

CONSTRUCTING SPOILED IDENTITY: THE CASE OF THE CHILD MOLESTER

by

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ABSTRACT

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This dissertation investigates the management of deviant identity in the case of child molesters. It is a micro-sociological investigation of some of the ways in which people labeled sex offenders understand and articulate themselves at a historical moment in which they are vilified and denied full civil rights. Life histories of six sex offenders convicted of charges against minors were collected and analyzed in terms of the narrative strategies employed in the construction of stigmatized identity. The sample was comprised of men in their mid-thirties to early fifties who live in New York State. They had been convicted of a variety of sex offenses, including “statutory” violations, internet-based non-contact offenses, and exhibitionism and public groping.

The men in the study were all connected to their community through a variety of social roles prior to their convictions. Although employment bonds were severed for many, bonds with immediate family members remained intact after their conviction. However, other social bonds were severed as a result of their conviction, and an extensive range of civil restrictions imposed on them as part of their probation. The constraints on civil liberties dictated the quality and rhythm of their day-to-day life in ways that emphasized their dependence on the state. Every participant found himself at least

partially unemployed or unemployable because of their conviction and all were in downwardly mobile financial positions.

All participants developed strategies to retain a viable sense of social self. They did not see themselves as monsters who should be excommunicated. Instead they employed a variety of strategies to assert their social worthiness. These included espousing mainstream attitudes toward sex offenders as a dangerous “other”. They constructed the idea of an authentic or “real” self that they contrasted with this idea of the dangerous outsider. As insiders with special knowledge of how the system works, these men were able to critique policies in such a way that they reaffirmed the need for the policies at the same time that they distanced themselves from being seen as objects of those sanctions. In this way they reasserted their basic humanity and social worthiness.

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Table of Contents

Chapter One: The Sociology of Sexual Offense.....	p. 1
Chapter Two: Sex Offender Legislation: A Socio-cultural Context.....	p. 10
Chapter Three: Towards a Sociology of Sexual Offenders.....	p. 62
Chapter Four: Constructing the Offense.....	p. 98
Chapter Five: Community Bonds.....	p. 164
Chapter Six: Severed Bonds.....	p. 200
Chapter Seven: Strategies to Reestablish Social Bonds.....	p. 266
Chapter Eight: From the Personal to the Political: Implications for Public Policy	... p. 306
Appendix A: Recruitment Flyer.....	p. 320
Appendix B: Oral Consent Agreement.....	p. 321
Appendix C: Sample Interview Questions.....	p. 322
Works Cited.....	p. 324

CHAPTER ONE: THE SOCIOLOGY OF DEVIANCE AND SEXUAL OFFENSE

I felt like maybe... I'm not even human any more... I didn't want to go look for a job, I didn't want to leave the house. I just wanted to stay in one place. From there I couldn't wait to get home, like a storm was coming. I couldn't wait to get in the house lock the door, dim the lights, and just, I felt safe.

Reggie looked down at the table in front of us as he described the feelings of shame and paranoia which overcame him after being arrested. Over the course of two in-depth interviews with him, he discussed his social and professional isolation, and his sense of being marked and stigmatized as an outsider. Because of his criminal conviction, Reggie would have extreme difficulty ever finding legitimate work. In addition to the loss of his means of income and professional status, Reggie also struggled with an internalized sense of profound difference from those around him, doubting that he was "even human any more." He stated that for two years his self esteem was so low and his sense of shame so great that he was literally not able to walk around in public with his head held up.

The crime Reggie had been convicted for was different than many other crimes. Reggie was convicted for a sexual offense. He had carried on a flirtation with a teenager in his neighborhood, and one day they ended up briefly "fooling around" before he ended the interaction. A fight with the girl's father ensued, and when the police were called, Reggie was arrested for forcible touching of a minor. In addition to six years of probation, Reggie was required to register with law enforcement as a sex offender for twenty years.

Instituted in the 1990s, registration/notification policies amplify the stigma already attached to sex offenders, making it more difficult to escape the impact of the

label. Men like Reggie, who have transgressed sexual norms in relatively minor ways, live with connotations surrounding sex offenders that cast them as serial pedophiles, violent rapists, and sexual sadists. In fact, the 1994 New Jersey legislation, Megan's Law, which spearheaded a national movement, was passed in response to the rape and murder of a 7-year old girl by a released offender in the neighborhood. Intended to prevent such atrocities, national and state level registration notification policies apply to anyone who is arrested for a sex offense. The majority of these men are convicted for crimes such as consensual sex with teenagers, possession of illegal pornography, and non-contact internet based offenses. Brutal force is never used in these cases, and the majority of men arrested are first time offenders.

I first became aware of Megan's Law when I was watching a rerun of a 1997 NBC episode of the television drama *Law & Order* in which a sex offender was released after serving 18 years of a 30 year sentence (Misiano, 1997). Subsequently a teenage girl was found murdered, and the series' prosecuting attorney Jack McCoy embarked on an obsessive pursuit of this former offender. Feeling certain this was man was the perpetrator, McCoy took advantage of a relatively new law, "Megan's Law" which enabled him to post pictures of the offender throughout the neighborhood which eventually lead to his capture. I was very disturbed by this episode. The unrelenting and intrusive zealousness of McCoy's actions seemed extremely harassing to me, and I remember being shocked that this law -- which allowed for the stalking and exposing of a free person who had not been arrested, let alone convicted, of any crime -- actually existed.

When I watched this episode I felt that clearly on the face of it Megan's Law is a violation of constitutional liberties. As Americans we have the right to privacy and our criminal justice system is not intended for the surveillance of people in the community who have served their sentence; nor is it intended to punish people for what they have not yet done. There was no reason for the community to have the right to intrude on the privacy of individual citizens or the right to know about individuals' criminal records.

However, Megan's Law was an enormously popular and virtually uncontested policy. It was passed in an era that witnessed a host of zero-tolerance initiatives, many specifically directed at sex offenders. It expanded punishments beyond the conditions of incarceration, probation, and parole, and which classified sex offenders as a special class of people who need enhanced civil management within the community. Sex offender registration has become a national movement, and across the country in addition to registration for 10 years to life and community notification, these initiatives have included residency restriction laws as well as mandated chemical castration and civil commitment statutes in a number of states. Taken together they represent an aggressive movement designed to identify individuals designated as threats to the community and mark them as social outcasts, banned from full civil inclusion.

As I began to explore these policies, my awareness of them as "symbolic gestures" (Meloy, 2006, p. 113) intended to "exclude and banish" (Simon, 2000) lead me to consider the possible meanings they have for offenders themselves. Specifically, I wanted to know how individuals who have been cast as a heinous monsters and social pariahs construct their sense of self. How does being labeled in this way and controlled by these measures affect one's identity and sense of social being?

This inquiry emerges from the sociology of deviance - a broad theoretical framework that seeks to understand the meaning of labeling processes which define and negotiate social transgressions and individual differences. Unlike psychology and criminal justice discourses, as well as some sociological perspectives, this theoretical framework generally does not address why individuals deviate, but rather asks what our rituals of punishment mean for the group, and explores how social processes are implicated in the trajectory of deviant "careers." A considerable body of work, particularly that emerging from the field of symbolic interaction, has investigated how individuals who have been labeled deviant manage their identity.

While it could be argued that sex offenders are the most deviant of deviants, the stigmatized extraordinaire, they have largely been neglected as a topic for sociological research, and they are noticeably absent in the study of deviance. A few significant qualitative works have explored sex offenders from a sociological perspective. Most notably are Diana Scully's *Understanding Sexual Violence*, Douglas Pryor's *Unspeakable Acts*, and Pamela J. Schultz's *Not Monsters: Analyzing the Stories of Child Molesters*. Scully departs from traditional medicalized explanations for sexual offense and explores the culturally available motifs which rapists employ in their accounts of their deviant behavior (Scully, 1994). Pryor's work offers a narrative interpretation of the way intra-familial offenders' make meaning of the situations that lead to their transgression (Pryor, 1996). Schultz presents a number of case studies organized around types of offender patterns (Schultz 2005). These texts offer valuable sociological insights, and Pryor and Schultz engage key concepts from the symbolic interactionist perspective. However, they all focus on understanding why the individual engages in

deviant sexual behavior, and accept sexual offending as a “devastating” (Schultz, 2005) social problem. In so doing, they obscure nuances, complexities, and differences between various crimes, criminals, and victims, and dismiss the significance of individual situations in which offenses occur. They do not explore the consequences of labeling nor do they investigate the management of what Goffman calls “spoiled” identity (Goffman 1986), one that bars the bearer from full social acceptance.

This dissertation provides an in-depth exploration of the construction of exactly that identity, exploring how six individuals subject to extreme social control measures in their civil lives created meaning out of their experiences and expressed a socially viable self. This project is designed to contribute the sociological literature on deviance, particularly the symbolic interactionist/social constructionist strands of this field. Classic studies in this tradition have tended to champion “outsiders” (Denzin, 1992) who have often been presented as in some way unfairly treated, victimized, or relatively socially harmless (such as the mentally ill, the homeless, prostitutes, and drug users). In this light sex offenders pose a particular problem for analysis, because their behavior is generally considered harmful. A culturally relativistic view of sex offenses in general and child molestation in particular may be seen as morally reprehensible. However, as a study of deviant identity, this project represents an attempt to suspend judgment and strive toward analytic distance. I explore how this particular population of deviant individuals manages their social identity under the current legislative and cultural climate. The goal is to provide a better understanding of the ways by which stigmatized individuals internalize or re-imagine existing paradigms and assign meaningful coherence to their life

stories. In particular I explore the social bond between the deviant individual and the community.

