBT rights) organizations who challenged the APA's Nomenclature and Statistics Committee to research the issue and reconsider their stance. One psychiatrist who argued on behalf of gay and lesbian people (and was gay himself) wore a mask to conferences, in order to not place his career in jeopardy. After the 1973 decision to remove "Homosexuality" from the DSM was approved by the various APA committees and the Board of Trustees, the APA also opted to endorse civil rights for gay and lesbian people in a Position Statement. The decision to remove homosexuality was subsequently upheld by a majority of voting APA members (see Bayer 1987, for more historical information).

Though the APA removed same-sex sexual orientation from the DSM decades ago, "pedophilic disorder" is listed as a potential diagnosis within its current incarnation, the DSM-V. Notably, the initial publication of the DSM-V labeled pedophilic disorder as a sexual orientation, but upon receiving criticism, the APA issued a retraction, calling the use of the term "sexual orientation" an error and classifying pedophilic disorder instead as a "sexual interest" and a paraphilia (APA 2013b). This retraction is especially significant because the DSM-V was originally published in the wake of debate among mental health researchers regarding changes to diagnostic criteria for attractions to minors (e.g., Blanchard et al. 2009; Seto 2012). The APA (2013b) also found it necessary to include the following in their statement regarding the retraction of the change: "APA stands firmly behind efforts to criminally prosecute those who sexually abuse and exploit children and adolescents." Their statement serves to call negative attention to minor-attracted people, insinuating that they will offend, or at least that we should regard them with suspicion.

A critical reading of this scenario would be that the APA did not believe they had made an error until the public reaction forced them to reconsider, and then needed to create boundaries between individuals with mental health considerations and those with criminal justice considerations. Clearly the APA's legitimacy was also at stake in making this

⁴ We are aware that many criminologists are accustomed to referring to the American Psychological Association as the APA, but we are referring to the American Psychiatric Association when we use the APA acronym throughout.

controversial but bold (and arguably, scientifically supported) change, which was met with mainstream resistance. We understand that the APA is a professional organization with extensive influence and thus bears inconceivable weight in making diagnostic decisions, but critical readings are warranted due to the fact that they *already changed minor attraction to a sexual orientation and then changed it back to a paraphilia*. The looming question is about whether such happenings actually facilitate diagnosis, treatment, and inclusion, or whether they are more concerned with controlling and othering difference/non-normativity. It is to this point that we return shortly.

Similarities are also to be noted in supposed “cures” for homosexuality and attractions to minors. Sexual Orientation Change Efforts (SOCE; also known as “conversion therapy” or the misleading “reparative therapy”) have historically been used to “treat” homosexuality through psychological and/or religious intervention (GLAAD 2010). This has stemmed from the ideas that homosexuality is an illness and that same-sex attraction *can and should be* cured. While SOCE have been condemned by the American Psychological Association and President Obama, and made illegal by four US states and Washington, DC (Movement Advancement Project 2015), SOCE for MAPs has generally gone without criticism by governmental parties and the media. Techniques still in use include having MAPs sniff ammonia or submit to electric shocks while thinking of sexual fantasies, in an attempt to create an aversion to their own attractions (Drapeau, Körner, Granger, Brunet, and Caspar 2005). Again here, the implication is that minor attraction *can and should be* cured, but because of the intense stigma accompanying minor attraction that has not dissipated as it has with same-sex attraction, there have been no concerted efforts to ban MAP-related SOCE.

SOCE treatment has not been found to be effective in changing sexual orientation, and the outcomes of SOCE treatment include severe emotional distress, such as increased depression, anxiety, suicidal ideation, and damage to sexual functioning (American Psychological Association 2009). Nevertheless, MAPs who have committed sex offenses can still be mandated to participate in this therapy. Furthermore, while the American Psychological Association (2009: 82) indicts SOCE for lacking a basis in “credible scientific theory,” and notes various harms experienced by those (including minor-attracted individuals) who have gone through it, their recommendations concern only SOCE targeted at individuals with same-sex attractions, ignoring entirely the use of SOCE on MAPs. Given the evidence that minor attraction is a sexual orientation, the American Psychological Association’s oversight in disregarding the harm that can be done to MAPs who are mandated to SOCE is contradictory and must be addressed.