Reggie was one of six sex offenders I interviewed who together represent a range of types of offenders subject to these policies. *Constructing Spoiled Identity: The Case of the Child Molester* provides an analysis of their life histories, exploring the impact of stigma and the making of social meaning. I interviewed each man two separate times for 90-minute sessions. Before telling their stories I first provide extensive background on current legislation and outline my theoretical perspective. In Chapter 2 I introduce the stereotypes of sex offenders that are promoted in mainstream news and fictional media. These images are routinely deployed to mobilize support for policies which impose increasingly severe restrictions on offenders. The image of the heinous monster is then juxtaposed with an overview of data that describes what we currently “know” about people who commit sex offenders. Contrasting research with popular beliefs about sex offenders, this section presents evidence that sex offenders as a group have an extremely low base-rate of recidivism, and that the vast majority do not conform to the dominant image of them as homicidal pedophiles. Drawing from the work of Philip Jenkins (1998), I present an overview of the socio-cultural history of sex offending laws in the United States, and I provide a description of how these laws are implemented. Research critiquing the efficacy of these policies is presented alongside an analysis of them as part of a new era in punishment practices.

Chapter 3 begins with a discussion of key concepts in classic studies of the sociology of deviance, all of which locate the individual within a context of meanings, definitions, and social structures which bear on the situation in which deviance is

constructed. Significantly, these theories depart from dominant perspectives in psychology and criminal justice which locate deviance in the individual, often positing pathology as the source of deviance. Moving through of a discussion of symbolic interactionism, the chapter introduces the value of qualitative research and narrative studies in understanding social phenomenon. I then describe my research methods and raise questions about the ways in which researchers pre-construct an image of the subject in the process of research design.

In Chapter 4 I introduce the six participants of the study. These are men in their mid-thirties to early fifties who live in New York State. They have been convicted of a variety of sex offenses, including “statutory” violations, internet-based non-contact offenses, and exhibitionism and public groping. In this chapter I describe their backgrounds and present an in-depth analysis of the ways in which they constructed their offenses. Here we see the these men make meaning out of the events in their lives that lead to them being officially labeled, and the stories they generated are discussed in terms of both unique and shared themes. For the most part they attempted to construct their narratives in such ways that their actions could be seen as understandable and human, and in so doing they articulated a social self that was worthy of inclusion within the fabric of the community.

Chapter 5 explores the quality of the social bond these men experienced prior to their convictions. It describes their various social relationships and activities throughout their lives. In this chapter we see the basis of their social identities and begin to understand the contexts in which they performed their social selves. For many of the men I interviewed, work emerged as a highly significant forum for expressing social

identity. In addition, this chapter discusses which of these bonds remained intact *after* they were convicted of their sex offenses. Significantly, bonds with immediate family were the strongest.

In Chapter 6 I detail the extent to which the bonds with the community had been severed for each offender. I describe the extensive range of civil restrictions imposed on them as a result of their conviction. I describe the degree to which each man was officially punished by the criminal justice systems (such as length of prison sentences, probation period, and registration requirements). The constraints on their civil liberties dictated the quality and rhythm of their day-to-day life in ways that emphasized their dependence on the state. As every participant found himself at least partially unemployed or unemployable because of their conviction, I pay particular attention to the impact their conviction had on their employment status. Many lost an important social identity and all were in downwardly mobile financial positions. One had a very different history of deviant behavior than the others, and the ways in which his community bonds were severed are discussed here in detail. Community notification policies specifically address the identity of offenders within residential communities, and a few of the men felt that their status as sex offenders could jeopardize their standing in the community. One sex offender had experienced harassment by those he referred to as “the angry villagers.” Perhaps most significantly, in this chapter I explore the internalization of the offenders’ sense of either belonging or outsidership, looking at the ways in which their conviction affected their sense of social self.

All of the men endured a range of restrictions on their lives which compromised their connection to their community. In Chapter 7 I investigate the ways in which they

managed to retain a viable sense of social self. For the most part they did not see themselves as monsters who should be excommunicated. Instead they employed a variety of strategies to assert their social worthiness. These included espousing mainstream attitudes toward sex offenders as a dangerous “other” and invoking a hierarchy of harm from which they could distance their own actions. Significantly, they constructed the idea of an authentic or “real” self that they contrasted with this idea of the dangerous outsider. As insiders with special knowledge of how the system works, these men were able to critique policies in such a way that they reaffirmed the need for the policies but distanced themselves as objects of those sanctions. In this way they reasserted their basic humanity and social worthiness.

Finally, in Chapter 8 I address some of the questions raised by this study, including the way we define “victim” and “offender.” I also pose some public policy recommendations based on the experiences of the men in my sample as well as findings of other researchers. I consider the future of sexual offending legislation, and offer the hope that whatever direction policy takes, the perspectives of those most affected by criminal and civil sanctions be heard within these debates.

CHAPTER TWO: SEX OFFENDER LEGISLATION: A SOCIOCULTURAL CONTEXT

In the modern politics of criminal justice, policy toward sex offenders is often based on monolithic images of alien pathologies; it is rarely based on facts. The extraordinary heterogeneity of sex offenders and sex offenses is almost never appreciated in the legislative process. Policies are crafted in fearful haste, often as symbolic gestures to honor the crime victims whose suffering has inspired them. The factual foundations for major shifts in policy are often slender... American policy toward sex offenders is more extreme in its dependence on stereotypes, more resistant to empirical evidence, and less sympathetic to scientific perspectives. (xiii)

Franklin E. Zimring, *An American Tragedy: Legal Responses to Adolescent Sexual Offending*

Historically, sex offenders are “considered to be among the most heinous and repulsive of all criminals” (Tewksbury & Lees, 2006, p. 310) and a vehement flurry of legislative initiatives in the 1990s directed at sex offenders aimed to control, manage, and delineate this “dangerous” population. These initiatives were enacted within a socio-cultural context in which sex offenders were near universally vilified. The popularity of these laws rests in part on a general consensus as to what a child molester, pedophile, or sexual predator is, as well as an understanding of the dangers he poses. As a powerful vehicle for framing, reproducing and disseminating issues, the media has played a key role in cementing the general public’s notion of the child molester. Through intensive, inflammatory media coverage, certain heinous cases are portrayed as merely the tip of the iceberg (Jenkins, 1998, p. 193). The media is a primary and influential source of information about sex offenders. As one researcher observes,

Media representations of sex crime give the public important cues about how they should perceive the nature and extent of sex crime, how they should think and feel about it, how they should respond to it, and the measures that might be taken to reduce risk. (Mcalinden, 2006, p. 199)

Megan's Law, which will be discussed in greater detail in this chapter, was passed in response to the heinous sexual assault and murder of a child, and the media coverage of this event cemented a view of the stranger-predator, using the aberrant and atypical sex murder as emblematic of all the risks posed to children. Sensationalizing this type of crime, the media contributes to a panic surrounding "'stranger danger' sex crime" (Meloy, 2005, p. 231).

The conception of the child molester as a dangerous, compulsive and incurable predator is leveraged by politicians in support of child-protection policies which few people can contest. For instance, when California Governor Pete Wilson signed the state's chemical castration bill in 1996, he claimed that child molesters "have a drive to do what they do. As long as they have that drive, they'll keep doing it -- unless we do something first... Three out of four will commit a new offense or parole violation in two years" (quoted in Kincaid, 1998; p98). The idea that the sex-offender is compulsive and incorrigible is also reinforced in popular movies and TV dramas. A self-assured psychiatrist on *Law & Order: Special Victims Unit* declares that child molesters' desire cannot be "cured", but, at best, through aversion therapy, may be controlled. On *The Practice* a pedophile, in addition to being attracted to and molesting young boys, was portrayed as abducting and murdering them. Celebrities, who tend to influence public opinion, have also spoken out against child molesters in terms that emphasize their inhumanity and monstrosity. "Dennis Miller, billing himself as an intellectual [said]... 'if you ever get to a place in your life where you want to fuck or murder a kid, forget prison – just kill yourself, take one for the team.'" (Kincaid, 1998, p. 75). This

inflammatory rhetoric supports the “naming and shaming campaigns” directed at sex offenders and evidenced in current policies (Mcalinden, 2006, p. 198).

These passionate fears are based on little empirical evidence and often misleading statistics are used in the service of presenting this horrific view of the sex offender. Whether reflecting or shaping public concern, the construction of the child molester put forth by news and entertainment media complements and supports policies that seek to punish, manage, restrict and label sex offenders. In spite of little empirical evidence to support the idea of the sex offender as a monstrous and dangerous ‘other,’ this is the image which has been used in support of existing policies which define and control sex offenders and mediate their relationships to their communities.

In this chapter I present an overview of some of the available data on people classed as sex offenders, including the prevalence of sex crimes, clinical typologies of sex offenders, and the efficacy of treatment modalities. I then provide a social history of sex offender policies, drawn largely from the work of Philip Jenkins in *Moral Panic: The Social Construction of the Child Molester* (1998). After establishing the social context of the legislative initiatives of the 1990s, I present a detailed account of how these policies are implemented. I present various critiques of these policies and address the constitutional issues which have been raised. Finally, I posit that these policies are part of a broader penological movement in the US that is characterized by the management of classes of people perceived to be dangerous.

I. Sexual Offenders: Prevalence, Recidivism and Treatment

a) prevalence

Sexual abuse of children is considered by many to be widely prevalent in our society. Sex offenses are the most under-reported types of crime in the US (Terry, 2006, p. 14), and research indicates that their instance far exceeds the numbers captured by official crime statistics (S. T. Holmes & R. M. Holmes, 2002, p. 200; Marshall, Anderson, & Fernandez, 1999, p. 1; Meloy, 2005, p. 212). Although it is extremely difficult to measure the incidence of unreported sexual abuse (Janus, 2006, p. 45), studies indicate that approximately one third of sexual assaults are reported (Sample & Bray, 2003, p. 68; Terry, 2006, p. 4). Of those actually reported, few lead to an arrest (less than 35% of those reported in Holmes & Holmes, 2002, p. 200) and fewer lead to conviction (15% of those reported in (Abel & Rouleau, 1990). Unlike Bureau of Justice Statistics, which report the number of people convicted for sex crimes, victimization surveys indicate the number of people who have said they have been victims of sexual assault (and who may or may not have reported the incident). Some of these studies have indicated that

- 1 in 4 women is likely to be raped, and 1 in 3 girls likely to be abused by an adult (Russell, 1984).
- 15.3 percent of females and 5.9 percent of males experience some form of sexual assault in their lifetimes (Moore, Nord & Peterson, 1989).
- 12.8 percent of females and 4.3 percent of males reported a history of sexual abuse during childhood (MacMillan et al., 1997).
(Terry, 2006, p. 14)

Research indicates that victims were more likely to report sexual offenses if the perpetrator was unknown to them (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 146). Only 27% of offenses perpetrated by someone known to the victim were reported between 1992 to 2000 (Hart & Rennison, 2003: 5, cited in Terry, 2006, p. 15). Official crime statistics on imprisoned sex offenders indicate that only 34.7% knew their victim,

while 49% were strangers (Greenfeld, 2003). These statistics stand in contrast to victim studies which indicate that most people who have been sexually assaulted knew the offender. Thus the population of people labeled sex offenders by the criminal justice system does not reflect the population of people committing these types of offenses.

b) recidivism

The media reflects a consensus that sex offenders have particularly high rates of recidivism (Jenkins, 1998; Radford, 2006; Sample & Bray, 2003; Jonathan Simon, 1998; Laura J. Zilney & Lisa Anne Zilney, 2009; Zimring, 1996, 2001). The offender is portrayed as a serial abuser, a compulsive pedophile, a stranger to his victim, and a sadist or murderer (Meloy, 2006, p. 7). This image is used by politicians, interests groups, and news media to rally support for harsher punishment practices (Janus, 2006; Jenkins, 1998; Lotke, 1997; Radford, 2006; Jonathan Simon, 2000). Janus describes the general public's image of the "worst of the worst"

These are the men who lurk in the bushes and parking lots, attacking strangers without provocation or warning. They often seem to lack the essential empathy and conscience that mark human beings. They are "monsters" and "beasts."... We have come to think of these men as archetypal sex offenders and have shaped our public policy responses as if all sex offenders fit this mold. We are blind to the true nature of sexual violence in our society. (p2)

Arguing that the public believes in a fantastical image of the archetypal sex offender, Janus posits that this image obfuscates the more commonplace instances of sexual assault.

In contrast to this image, official statistics and professional research consistently provide information about sex offenders that is starkly at odds with the dominant stereotype. As stated above, the majority of children who are molested are victimized by someone they know, as are adult victims (Meloy, 2006 p. 5); few child molesters actually

fit the criteria for “pedophilia” (i.e., they are not predominately sexually attracted to children and generally prefer adult sexual partners) (Finkelhor, 1984; Groth & Birnbaum, 1979; Pryor, 1996). Murder and brutal force are extremely rare (Jenkins, 1998; Jonathan Simon, 2000; Snyder, 2003; Zimring, 2001)

Most significantly, research consistently demonstrates that sex offenders do not have particularly high rates of recidivism. Although legislators and news media have claimed extreme rates as high as 95% (Jenkins, 1998; Kincaid, 1998; Lotke, 1997) critical criminologists have argued that such claims are over-reported and usually “simply false” (Zimring, cited in Lotke, 1997). In fact, sex offenders are less likely to commit another sex crime than any other type of criminal is likely to re-commit their crime, with the exception of murderers (Sample & Bray, 2003, p. 72). Virtually every class of offenders has a higher rate of recidivism than sex offenders. Bureau of Justice Statistics report that as few 5% (Snyder, 2003) commit other sex crimes within five years. Other studies report that 4.5 % (Meloy, 2005), 12.7% (Furby, Weinrott, & Blackshaw, 1989), 12% (Meloy, 2006, p. 62) and 13.4% (Hanson, 1996, 2003) of *untreated* sex offenders recidivate. The Center for Sex Offender Management reports that the “the data tells us that between 12% and 24%... are known to have repeated their crimes” (Center for Sex Offender Management). In one study of 191 child molesters, 38% of child molesters recidivated in 30 years time (Hanson, Scott, & Steffy, 1995). Zilney and Zilney report recidivism findings that range from 5% to 24% (2009, p. 114). Here we see a range is from 3.5% to as much as 38% at the highest. The vast majority of sex offenders are not arrested for another sex crime.

It is important to keep in mind that these numbers cannot be taken at face value. They are based on official convictions, and therefore underestimate the actual instance of repeated sex crimes, which, as mentioned, are notoriously under-reported. In addition, methodological inconsistencies between studies makes such claims problematic (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 114). However, these statistics strongly undermine the popular belief that sex offenders are highly likely to re-offend. Furthermore, it is worth noting that policies are meant to address the “problem” of recidivist offenders do not address the majority of sex crimes which are committed by people who have never been arrested for *any* violent crime (Janus, 2006, p. 43; Mcalinden, 2006, p. 204).

It turns out that most sex crimes – at least those that result in a prison sentence – are committed by people who have never before been convicted of a violent offense. [This group] produces 75 percent of the people imprisoned for sex crimes... those with a history of [nonsexual] violent offense, comprise about 25 percent of imprisoned sex offenders. People with prior sex offender convictions pose the smallest risk of all – they produce only about 14 percent of sex convicts in prison. (Janus, 2006, p. 43, from Bureau of Justice Statistics “Sex Offenses and Offenders: An Analysis of Data on Rape and Sexual Assault” by Lawrence A. Greenfield; 1997)

Thus, the majority of sex crimes that result in a conviction are not committed by people who have been labeled by the criminal justice system. Those who have committed a repeat offense represent a small minority of the population of convicted sex offenders.

c) typologies and treatment

In the last century psychology and psychiatry began to develop theories of deviant sexual behavior. These range from traditional psychoanalytic theories which posit that sexual deviance is the result of unresolved conflicts relating to psycho-sexual development (Terry, 2006, p. 50) and biological theories that emphasize hormonal

explanations for deviant behavior (ibid.), “masturbatory reconditioning” (Abel, Osborn, & Gardos, 1992) “satiation therapy” which encourages indulgence in deviant sexual fantasies (Lotringer, 1988); and cognitive-behavioral theories which address the relationship between thought patterns and behavior (Terry, 2006, p. 50). Historically in the US, the medical model has prevailed in defining and explaining sexual deviance, traditionally positing the behavior as a result of a mental disease (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 11). In spite of the fact that studies have not shown significant differences in the sexual responsiveness of males in the general population and sex offenders (ibid: 13),

The strong deference to medical personnel as more knowledgeable about the causes of sexual offending and more capable of providing solutions to this social issue has resulted in the creation and perpetuation of myths surrounding sexual offending and offenders. These myths include that there is a genetic basis to crime, that lifelong drug treatment is required for sexual offenders, and that permanent hospitalization or imprisonment is necessary because there is no ‘cure’ for this type of criminal offending. These myths continue to hold weight today and influence the development of social policy. (ibid:, p. 11)

In spite of myths about the incurability of offenders, theorists and clinicians have developed a range of treatments aimed at preventing recidivism. Treatment modalities include sexological methods such Sexual Attitudes Restructuring which is “designed to challenge the perceptions and opinions that people hold in relations to a wide variety of sexual activities and promote sexual education (ibid: p. 163); aversion therapy intended to redirect arousal, often using a penile plethysmograph to measure treatment progress (ibid., p. 165); the above mentioned “satiation therapy” intended to reduce arousal through over-exposure to deviant fantasies which clients (Lotringer, 1988) a number of pharmacological interventions which include the use of SSRIs to address “obsessive compulsive components” to the deviance, as well as “chemical castration” intended to

eliminate sexual desire (Zilney & Zilney, p. 169). Chemical castration will be discussed in greater detail later in this chapter. Finally, cognitive-behavioral therapy, which privileges the role of conscious thought in behavior, is a commonly used modality. Today, most treatments adopt an integrated approach which looks at the role of emotions and psycho-social development as well as cognitive patterns and “distortions” (Marshall & Barbaree, 1990; Laura J. Zilney & Lisa Anne Zilney, 2009) .

Sex offenders are known to be a heterogeneous group and more like the rest of the population than they are distinct from it (Marshall et al., 1999; Pryor, 1996; Winick, 2003a). Some professional literature posits that although many sex offenders evince a wide range of psychological disorders, they do not as a group fit a standard profile (Angelides, 2004; Finkelhor, 1984; Groth & Birnbaum, 1979; Marshall et al., 1999; Salter, 2004). Researchers have found that the heterogeneity of sex offenders in general and child molesters in particular makes classifying them problematic (Bickley & Beech, 2001), while others have found such systems reliable in terms of predicting recidivism (Knight & Prentky, 1990). Many researchers rely on over-arching typologies of people who engage in sexually deviant behavior. In addition, elements of these typologies have been used in the formulation of different “risk levels” of offenders, which determine offenders’ degree of supervision within the community (risk levels will also be discussed in detail later in this chapter.) These typologies can be seen as promoting a master-status for the offender, an over-arching identity under which all other characteristics are subsumed. Typologies serve to reify deviance and ascribe and circumscribe identity.

Since the 1980s there has been a sharp increase in the reporting of sex offenses, which has facilitated more studies of sex offenders to “identify individuals who have

been predisposed to offending behavior” and “to understand the characteristics of offenders for purposes of treatment and management” (Terry, 2006, p. 71). Experts have developed typologies of rapists and child molesters along several axes which usually consider the degree to which an offense is sexually motivated. The most common typology employed for child molesters posits a continuum from “fixated” to “regressed” offenders.

Fixated offenders are an individual who exhibits persistent, continual and compulsive attraction to children... [they] show psychological and emotional characteristics of children and do not develop sexually to the point of finding age-mates attractive and desirable. (ibid., p. 76).

On the other extreme are the regressed offenders who generally is capable of “normal” adult relationships but

begin committing deviant sexual acts at times when they are having negative thoughts and feelings... [that commonly] develop at times of unrest with marital relations or as a result of stress, loneliness, and depression. (ibid., p. 78).