Resistance to MAPs as a Queer Population

The two previous subsections have drawn parallels between MAPs and LGBT populations, arguing that both groups have faced irreparable harm as a result of stigma and regulatory projects. Under other circumstances, this might have brought about an understanding between LGBT individuals and MAPs, reflecting Butler’s (2004) note that harm done to a community provides the opportunity for its members to witness and respond to similar harm done to others. Instead it has served to drive a wedge between the groups: in order to improve its legitimacy and mainstream appeal, the American gay rights movement has made calculated efforts to distance itself from groups advocating for the rights of minor-attracted people (see Thorstad 1991). This is unsurprising, given that gay and lesbian people have a history of being thought of as depraved sexual predators, with particularly salient cultural narratives of gay men as predators of children (Mogul et al. 2011: 33).

These stereotypes of predation and child molestation continue to this day. Complicating this picture is the fact that LGBT individuals continue to be strategically linked to MAPs by those wishing to politically demonize same-sex sexual behavior, as illustrated by McDonald (2016). This is especially salient because discussing LGBT people's involvement in crime and violence (and whether it could derail political progress) is in itself an ethical issue for queer criminologists (e.g., Panfil 2014).

Given the popular (though, we argue, mistaken) belief that MAPs pose an inherent threat to children due to their attractions alone, it is understandable that some members of queer communities would object to MAPs being called a queer population. We suspect the objection would be especially strong from the LGBT communities to whom "queer" has historically been attached, has been used to attack, and has been reclaimed by, who may feel threatened by associations made between MAPs and their population for the reasons described above. Nonetheless, the similarities between MAPs and LGBT/other queer groups, especially in terms of social stigma against them, are unmistakable.

The larger issue is not whether MAPs are absolutely and undeniably part of the queer community, but instead that they can be meaningfully integrated into a queered criminology. In arguing for MAPs' rightful presence in a queered criminology, we take inspiration from Butler's (2004: xii–xiii) suggestion that reflecting upon injury "offers a chance to start to imagine a world in which that violence might be minimized, in which an inevitable interdependency becomes acknowledged as the basis for global political community." In other words, we believe that insights and lessons learned from fighting the social (and physical) injury of LGBT people hold meaningful significance for reducing harm to MAPs.

Social Constructions of Sexual Appropriateness

What this paper has focused on thus far has been drawing parallels between LGBT people and MAPs to discuss their place within a queered criminology. We now expand our discussion to address the broader issue of MAPs' place within society, specifically, whether their attractions are actually that unique. Consistent with queer criminology's deconstructionist perspective, we discuss the socially constructed nature of "minor-attracted" persons.

We return first to the definition of who is diagnosable with pedophilic disorder, according to the DSM-V: people over the age of 16 who are preferentially attracted to pre-pubescent children and who either have acted on or are caused significant stress by their attractions (APA 2013a). Utilizing this definition, even minors aged 16 and 17 could be considered pedophiles because of their attractions to children, even though by some legal definitions, they are children themselves. When it comes to sexuality, young people ages 16 and 17 are regarded, at least by many states and localities, as able to consent to sex acts with same-age peers or adults over 18. In fact, the most common age of consent among US states is 16 (Smith and Kercher 2011). Furthermore, some states even have Age Gap Provisions, sometimes referred to as "Romeo and Juliet" clauses, which are statutory rape exceptions for couples close in age, where one party is of legal age and the other is not (Smith and Kercher 2011).

The aforementioned socially constructed nature should be fairly obvious: statutory ages of consent differ across states, but young people ostensibly do not vary much across states. Similarly, some states have different (and often, higher) ages of consent for same-sex

versus opposite-sex partners, meaning that some LGBT youth are swept up into the juvenile justice system and perhaps even sex offender treatment for age-appropriate sexual exploration with same-sex peers (Majd et al. 2009). These are but additional indicators that control of sexuality is far more about particular statuses instead of some actual concern about safety or sexual health.