Fixated offenders are more likely to choose victims outside of the family, whereas regressed offenders are more likely to victimize those to whom they have “easy access” and are usually within the family (ibid.). It is worth noting that the majority of abuse cases are committed by the latter, individuals who would not be classified as pedophiles (Finkelhor, 1984). Fixated offenders would most likely meet the criteria for DSM-IV classification,

Recurrent, intense sexually arousing fantasies, sexual urges or behavior of at least six months duration involving sexual activity with a prepubescent child in which the fantasies, sexual urges or behavior cause significant distress or impairment and the individual is at least sixteen years of age and at least five years older than the child. (American Psychiatric Association, 1994: 528; cited in Terry, 2006, p. 88).

Terry observes that not all child molesters are pedophiles, and not all people who meet the criteria for pedophilia have actually committed a sex offense. In spite of this fact, these two concepts, child molesters and pedophiles, are often collapsed.

The belief that sex offenders have especially high rates of recidivism is closely entwined with a popular belief that they cannot be “cured”. Many of the new sex offender policies are predicated on the notion that these individuals have a psychopathology that drives their behavior, and recidivism cannot be reduced by standard methods of treatment. However, here too the literature shows inconsistent outcomes. In their rigorous review of treatment studies comparing different treatment modalities (psychodynamic psychotherapy, psychopharmacology, and cognitive-behavioral therapy) Rice & Harris conclude that the research to date is inconclusive: some forms of treatment might work with some sub-classes of subjects, but none alone can necessarily reduce recidivism (Rice & G. T. Harris, 2003). Rice & Harris acknowledge that cognitive-behavioral models are the most promising of those they reviewed, although they are not convinced of its efficacy. Some conclude that recidivism rates for treated offenders are consistently lower than those for untreated (Marshall et al., 1999). Other reviews of research conclude that cognitive behavioral treatment is one of the most effective models (in some cases along with medication) (Abel et al., 1992; Hall, 1995). This model is the one most put-forth by treatment advocates and others have conducted studies that show statistically significant positive outcomes (Janus, 2006, p. 53; Marshall et al., 1999, p. 158; Marshall & Barbaree, 1990; Pithers, 1990), and that offenders who received treatment were more than half less likely to reoffend as those who did not (Marshall, 1999, p 158). It is also worth noting that Marshall observes that for sex offenders already

classified as “low risk”, that “the base rate of recidivism... is too low to allow treatment to have any demonstrable effect.” (Marshall et al., 1999, p. 157; Meloy, 2005). Others have also argued that the particularly low base rate of sex offender recidivism renders quantitative methods of prediction “virtually futile” (Meloy, 2005, p. 225). This is particularly important given how many sex offenders are actually classified as low risk – they are already so unlikely to reoffend that there is little way to significantly measure the impact of treatment.

Unlike pharmacological models and hormonal therapy, cognitive-behavioral therapy rests on the premise that the offender is capable of changing himself through conscious effort. Cognitive-behavioral approaches are the one most employed in treatment programs for sex offenders. These approaches examine the underlying vulnerabilities that lead to cognitive processes which enable the individual to commit a sexual offense, and attempt to help the individual build resilience through making them aware of their thought processes and the social/emotional triggers to deviant sexual behavior (Marshall et al., 1999). They help them develop social supports to counteract loneliness and intimacy deficits (Marshall, 1989). That there is advocacy from this strand of psychology for a cognitive behavioral approach to sex offenders is worth underscoring. It points to a conviction among some professionals that sex offenders are capable of controlling their behavior – a perspective that stands in stark contradiction to the dominant stereotypes of the typical child molester as a compulsive monster. It should be noted that no research to date demonstrates that sex offenders are incurable and instead “repeatedly demonstrate that offenders have low rates of recidivism compared to other offenders.” (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 172).

II. The Moral Panic Perspective

The sex offender legislation in the 1990s has been described by Philip Jenkins as one of several waves of “moral panics” around child molesters. The term “moral panic” first came into use with the publication of *Folk Devils and Moral Panics*, Stanley Cohen’s 1960s study of “mods and rockers,” although the phrase was first coined by Jock Young (Goode & Ben-Yehuda, 1994, p. 6). Cohen’s analysis adopted Becker’s idea that deviance is to a significant extent in the eye of the beholder, and focused extensively on the *reaction* of the public to the activities of the mods and rockers. His analysis drew attention to the key role that the media plays in framing issues. Cohen argues that when the public is presented with a sudden and troubling event by the media, the response is to try to make sense of it, and the tendency is to see the event as part of a larger picture (Cohen, 2002, p. 137). Thus, reactions are less about the actual, concrete damage the phenomenon may cause than they are about the articulation of a generalized threat that must be contained. Extrapolating from Cohen’s work, Goode and Ben-Yehuda identify five characteristics of moral panic many of which apply to the phenomenon of sex offenders: 1. heightened concern; 2. increased hostility towards the group; 3. consensus about the reality and extent of threat; 4. disproportionate concern and reaction to the threat; and 5. volatile eruptions that quickly subside (Goode & Ben-Yehuda, 1994, p. 80)

Several key ideas are critical to the social constructionist and moral panic approach to sex crimes. This perspective posits that increased reportage and waves of panic reflect how such problems are being culturally defined and do not reflect an increase of incidence (Jenkins, 1998, p. 3). ALL sex offenses are constructed as such

(Jenkins, 1998, p. 4). The definitions of sexually appropriate and sexually criminal behavior are subject to change and these changes have political and ideological underpinnings. This approach does not deny that such things as molestation of children take place, nor does it argue that there are no consequences to such incidences.

Constructionism means more than simple debunking. Although a constructionist might challenge the factual claims used to support a particular cause, he or she does not argue that the problem itself has no basis in reality. Child molestation does occur and can cause severe physical and psychic damage; there are in fact human predators who rape, mutilate, and kill children... the questions are why issues perceived as social problems in particular times and places but not in others and what methods are used by groups and individuals to make and establish their claims. In the case of child sexual abuse, the most important activist groups include therapists and psychiatrists, criminal justice administrators, women's groups, sexual reformers and libertarians, and moral traditionalists and conservatives. A constructionist study examines the means by which their respective views were projected, whether through the news media and popular fiction or academic and professional discourses (ibid., p. 5)

For the purposes of this research, Jenkins' constructionist analysis of the current "panic," as well as the preceding waves, establishes the nature of the cultural climate in which today's sex offenders are defined and stigmatized. It posits that they live in a time where they are conceived of as extremely dangerous threats to society, and compulsive and incurable.

In *Moral Panic: Changing Concepts of the Child Molester in America* (1998), Philip Jenkins argues that the US has seen three distinct waves of "panic" around sex crimes. These periods witness a proliferation of fictional media depicting horrible sex crimes as well as heightened public concern generated and represented by sensational news media stories. Jenkins argues that in three distinct historical panics a stereotypical image of the sex offender as a murderer and perpetrator of heinous acts is promoted, and claims about the prevalence of sex offenses are greatly inflated. In response citizens rally

for increased social control and politicians propose zero-tolerance initiatives.

Historically these have eventually been over-turned in periods in which the panic has subsided.

In different historical eras social perceptions of the “child molester” have swung back and forth between two views. These can be broadly defined as panic on one end (in which masses are concerned about violent sexual predators and consumed with fears that sexual molestation of children is widespread and extremely damaging to the victim) to tolerance on the other end (in which the dominant view is that sexual molestation of children is not common, its effects mild, and the perpetrators are capable of reform and remorse). During panics the offender is constructed as a monster, someone very different from the rest of the population and whose extreme psychopathology and sexual fixation render him a menace that must be controlled at all costs. This view tends to become dominant after a highly publicized and abominable sexual assault and murder of a child perpetrated by a stranger. This viewpoint defines the offender as someone with “inner tendencies” that cannot be modified. In contrast, during more tolerant eras the dominant theory of the molester posits him as someone who is confused, who inflicts minimum harm, and who is unlikely to reoffend after the trauma of having been caught and sanctioned. Additionally, while minimizing harm to the victim, these theories emphasize childhood sexuality and cast the victim in a less passive role than the theories that dominate panics. Although Jenkins describes how ideas about sex offenders wax and wane and swing between two pendulums, he also clearly states that opposing views coexist during the same historical moment. The difference is in the emphasis, dominance, and volubility of one theory over another.

a) the first wave of panic: the 1910s

Jenkins argues that prior to 1890 no coherent concept of a sexual offender had been articulated (ibid., p. 20). The idea of “the pervert” gained credibility with the rise of American psychiatry and the development of the psychiatric/medical conception of the psychopath as someone who may not be rabidly insane or psychotic, but who can commit heinous crimes without “normal” feelings of remorse. Jenkins identifies the period from 1908 to 1922 as the first panic in the US concerning sex offenders. During this time muckrakers reported high rates of incidences of “corruption” of young boys by male “perverts” (ibid, p.27) and in general the media contributed to the idea that “homosexuality, pedophilia, incest or pederasty” was “commonplace” (ibid., p. 34). Offenders were typically characterized as a fiend who was a “mental defective” existing outside the community and “rather than as relatives or acquaintances, neighbors or lodgers” (ibid., p. 37). This criminological era was dominated by the positivist penology of Lombroso (ibid., p. 36) and laws were enacted that targeted the sex fiend or psychopath. “Defectives were indefinitely committed to special and purportedly noncriminal institutions, potentially for the rest of their lives.” Significantly these laws “involved a mixture of civil and criminal elements” (ibid., p. 41). This indicates a belief that sex offenders require management beyond the scope of legal punishments, and must be in some ways controlled by other civil institutions. In addition, 12 states enacted sterilization laws between 1907 and 1913 (ibid., p. 42). This era came to an end in the 1920s. Although eugenics retained validity among some scientists and does so today, Jenkins argues that this paradigm fell into disfavor among many:

The ideas that gave rise to the statutes lost their edge: after 1920 the growing sophistication of the study of genetics made eugenics seem outdated, the end of

mass immigration in 1924 reduced fears of rapid racial decline, and medical advances assuaged fears of venereal diseases. In the explanation of criminality, biocriminality was first challenged and then largely displaced by psychodynamic and sociological theories. (ibid., 47)

b) The second wave of panic: the 1930s & 40s

In the late 1930s a number of highly publicized sex crimes with child victims coincided with the height of a perceived crime wave that included child abductions, the most famous being the Lindberg baby (ibid., p. 51). The FBI played a pivotal role in promoting the sense of a national crisis, and then director J. Edgar Hoover “popularized the image of sex offenders as predators” as part of its enforcement of sexual morality (ibid., 55). Spanning the 1940s this era witnessed the publications of a vast array of lurid fiction depicting threats of sex fiends (ibid., p. 56) and claims about sex psychopaths increased dramatically in popular news media. For instance, Jenkins cites a story that ran in the *Saturday Evening Post* in the late 1940s: “Most of the sex killers are psychopathic personalities. No one knows, or can even closely estimate, how many tens of thousands of them are loose in the country today.” (ibid, p. 58). As in the previous panic, homosexuals, who were already subject to “vice purges,” were particularly affected by exaggerated claims (ibid., p. 62). This panic included the

great expansion in the use of medical concepts and terminology in the criminal justice system. During the late 1940s, police agencies imported psychiatric experts and academics to provide orientation to the whole world of sexual perversion and crime...

A number of states passed “sexual psychopath laws” between 1937 and 1940 that allowed for the indefinite commitment of those who committed sexually defined crimes to mental institutions. Although challenged on constitutional grounds, they were upheld and over 13 states instituted these statutes (ibid., p. 80-82). In addition, cities like New

York and Chicago developed registries for keeping track of released offenders. (ibid., p. 80). Each state varied in the implementation of their sex psychopath laws, but all were based on the idea that the offender had a compulsive form of psychopathy and that minor sex crimes would eventually escalate to far more serious offenses (ibid., p. 84; see also Zilney & Zilney: 66-71)

The panic of the 1930s and 40s gradually lost momentum as the country ended the Second World War. Many of the statutes had been fueled by a renewed interest in the eugenics movement, which fell into disfavor when the public learned about Nazi practices (Jenkins, 1998, p. 84)

c) the liberal era

The period from 1958 to 1976 was characterized by major cultural upheavals in political, academic, and professional arenas. During this era there were significant movements towards “decriminalization, decarceration, and deinstitutionalization.” (ibid., p. 95; see also Zilney and Zilney, pp. 77-78). This period marked a reversal in attitudes toward sex offenders. The civil rights movement drew attention to judicial injustices in the South where sex crimes were particularly sensationalized and heavily sentenced when the perpetrator was black and the victim white (Jenkins, 1998, p. 95). The concept of the “child molester” -- as opposed to “sex psychopath” emerged. This new terminology indicated minor, non violent and non-invasive “interferences” (ibid., 98). The offenses, such as fondling, became viewed as signs of “immaturity or confusion” rather than depravity (ibid.). During this time the profile of the pedophile changed as well. Rather than compulsive and perverted, people attracted to children were constructed as suffering from “arrested development, their misdeeds resembled sex play between small children

and involved fondling, petting, or manipulating” (ibid., p. 102). Researchers stressed that sexual intercourse was rare in cases involving pedophilia (ibid.). In addition, these offenses were seen as causing little if any harm to victims (ibid., p. 104). Beginning in the late 50s the academic fields of sociology and criminology developed radical perspectives that altered the way psychiatric and carceral institutionalization were viewed and which effected changes in the legal system (ibid., p. 109). Many laws governing sex crimes were seen as based in puritanical moral codes and statutes against non-violent sexual crimes were overturned. The sex psychopath laws of the 1940s that allowed for the civil commitment of repeat of offenders were overturned during this general anti-psychiatry era in which the public became aware of the abusive conditions in mental institutions (ibid.).

d) precursor to panic: the rise of the child protection movement.

The rise of the child protection movement from the late 70s to the mid 80s generated fears about children’s wellbeing which culminated in a panic regarding child pornography, internet stalking, childcare abuse, and ritual abuse. This era laid the foundation for the panic of the 1990s around child molesters. National concern about child sexual abuse grew out of a growing concern with child abuse in general. Sexual abuse of children was easily enfolded into a morality issue for conservative politicians taking family values stances against pornography (ibid., p. 121). As the feminist movement mobilized it brought national attention to rape, framing the crime as a pervasive issue in patriarchal culture. This movement raised awareness of women’s harassment and victimization, and lead to the establishment of national rape shield laws (ibid. p. 125). The “movement against child abuse in these years was a direct outgrowth

of the campaign against rape, which formulated the concepts and vocabulary that would become integral to the child-protection ideology.” (ibid.).

The issue of child sexual abuse gained momentum in the media and was often referred to as an “epidemic” (ibid.138). Moving away from the incestuous perpetrator who was the focus of many feminist books, the media eventually refocused on the threats posed by the stranger, who was once again portrayed as a compulsive predator (ibid., p. 189).

The child protection movement is a vast enterprise with many claimsmakers and moral entrepreneurs seeking recognition for their cause through the media (Best, 1990, p. 14). Since industrialization there has been a growing concern about the wellbeing of children and the construction of the “child-victim” “runs through the history of American social reform, and has expressed itself as concern about “sexual psychopaths” (ibid., p. 5). In addition, by the late 70s the definition of “abuse” was greatly expanded and gained greater currency as a pervasive threat (ibid., p. 67). Specific fears about stranger predators were fanned by inflated statistics regarding incidences of child abductions (ibid., p. 29). *Readers’ Digest* reported that “thousands of missing children are murdered each year” when actually “it’s closer to one hundred.” (Kincaid, 1998, p. 76).

Representative Paul Simon of Illinois has proclaimed that “the most conservative estimate is that 50,000 young people disappear each year because of stranger kidnapping’ – actually it’s two to three hundred.” (ibid., p. 78). In one instance a figure provided by the Center for Missing and Exploited Children of between four thousand and twenty thousand stranger kidnappings a year (quite a range), was bloated to fifty thousand, when in fact the FBI only investigated fifty-three cases (ibid.).

The third (and final) panic: the 1990s

Jenkins argues that the third panic around child molesters may in fact be enduring. By the late 1980s the idea that child molesters are compulsive recidivists with large numbers of victims was firmly cemented in the national culture (Jenkins, 1998, p. 189). Sex crimes were taken far more seriously by the courts and the numbers of incarcerated sex offenders rose sharply in the end of the decade (Jenkins cites a 47% increase from 1988 to 1990 [ibid., p. 190]). Sex crimes were attributed to severe personality disorders not amendable to treatment and the phrase “serial pedophile” entered the lexicon (ibid.). Sex offenders became

an obsessive focus of media and political discussion, quite out of proportion to the frequency of such offending, or to the amount of harm it does when compared to more structural forms of injury and neglect, such as child poverty, poor health care, or parental child abuse. The pedophile is typically represented as dangerous, driven, unreachable – an unreformable creature who poses a grave risk to our most innocent, vulnerable victims: our children. Like most of the modern world’s dangers, the pedophile lurks unseen in our daily environment, his “otherness” concealed beneath his apparent normality.” (Garland, 2001a, pp. 136-137)

The 1990s heralded a number of legislative initiatives pertaining to sex offenders in the community that strove to reveal and make visible their “otherness.” In addition to stricter monitoring of offenders on probation and parole, these initiatives are particularly innovative in that they mandate monitoring beyond the length of the criminal sentence in the form of registration and community notification. These practices originated in a cultural climate that included heightened media attention for heinous crimes committed by sex offenders, in an era that Jenkins describes as the last and lasting moral panic around child molesters

Jenkins argues that the cycles of legislation and panic have stalled in the current era and that the current ideas about child abuse and child molestation have a “durable

quality.” (Jenkins, 1998, p. 232). He observes that while certain claims about recovered memory of incest were denounced in the early 90s, rather than heralding waning interest in the problem of child abuse, the concern shifted to the stranger predator (ibid., p. 233). Jenkins identifies a number of developments that make it unlikely that the current panic will diminish. These include expansion of the range of mental health services, providers, and third party payers (ibid., p. 234) and the effectiveness of focusing attention on sex crime laws while minimizing social welfare needs and policies (ibid., p. 235). Jenkins concludes:

In the mid-1990s, the federal lawmakers most enthusiastic for predator statutes and Internet regulation showed themselves equally determined to cut social welfare programs in ways that would increase the poverty of children and families, despite the predictable effects on juvenile crime, substance abuse, and domestic violence...

Predators, psychopaths, and pedophiles represent a very minor component of the real sexual issues faced by children, while even sexual threats must be considered alongside many other dangers arising from physical violence, environmental damage, and the myriad effects of pervasive poverty. During the twentieth century, however, such dangerous outsiders have attracted a vastly disproportionate share of official attention, precisely because they represent the easiest targets for anyone wishing, however sincerely, to protect children. (ibid., p. 238).

The moral panic perspective adopted by Philip Jenkins establishes that we live in a culture of fear regarding child molesters, and looks at the history of this particular fear. Although moral panic arguments have embedded in them problems regarding what is and is not an appropriate response to the instances of the behavior in question, the aspect of Jenkins’ work most significant to this research is not whether or not the laws are justified, but that today’s sex offenders live in a world where people are panicked about them. The public is still consuming images of the stranger predator while convicted individuals’ lives are monitored according to laws enacted during the height of this panic.