Additionally, what about MAPs who are primarily attracted to pubertal or post-pubertal children, who are mostly adolescents? In actuality, these MAPs might not differ from a substantial proportion of the general population, if popular culture is any indication. We need only remind the reader of the media coverage regarding Kylie Jenner turning 18 to crystallize what we mean. As further evidence, in a study of 55 million searches for erotic content, “youth” was the number one search category, accounting for 13.5 % of searches; this category included words like “young” and “teen” (Ogas and Gaddam 2011).⁵ Similarly, the number one most-searched term on the hardcore pornography website Pornhub for both 2013 and 2014 was “teen” (Pornhub Insights 2015). The “barely legal” market falls within these guidelines, and we call attention to the fact that such videos are labeled “barely legal” precisely to acknowledge that *the performers are as young as they can possibly be without the product being illegal to watch or possess*. It is also clear from a brief review of this category that it includes not just videos of individuals who are ostensibly teenagers, but teens in teenage scenarios, as students, cheerleaders, and the “boy/girl next door.” It thus seems to be not just an interest in young bodies but in youth as a status, further exalted in borderline-pornographic advertising campaigns for adolescent clothing, movies rated R (for an adult audience) but with high-school-aged children as the main characters who engage in sex acts, and so forth.

Clearly, attraction to post-pubertal minors is far more socially acceptable than attractions to young children, with stigma lessening the older the minor gets. If we think of this in terms of sexual or emotional maturity, this is understandable. We do not mean to suggest in any way that young children could reasonably consent to sex with adults; they absolutely cannot. However, we do call attention to the variable construct of childhood, where, in Western nations, within only a few generations we have seen a major reorientation to what it means to be a child. Until the 1930s, it was legal and commonplace for minors in the United States to work dangerous and demanding jobs at young ages (e.g., Trattner 1970), and to marry and bear children in the late teenage years (Furstenberg 2007). Even today, minors are commonly expected to enter the labor market (Edmonds and Pavcnik 2005), marry, and have children at relatively young ages in many low-income nations (Clark 2004). We acknowledge that these expectations were and are often dependent on class statuses, that the later average ages of marriage and childbirth are highly correlated with increased average life expectancies (Killias 1991), and that expectations of marriage and childbearing at young ages can constitute sexual violence, depending on the circumstances. However, we generally seek to illustrate how notions of appropriateness are historically, geographically, and socially contingent.

Through this analysis we are reminded of the apt words of de Beauvoir (1973: 301) regarding how society creates statuses through discourse: “one is not born, but rather becomes, a woman.” To extend this analogy, minor attraction exists, but is not always imbued with negative social meanings; for self-identified MAPs, it typically is. McDonald

⁵ Twenty search categories accounted for 80 percent of all searches, while 35 search categories accounted for 90 percent of all searches, suggesting that in many ways, “most people’s desires are clustered together into a relatively small set of common interests” (Ogas and Gaddam 2011). Common interests, we argue, that are led with eroticized perceptions of young people.

(2016) draws from Foucault (1978) to suggest that the pedophile is easily marked as monstrous because, as a result of society's envisioning of sex as already shameful and secretive, those who hold subversive interests are considered "strangers" and othered.

In this section, we have questioned how different some MAPs are from the general population, considering these sexual interests are to some extent shared—MAPs are hardly "strangers" at all. The major difference, it seems, is the inherent suspicion attached to any *expression of wanting* to engage in sex acts with minors, even if one has no real intention to seek out such contact. Accordingly, these motivations and actions may not be as correlated as our justice system responses might have us believe. It is to these criminal justice considerations that we now turn.

MAPs as Criminal Justice Focus

Throughout, we have drawn distinctions between non-offending and offending MAPs. Research has not yet provided an accurate estimate of the percentage of adult MAPs who have committed a sex offense against a child, due partially to the extent to which MAPs remain hidden as a population (Hall and Hall 2007). Nonetheless, some research has suggested that attraction to minors is more prevalent than sex offending against children. For example, in a recent study of sexuality, 9 % of 363 men surveyed anonymously disclosed having sexual fantasies about children, while 4 % indicated having engaged in sexual contact with a child (Beier et al. 2006). Despite the limited body of research investigating the offending rates of MAPs, multiple studies have indicated that the majority of those who have committed child sexual abuse are not MAPs; these studies have found that only 30–50 % of those who have committed a sex offense against a child are minor-attracted (Blanchard et al. 2001; Seto et al. 2003; Maletzky and Steinhäuser 2002; Seto and Lalumière 2001).