III. Current Sex Crime Policy

a) Probation and parole

Most sex offenders processed in the criminal justice system are on probation or parole. This means they are serving a criminal sentence within their communities while under the care of the department of corrections (“Center for Sex Offender Management”; Janus, 2006, p. 47; Terry, 2006, p. 166). “Most convicted sex offenders at some point will be under the supervision of either probation or parole, with approximately 60 percent of sex offenders receiving probation sentences.” (Terry, 2006, p. 166; see also Zilney & Zilney, 2009, p. 111). Like other convicted criminals under these forms of supervision, they must report regularly to probation/parole officers, and conform to a number of specified conditions, violations of which result in (re)incarceration. These conditions can be minor, or can involve the use of electronic monitoring devices and house arrest. For sex offenders these conditions often include participation in a treatment program. In addition, many sex offenders are not allowed contact with children, are restricted as to where and when they may travel, are restricted from the consumption of alcohol or use of drugs, are not allowed access to the Internet, and may not own any kind of camera (Terry, 2006, p. 174). Sex offenders on probation or parole are subject to random home visits by their probation or parole officer who examines the home environment to determine whether the offender is violating his conditions or engaging in deviant sexual activity (ibid). They may be encouraged to look for the presence of certain items that indicate the offender is attempting to lure children such as puppies or kittens, video games, or foods usually only consumed by children (ibid.). They may look for evidence of pedophilic-

behavior, such as magazines or catalogues depicting children, cameras, or sporting equipment (ibid.).

Many states impose residency restriction laws on sex offenders of all levels, barring them from living anywhere from 500 to 2,500 feet from places such as schools, playgrounds, etc. (CSOM) (although there is no evidence that these laws impact reoffense rates, [ibid.]). At least 18 states passed this kind of law in 2006 (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 130). New York State sex offender laws do not include residency restrictions, but leave this to the discretion of municipalities. Currently, 36 of New York State's 62 counties have some form of residency restriction.

Finally, some states mandate "chemical castration". In 1996 California passed a law that requires sex offenders with more than one conviction who victimized a minor to take hormone-suppressing drugs as a condition of probation or parole (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 93). Three other states have passed similar acts and 28 others introduced similar bills. Chemical castration refers to the use of "anti-androgen" hormones to dramatically reduce libido and render the offender impotent. The drug, medroxyprogesterone acetate, known as MPA or the brand name Depo-Provera, currently used as a birth control method for women, is injected into offenders every few months. It has also been used to in certain clinical settings to treat men with excessively high sex drives and intrusive sexual fantasies. MPA does not have FDA approval as chemical castration. It is not approved to induce impotence. At the same time, it is not considered an experimental drug and can thus be used for "unlabeled indications". In men, MPA reduces or eliminates the

production of testosterone in the testicles and adrenal glands and keeps it at extremely low levels in the blood stream. It suppresses erections, ejaculations and erotic thoughts. (Miller, 2003; A. J. Petrosino & C. Petrosino, 1999; Spalding, 1998). Although studies are not conclusive regarding rearrest, some indicate that combined with behavioral therapy these drugs may help reduce the risk of relapse (Bradford, 1990; Grubin, 2000; Rosler & Witzum, 2000), particularly with subjects that exhibit “paraphilic manifestations” (Rosler & Witzum, 2000).

b) New sex offender laws: registration/notification and civil commitment

The laws passed in the 1990s pertain to both offenders under correctional supervision (in addition to the conditions described above), and those who have served their sentence. These requirements can be in place for ten years to life, depending on the criminal behavior and the jurisdiction.

The first action in the spate of legislation passed during the 1990s was passed in Washington State in 1990, and affects all sex offenders, regardless of whether they are on probation or parole, or whether they have completed their criminal sentences. The Washington Community Protection Act was a legislative initiative created in response to the depraved sexual assaults, mutilations, and murders of young boys committed by repeat offender Earl Shriner (Janus, 2006, p. 14; Jenkins, 1998, p. 183; Terry, 2006, p. 183; Laura J. Zilney & Lisa Anne Zilney, 2009, p. 84). Although Shriner had verbalized his plans to commit heinous crimes upon his release from a decade long prison sentence, the community had no way to contain or manage him or to protect themselves. The Community Protection Act contains provisions for law enforcement agencies to provide information about released sexual offenders to members of the community, punishing

them “as much for their predicted future dangerousness as for the specific act that brought them into contact with the criminal justice system” (Jenkins, 1998, p. 191). Within five years similar laws were adopted in five states and were under consideration in forty others. During these years another child murderer in Washington State was making national news. Executed in 1993 for the sexual assault and murders of three young boys, Wesley Alan Dodd spent his time on death row giving interviews detailing his crimes and presenting himself as “utterly cold-blooded, the epitome of the merciless and unapologetic predator of small children.” (ibid., p. 193). His case was featured on the front page of the *New York Times*, an episode of CBS’s *48 Hours*, and a PBS *Frontline* documentary titled “Monsters Among Us.” (ibid.). During this time the word “predator” entered debates in the legislature, although Jenkins points out “it had no legal meaning.” Rather it is a “metaphor: a predatory animal is one that survives by hunting and eating other animals” (ibid.). These high profile cases re-focused national attention on the lone, unattached offender, as opposed to the intra-familial one. This type of danger was the focus of a number of television movies in the late 80s and early 90s (ibid., p. 195).

In 1994 the federal government passed the Jacob Wetterling Act within its Violent Crime Control and Enforcement Act. This legislation established funds for states to maintain a registry of individuals convicted of sex crimes against children, and was passed in response to the kidnapping of a 12-year old boy by a released sex offender (Jenkins, 1998; KlaasKids, 2009; A. J. Petrosino & C. Petrosino, 1999; Terry, 2006, p. 184; Laura J. Zilney & Lisa Anne Zilney, 2009, p. 85). Although they vary from state to state, registration laws require the offender to provide identifying information to law enforcement agencies. This typically includes their name, address, photographs,

fingerprints, and their criminal record (CSOM). The purpose of sex offender registration is to facilitate law enforcement's investigation of new sex crimes (CSOM). In 1996, President Bill Clinton amended the popular 1994 crime bill mandating that all states establish registries "or risk losing federal funding for state and local law enforcement" (Jones, 1999; Terry, 2006, p. 184). In 1997 a national database and monitoring system was established. The wave of legislation continued into the new century, and as recently as 2006 President Bush signed the Adam Walsh Child Protection and Safety Act which "requires the US Justice Department to create a publicly accessible Internet-based national sex offender database that allows users to specify a search radius across state lines" (KlaasKids, 2009). Placing himself in "the forefront of the movement against sex predators," President Clinton was able to counter accusations that he was soft on "traditional morality and family values" (Jenkins, 1998, p. 198)

However, the hallmark of these initiatives which marked a cultural milestone was New Jersey's Megan's Law which was passed quickly in response to the brutal rape and murder of 7-year-old Megan Kanka at the hands of released sex offender, Jimmy Timmendequas (Jenkins, 1998, p. 138; Terry, 2006, p. 35; Laura J. Zilney & Lisa Anne Zilney, 2009, p. 86). The outcry following the case went far beyond criticism of any one agency, and New Jersey legislators introduced a series of bills within months of the murder, 'rushing to vote without first holding customary hearings or even working out some details'" (Jenkins, 1998, p. 138). Modeled after the Washington State law, this statute mandated registration of released offenders. Its significance, however, lies in the fact that Megan's Law highlighted community notification: the distribution of information contained in the registries to the

community about released offenders (Tewksbury & Lees, 2006, p. 311). With the passing of this law, community notification “quickly acquired the status of a national movement.” and within two years was passed in 35 states (Jenkins, 1998, p. 138). Currently all states have a version of Megan’s Law.

The implementation of Megan’s Law varies from state to state. Differences include the length of registration, methods of notification, and methods of risk assessment (Finn, 1997; Terry, 2006, p. 189). In general, upon release into the community the offender is assigned a risk level (or tier) based on various assessment measures. Levels range from low, moderate, and high risks posed to the community, and these categories determine the extent to which he will be monitored. Significantly, there is no “zero” risk – that is, in spite of official statistics which indicate that sex offenders in general have a relatively low likelihood of committing another sex offense, *all* sex offenders are defined in terms of posing a positive risk to the community. All convicted offenders are defined as dangerous.

Community notification can include maintaining an internet database of information about the offender, providing information to callers of a 1-800 number, and sending announcements and flyers to various agencies, community groups, and schools (Jenkins, 1998, p. 138; Terry, 2006, p. 192; Laura J. Zilney & Lisa Anne Zilney, 2009, p. 118). States differ as far as the criteria for applying the law; who establishes the criteria; who determines if an offender meets the criteria; who conducts notification; what constitutes notification; who is notified; etc (Finn, 1997). In Ohio a bill was introduced mandating that sex offenders be issued different colored license plates (“Laws, Acts, and

Legislation 128th General Assembly of the State of Ohio”; Laura J. Zilney & Lisa Anne Zilney, 2009, p. 120). Furthermore,

a judge can even request that the offender wear a “distinctive garb” that will readily identify him as a sex offender (Cooper, 1998), in the manner of the yellow star or hat donned by Jews in the principalities of Medieval Europe and Hitler’s Germany. (Wacquant, 2001; p20)

In addition,

In some states, highway billboard signs post the sex offender’s name, address and photo under a caption reading something like “Beware: Sex Offender Lives Near You” (Moreno 1997). In other locales, residents can receive a notification in the mail with the sex offender’s name and picture listed. In other jurisdictions, such as Delaware, the defendant’s driver’s license contains a special mark designating him/her as a sexual offender. (Meloy, 2006, p. 38)

New York State adopted its version of Megan’s Law (SORA) in 1996 and its provisions are discussed in greater detail in Chapter 5. As of December 2008, there were 673,989 registered sex offenders in the United States (“sex-offender-map.pdf”), with 28,017 living in New York State (“New York State Division of Criminal Justice Services”).

Registration and community notification laws are historically, culturally and politically significant because they not only apply to offenders in the community who are under law enforcement supervision (such as probationers and parolees), but also to those who have served their sentences. These laws provide for the continued community and law enforcement supervision of offenders within the community, essentially imposing a quasi civil status on them that means even if they have served their sentence they are still denied the full privileges of citizenship. (The constitutionality of these laws have been consistently upheld (Terry, 2006, pp. 197-200) and will be discussed in greater detail

later in this chapter). In effect, Megan's Law can be seen as imposing a civil sentence on offenders that is served in conjunction with the term of their criminal sentence as well as for a highly significant length of time following the completion of the criminal sentence (ten years to life). Thus sex offenders are assigned a "specially degraded legal status that allows the state to treat them in ways that no other person can be treated. Sexual predators are relegated, as it were, to a 'reduced-rights zone'" (Janus, 2006, p. 5). Although contested by some legal scholars and the occasional journalist (Terry, 2006, p. 201), community notification was widely popular among all demographic segments and both major political parties. Jenkins argues that

Community surveillance... had few precedents in Anglo-American law, at least not since the days when thieves, adulterers, and blasphemers were branded or otherwise mutilated in order that they be indentifiable by their crimes. The departure was seen as justified by the extreme harm caused by offenders, their immunity to reform or treatment, and the ubiquitous danger posed to the nation's children. A sex offender, however nonviolent his crime, was felt to cause a far more immediate menace than the mugger, robber, murderer, confidence trickster, or corporate polluter, who were not subject to like restrictions.

In addition to Megan's Law states have passed their own laws also named after martyred children including the Polly Klaas "three-strikes" law in California, also passed in 1994 (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 89) and Florida's Jessica Lunsford Act which provides for mandatory sentencing and electronic surveillance of offenders (ibid., p. 91). In addition to the Adam Walsh act, national legislation includes the "Amber Alert" to broadcast the news about missing children (ibid., p. 89).

In concert with registration/community notification acts, the 1990s saw the passing of sexually violent predator (SVP) acts that allow for the civil commitment of sex

offenders who have served their sentence. These laws require a finding of a "mental abnormality" for the offender to be committed to a forensic psychiatric institution until he is deemed no longer a threat, thus rendering any sex offense conviction a possible life sentence. Again Washington State spearheaded this movement, including provisions for civil commitment in its 1990 Community Protection Act. Eighteen other states have since passed similar laws, including New York where the Sex Offender Management and Treatment Act was signed in 2007, allowing for the "ongoing supervision and custody of sex offenders upon the expiration of their criminal sentences". Variations by state concern such issues as how a "Sexually Violent Predator" is defined, the length of commitment, and the facilities for incapacitating them (Fitch & Hammen, 2003; Lacoursier, 2003; Lieb, 2003; Terry, 2006, pp. 210-211). In general, a prosecuting attorney must decide to petition for the commitment of an individual to be released who has committed a sexually violent act who may also be considered to have a "mental abnormality" (and/or in some cases a "personality disorder"). A court determines if there is probable cause, and psychiatric evaluation and observation takes place. After a "qualified mental health professional" certifies that there is a mental abnormality, a bench trial is held (Fitch & Hammen, 2003, p. 30). Offenders are usually committed to a facility operated by a department of health and social services until they are deemed no longer dangerous, although they are not entitled to psychiatric treatment for their particular "mental abnormality" (Morse, 2003, p. 166). As of March 2007, approximately 2,700 sex offenders were being confined in the US under SVP statutes (Davey & Goodenough, 2007). Since these laws have been enacted "only a small fraction of committed offenders" have been released (ibid.).

c) constitutional issues

Megan's Law and civil commitment (as well as chemical castration and residency restrictions) have been challenged on constitutional grounds, and the courts have consistently upheld their constitutionality. Although hundreds of cases have gone through the legislature, the overarching issues concern whether or not these measures are forms of punishment; if they are, then they may be unconstitutional on grounds that as such they violate a number of rights, including but not limited to due process, double jeopardy, and *ex post facto* and cruel and unusual punishment. Due process refers to a defendant's right to a fair trial that does not infringe on fundamental "liberty interests" (Kamoie, Teitelbaum, & Rosenbaum, 2003) ; double jeopardy refers to the right not to be tried or punished twice for the same crime; *ex post facto* grounds refers to the right not to be retroactively punished based on new laws; and cruel and unusual punishment refers to any form of punishment that can be argued is inhumane or violates basic human dignity. All of these constitutional rights refer to how the state may *punish* offenders. If Megan's Law is viewed as punishment per se, offenders can argue their cases on these grounds. However, the courts have argued that these measures are "remedial" and not punitive; they are designed to protect the community, not punish the offender.

The precedent for Megan's Law is New Jersey's *Doe v. Poritz* (1995) (Terry, 2006, p. 179):

The court said that the purpose of [registration/community notification laws] is to protect society from convicted sex offenders, and that the Constitution does not prevent society from employing such preventative measures... so long as the means of protection are reasonably designed only for the purpose of prevention and are not designed to punish. (ibid.)

Other examples of the numerous cases where the constitutionality of Megan's Law has been upheld include *Smith v. Doe* (2003) (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 121) in Alaska, *Connecticut v. Doe* (2003) (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 122) and *EV v. Verniero* (1997) ("Constitution Law, Double Jeopardy and Ex Post Facto Clauses. Third Circuit Holds that Notification Requirement of Megan's Law Does Not Constitute Punishment. *EB v. Verniero* 119 F. 3d 1077 (3rd Cir. 1997)," Harvard Law Review, 1998). The courts argued that due process was not violated in spite of the fact that the individual liberty of the offenders is undermined by registration/notification policies (Kamoie et al., 2003), that the deterrent element and shaming factor can constitute punishment, and that the fact that the notification scheme involves classification based on past behavior can also be seen as punishment for that behavior (ibid.) (Risk assessment measures will be discussed later in this chapter). Megan's Law is essentially "regulatory" and the decision in *Smith vs. Doe* claimed that "humiliation is a collateral consequence of a valid regulation" (Janus, 2006, p. 21). In Connecticut the Supreme Court also ruled "that the posting of photographs of convicted sexual offenders online is constitutional, as these laws were not deemed a barrier to an individual's personal freedom" (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 122)

The precedent for civil commitment laws (Sexually Violent Predator laws) is *Kansas v. Hendricks* (1997) (Cornwell, 2003; Jonathan Simon, 1998; Terry, 2006, pp. 213-216; Laura J. Zilney & Lisa Anne Zilney, 2009, p. 135). In this case a significant ruling regarding the civil commitment of the generally mentally ill was used as an argument for the unconstitutionality of the SVP laws. In *Foucha vs. Louisiana* the court ruled against "detaining persons who have been acquitted of a crime by reason of insanity

who are no longer mentally ill, but who may pose a danger to the community” (Zanini, 1997). The Court decided that such an act violated due process because “the deprivation of liberty of a person who is dangerous but not mentally ill is punitive rather than remedial and can only occur within the traditional context of the criminal system.” (Zanini, see also Janus 37) However, sexually violent predator legislation gets around the actual issue of insanity or mental illness with the critical clause “mental abnormality” (a broad category that includes pedophilia). Although it can and is subject to scrutiny and interpretation, this phrase allowed the Supreme Court in *Kansas vs. Hendricks* to rule that civil commitment is not punitive but remedial – even if there is no existing treatment for the offender’s condition. Arguing that the broad interpretation of the term “mental abnormality” gives states excessive power in civilly detaining offenders, Cornwell states:

In permitting the postincarceration civil detention of mentally disordered offenders, the majority opinion [in *Kansas v. Hendricks*] used sweeping language that, standing alone, appears to give states unbridled discretion to define mental illness with such breadth that most, if not all, dangerous social outcasts could be taken off the streets and deposited into state psychiatric hospitals. The unavailability of treatment for their mental abnormality likewise erects no barrier to confinement because, under that opinion’s reasoning, civil incapacitation justifies the detention of the dangerous mentally disordered whether or not they are amenable to therapeutic interventions. (Cornwell, 2003, p. 208)

Critics observe that the phrase “mental abnormality” “is highly subjective and open to interpretation.” (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 138). Zilney and Zilney argue that the Hendricks decision “emphasized the power of the state to protect the community over individual liberty and the constitutional protections of this liberty.” (ibid., p. 136). Furthermore, “the permanence of sex offenders’ commitment reveals the construction of the sex offender... as an irredeemable subject that must be separated from the community” irrevocably (Spencer, 2009, p. 227).

In one form or another, these laws each serve to sever the offender from the community by subjecting him to standards and conditions that don't apply to other criminals. Although they have served their sentence and should be reinstated fully in the community, they are denied civil rights and subject to civic management in ways that mark them as an outsider. The SVP laws apply to severe offenders and don't directly affect the majority of today's convicted sex offenders. However, it is highly significant that the current legal landscape in which they live upholds the constitutionality of laws that deny them the same rights as other citizens. They are legally, civilly, and culturally marked as outsiders from the community.

d) criticisms of Megan's Law

Megan's Law is designed to protect society from the "stranger predator," and there is little reason to think that community notification will have much impact on preventing the majority of sex crimes which occur between people who already know each other (Winick, 2003a, p. 218; Laura J. Zilney & Lisa Anne Zilney, 2009, p. 83). These laws target people who pose little safety risk to the community at large (Meloy, 2006, p. 41) and affect the majority of offenders who are least at risk for recidivating (ibid. p. 43). In addition to this issue and the constitutional issues raised, the policies have also been critiqued on numerous practical grounds, including:

- draining local law enforcement's resources (Finn, 1997);
- logistical difficulties with implementation (ibid.);
- intensifying the difficulty of reintegrating ex-offenders into the community and imposing anti-therapeutic conditions (Levenson, D'Amora, & Hern, 2007; Tewksbury & Lees, 2006; Winick, 2003b);

- relying on “static” diagnostic and clinical tools and assuming experts can predict future behavior (Hanson, 2003, p. 71);
- inappropriate application to people who have not committed an offense against a person (i.e. visiting a child-pornography website, or consensual homosexual encounters, homosexual “cruising” in public places; public urination) (Jones, 1999);
- increasing public anxiety (Jones, 1999; Lotke, 1997; Winick, 2003b);
- promoting vigilantism (Jenkins, 1998; McGuicken & Brown, 2001, Mcalinden 2006, Meloy, 2006);
- unjust application to juvenile offenders (Zimring, 2004);
- generating a host of “collateral” consequences for offenders (Levenson et al., 2007; Tewksbury & Lees, 2006);

Finally, there is little evidence that community notification actually helps community members protect themselves from sex offenders. Studies to date have not shown any demonstrable effects in reducing sex offenses (Zgoba & Bachar, 2009).