Research has shown that sex offenders, like most other types of offenders, do not specialize (Hanson and Morton-Bourgon 2004; Lussier et al. 2005; Miethe et al. 2006). Therefore, something other than attraction determines offending behaviors: Seto (2008) hypothesizes that offending by MAPs only occurs in the presence of antisocial characteristics or other neurodevelopmental difficulties. Borrowing from Moffitt's (1993) work on adolescence-limited and life-course-persistent offending, as well as a modification to this work incorporating a divergence of two types of life-course-persistent offenders (Quinsey et al. 2004), Seto (2008) hypothesizes that adolescence-limited sex offenders against children are generally not MAPs, turning to younger children as channels for sexual activity due to a lack of other sexual opportunities. Among life-course-persistent offenders against children, Seto theorizes two separate trajectories to general antisocial tendencies that in turn lead to sexual offending against children: one characterized by neurodevelopmental difficulties and adverse early environments, and the other caused by psychopathic traits. Attractions to minors in and of themselves, in light of this theory, would appear to induce neither antisocial tendencies nor offending.

These explanations are consistent with what we already know about adults' enactments of sexual violence, or sex acts with individuals who have not consented or cannot consent: these are not acts borne of sexuality or attraction, but of power and control. It is quite illustrative that the majority of adult sex offenders who target children are not primarily sexually attracted to children, and otherwise exhibit antisocial and psychopathic characteristics. We seek to highlight the fact that primary attraction to minors does not appear to

have a clear causal relationship to committing person offenses against children, in that minor attraction by itself seems neither necessary nor sufficient to explain interpersonal forms of sexual offending.

These numbers and typologies notwithstanding, research regarding MAPs in multiple studies generally paints a portrait of this population as a threat to children and society. This is no different in criminal justice and criminology: MAPs have traditionally been focused on by these fields exclusively as sex offenders. Numerous articles have detailed offending patterns, recidivism rates, treatment outcomes, and risk levels of those MAPs who have committed offenses against children (e.g., Beier 1998; Finkelhor 1991; Firestone et al. 2000; Hall and Hall 2007; Maletzky and Steinhauer 2002; Prentky et al. 1997; Rösler and Witzum 1998; Schober et al. 2005; Vandiver 2006). Even work by McDonald (2016) examining pedophilia in a queer context makes the assumption that pedophiles are all child molesters, which illustrates dominant conceptual frames. This serves to underscore how far we have to go in providing an accurate and fair picture of this population through research.

In addition to numerous studies focusing on crimes committed by MAPs, even treatment efforts have focused on non-offending MAPs as potential sex offenders. Prevention Project Dunkelfeld (PPD), a multi-site program run throughout Germany, provides voluntary treatment to individuals attracted to children. As the name suggests, this treatment is preventative in nature and thus is sought out voluntarily by MAPs rather than being mandated. Its services are so sought after, in fact, that participants travelled an average of 127 miles just to be assessed for the program (Beier et al. 2009a, b). Anecdotal evidence suggests that PPD's services help its participants cope and feel more capable of living a "normal life" (Prevention Project Dunkelfeld 2014). However, the way in which PPD is marketed furthers the idea that its participants would otherwise pose a danger to society (Beier et al. 2009a, b). Indeed, in PPD advertisements to MAPs across Germany, the explicit message provided was "don't offend" (PPD 2013), reducing the potential participant down to a perceived risk stemming from their sexual attractions alone. The suspicion of program participants is evident in the project's papers that refer to clients in ways such as "(potential) child molesters" (Beier et al. 2009a: 851). Thus, the suspicion generated is not merely in the ways the program is interpreted by MAPs or by the general public, but by PPD's own advertising, publicizing, and recruitment.

Research and programming focusing on improving outcomes for children is undoubtedly crucial and advantageous both for children and for many MAPs who seek out programs like PPD. However, while this work makes many positive contributions, its impact on promoting suspicion and formal control of MAPs in the general public should not be overlooked. It is for this reason that new research is needed to provide a critical eye on the subject.

Future Directions for Research

Of particular import is the ability of a queered criminology to use a deconstructionist framework to not only question prevailing assumptions in the field and its praxis, but to address identity based upon multiple traits rather than one-dimensional identities. Several authors within queer criminology have critiqued the use of essentialized identities in works detailing crime committed by and against LGBT people (Ball 2014; Woods 2014). Due to its focus on offending and victimization of sexual minorities, as well as its use of queer theory and deconstructionist approaches to question norms related to sexuality, queer

criminology provides an ideal lens through which to explore MAPs' experiences and the ways they are conceptualized by criminology and criminal justice, including the criminal justice system.

Specifically, we are emboldened by a call from Woods (2014: 15) for a criminological literature that gives "due consideration to sexual orientation and gender identity as non-deviant differences that may shape people's experiences of crime and experiences in the criminal justice system more generally." That is, moving forward, we argue that although criminological scholars must contend with societal stigma regarding MAPs that casts them as deviant, predatory sex offenders, queer criminology can productively interrogate these assumptions, providing a more nuanced portrait of the social, legal, and ethical issues framing our regard of and responses to minor-attracted persons.

Thus, the framework of queer criminology holds much promise for research with populations of MAPs. Works examining the othering of non-heteronormative attractions can be expanded to include attractions of MAPs. Research should also examine multiple dimensions of the lives of MAPs, to account for the diversity within the population. As with other queer populations, it is important to shed light on the lives of minor-attracted persons in ways that will diminish societal stigma toward this population: while MAPs are currently thought of as predatory threats to children, research using a deconstructionist framework can discourage the idea of the essentialized identities of MAPs to reveal the complexities within their lives.

Offending by MAPs outside of the scope of sexual offending is another potential avenue for research: issues related to MAPs' sexual orientation, including facing stigma and concealing attractions, may contribute to offending patterns engaged in by this population, as queer criminological research has shown can happen with LGBT populations (e.g., intimate partner violence among closeted LGBT people; see Gillum and DiFulvio 2014; Messinger 2014). That is, what effects do social forces such as stigma and concealment have on their lives? Do their coping methods involve additional forms of offending? Drug use as a means of self-medicating and intimate partner violence with MAPs' adult partners could be two relevant avenues for research.

Conversely, in order to provide a more holistic picture, research should also concentrate on the strengths of MAPs, through work on resiliencies of the population rather than current work exclusively regarding deficits. While research has shown that many MAPs do not act on their attractions toward children, no research to date has focused on MAPs' strategies or motivations for avoiding offending and/or remaining resilient in the face of restrictive (and perhaps unnecessary) social control efforts.⁶ Research on non-offending MAPs belongs within criminology, not only because the absence of offending constitutes a valid area of study for criminologists due to prevention-related insights, but because of the informal and formal social control efforts directed at MAPs. On this note, future research should also investigate ways in which MAPs are victimized through interpersonal violence based on fear or prejudice, and similarly on institutional barriers to effective and humanistic treatment.

Research applying a queer theoretical framework to MAP issues could have important implications for mental health treatment and criminal justice system intervention. Research

⁶ A recent (2016) letter to advice columnist Abigail Van Buren (Dear Abby) from a minor-attracted adult who had never offended but who had the "desire" to "commit the most heinous of crimes" against young girls expressed concern that he would be reported if he sought help. His letter ended with the question, "How am I to overcome these urges when no matter what I do I am considered guilty?" We find this to be an extremely valid question that is relevant for future research.

examining resiliencies among MAPs could identify areas to be focused on by mental health practitioners who work with these populations. Research examining victimization of MAPs can be used to create awareness among those working in criminal justice fields about the ways MAPs may be targeted for violence based on their sexual orientation. There also is the missing piece of MAPs' experiences within the criminal justice system and correctional institutions, which are likely profoundly negative in light of everything we have discussed, including prisoners' own campaigns to punish them further. In order to create positive programmatic and policy change, queer criminology involvement in research focusing on these issues is essential.

There is reason to be cautious about conducting this work. As Ball (2014) notes, criminological research, even that which aims at meeting the standards of "queer," often translates to the development of a positivist and administrative literature, which is out of touch with the goals of a queered criminology. In other words, we acknowledge that as more research regarding MAPs develops within the field, it heightens the risk that our research could be used to increase formal control over this population. Care should be taken to evaluate the goals of projects that include MAPs as a participant base, given the marginalization of the community and its vulnerabilities. Despite challenges that face the population and the researchers conducting this work, we argue that such research has the potential to fundamentally change our conversations about MAPs, subsequently providing better outcomes for them, for children, and even for our field itself.

Compliance with Ethical Standards

Conflict of interest The authors declare that they have no conflicts of interest.

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