The following discussion addresses risk assessment measures, the effectiveness of community notification in preventing further sex crimes, and the impact of these policies on offenders.

All states employ some method of determining risk levels to sex offenders in the community, whether they are on probation and parole or have served their criminal sentence. States vary in the types of instruments they use to determine risk, with some simply assigning risk categories based simply on the category of offense (such as Delaware), while others employ more complex classification systems (Terry, 2006, p.

191). Many states, such as New York and New Jersey, employ actuarial assessment instruments (*ibid.*). Although more complex than the Delaware system, these instruments heavily weight “static” variables such as the single variable in the Delaware method. These include items such as the nature of the crime, the age of victim, and the offender’s prior criminal history (Static-99). These variables will remain constant throughout time, and essentially impose a further sentence on the offender based on the elements of the crime for which he was convicted (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 34). Over-reliance on static measures is considered problematic by some researchers (Meloy, 2006, p. 23). In his meta-analysis of risk assessment instruments, Hanson (2003) argues that “all of the risk scales commonly used with sexual offenders contained predominantly static factors”. Although research has shown that static variables are most effective in predicting the risk of another violent crime (Hanson, 2003), instruments have been criticized for not integrating more dynamic variables, such as employment status, progress in treatment, strength of social networks, etc (Hanson & A. Harris, 2000). Hanson concludes that static scales can “identify a small group of high risk offenders for whom the probability of eventual recidivism is greater than 50%” (Hanson, 2003, p. 71). Yet the assignment of risk levels applies to the entire population of sex offenders, not just this small group. Others have noted that heterogeneity of sex offenders and the low base rate of incidence renders most risk assessment techniques unreliable (Grubin, 2000). These scales “overestimate risk” and tend to produce “false positives” (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 39). Hanson argues that because our knowledge of dynamic risk factors is limited, we have developed methods that are somewhat effective at identifying the few dangerous offenders, but can not determine when (the majority) of

offenders are safe. He reminds us that “not all sex offenders reoffend, and even high-risk offenders can change their ways” (Hanson, 2003, p. 72). Other critics have suggested using a multi-tier system.

A larger number of tiers... would provide more meaningful opportunities for individuals to change tiers and a corresponding increase in the incentive for them to attempt to do so by controlling their behavior and accepting and responding effectively to treatment interventions. (Winick, 2003b, p. 224)

However, the widespread use of static evaluation instruments contributes to a system focused on the bureaucratic management of entire categories of (former) offenders in the community rather than on the development of more effective individualized programs.

Megan’s Law is intended to “restrict a past offender’s opportunity to victimize more children through increased surveillance and awareness of his presence” (Jones, 1999). It is based on the assumption that with knowledge of the ex-offender’s identity, the community will be able to do something to protect itself from potential victimization. However, so far there have been few “statistics or outcome measures supporting the concept that community notification in and of itself reduces the risk of sex offender reoffense” (ibid.) and its effectiveness has not been unequivocally demonstrated – an important fact when one considers that *significantly* less than half of convicted offenders are likely to reoffend. There are few studies that indicate that Megan’s Law makes communities any safer (Meloy, 2006, p. 43).

In fact, recent studies point to a variety of problems with the law’s efficacy. A study on the potential effectiveness of Megan’s law, published in 1999, “The Public Safety Potential of Megan’s Law in Massachusetts: An Assessment from a Sample of Criminal Sexual Psychopaths” by Anthony and Carolyn Petrosino, tracked released sex offenders (in a state that at the time did not require community notification) and

attempted to determine which new crimes could have been prevented if Megan's Law had been in place. Their research indicates that community notification would have been likely to have very little, if any, real impact on one's ability to protect one's children from stranger predators. Of 136 "criminal sexual psychopaths" who were released only 12 went on to commit a sex offense against a stranger. After scrutinizing the details of these incidents, the authors concluded that in only four of these incidents would Megan's Law have had a "good probability" of getting information to the victims. Although out of 136 offenders, these four represent approximately 3% of the sample, for many victims' rights advocates this would still justify the policies. However, actually preventing the crime in those cases

would have been dependent on police using an effective notification method and the eventual victim receiving it. For example, the victims would have either had to be home when police went door-to-door, had access to and watched local cable television as offender information was broadcast, attended community meetings, bought the correct newspaper, or studied the poster on bulletin boards. (A. J. Petrosino & C. Petrosino, 1999, p. 150)

In other words, in order to work the way it is intended to work, the system would not only have to be operating at optimum level, but chance would have to intervene as well. Furthermore the victim would have to act effectively with this knowledge, and other studies have shown that in fact people do not know what they are supposed to do with the provided information (Zevitz & Farkas, 2000). It is also worth observing that although Megan's Law is based on the premise that offenders commit crimes near their own residence, there is nothing in the statute to prevent an offender from going to another neighborhood to victimize someone.

A survey study on the actual (as opposed to the projected) impact of community notification in Wisconsin found a number of problems with community notification meetings held by local law enforcement (*ibid.*). The public was unclear as to the purpose of the meetings and most people thought that they were gathering to discuss how to remove the offender from the neighborhood or how to prevent him from moving in. Rather than empowering the community, information about the presence of sex offenders only increased public anxieties (Winick, 2003b, p. 217; Zevitz & Farkas, 2000; Laura J. Zilney & Lisa Anne Zilney, 2009, p. 122). Thus, even if one does not question the premise of community notification, little research demonstrates that it has accomplished what it is intended to (although one study found that community notification reduced risk of re-arrest for dangerous high risk offenders (Level III) (Duwe & Donnay, 2008). Researchers in New Jersey have found that since 1994 Megan's Law has had no demonstrable effect in reducing sex crimes (Zgoba & Bachar, 2009).

In addition to critiques of community notification, a number of researchers and journalists have argued that the registries contain incomplete information and are difficult to reliably maintain (Tewksbury & Lees, 2006; Welchans, 2005) It is particularly difficult to verify the residency of an offender no longer on probation or parole.

A critique of Megan's Law particularly worth noting in the context of this study is the impact of registration and community notification on offenders themselves. Most research in this area is concerned with recidivism rates. However, some scholars have pointed to the significant anti-therapeutic affects of these policies on the sex offender in the community (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 123). Although it may not be effective in preventing further sexual assaults on children, Megan's Law may be very

effective in expressing the community's hostility to the former sex offender. Megan's Law will assure that the released offender is returned to "a hostile, rejecting community that often has been influenced by the media," (Jones, 1999), expressing retributive justice at the expense of reintegration (Mcalinden, 2006). However, many clinicians argue that community support is a key component in helping released offenders avoid re-offending.

A person who has once committed a sex crime needs more than anything else to learn to function normally in the community. The best path is to help offenders cope with their various problems... Ostracism following public notification may exacerbate these problems and increase the risk of reoffense. Rejection by the community may lead people to despair of ever living a normal life, and such hopelessness can undermine attempts to conform to community standards, driving people inwards... (Lotke, 1997)

These policies are not designed to reintegrate the offender, but rather to mark him as visibly as possible as a threat. In so doing they are counter productive to any framework of rehabilitation (Winick, 2003b, p. 219) The likelihood that neighbors will avoid or distance themselves from known offenders and that prospective employers will not hire them can have negative social and psychological consequences (ibid.). The "continued shaming and stigmatization" inherent in registration/notification characterizes offenders as deviants to be

ostracized by the community in ways that may seem impossible to overcome. By denying them a variety of employment, social, and educational opportunities, the sex offender label may prevent these individuals from starting a new life and making new acquaintances, with the result that it may be extremely difficult for them to discard their criminal patterns. Furthermore... [these laws] may produce anger in the discharged offender, further norm deviance, and, in extreme cases, even physical violence. (ibid., p. 219-220).

Establishing and stigmatizing the individual as truly and essentially "a sex offender", these policies reinforce a notion that they are unchangeable (Williams, 2003). In so doing, they could be counter productive to their putative aims. That is, they may produce

more conditions in which the offender might commit another sex crime. Megan's Law "may potentially exacerbate risk factors for recidivism such as lifestyle instability, negative moods, and lack of positive social support" (Levenson et al., 2007, p. 590). Proponents of cognitive-behavioral treatments for sex offenders have raised specific concerns about the anti-therapeutic effects of Megan's Law and heavy reliance on static risk-assessment measures which may reinforce the belief that offenders cannot change and may make it easier for them to absolve themselves from personal responsibility (Williams, 2003; Winick, 2003b)

Criminologists refer to some consequences of criminal convictions as "collateral" in that they are not formally intended as punishment or necessarily part of criminal statutes. These "invisible" punishments (Travis, 2002) accompany all felonies, and those convicted can lose their rights to public housing, welfare, child support, parental rights and education (ibid.). As felons, sex offenders are subject to these sanctions in addition to those imposed on them as sex offenders and because of their additional stigma. In their survey study of the impact of Megan's Law on 239 sex offenders, Levenson et al reported that negative consequences included

job loss, threats and harassment, property damage, and suffering of household members. A minority of sex offenders reported housing disruption or physical violence following community notification. The majority experienced psychosocial distress such as depression, shame and hopelessness. (Levenson et al., 2007, p. 587)

Fifty to sixty percent of respondents reported shame and embarrassment, the loss of close friends, isolation, and a difficulty with their "recovery" as a result of Megan's Law (ibid., p. 594). A substantial minority (5-20%) reported job loss, housing disruption and harassment (ibid., p. 596), although other studies have found that job losses range from

27-43%, housing disruptions from 15-45%, and physical harassment from 5-16% (ibid., p. 596). In their study of the “collateral consequences” of current policies, Tewksbury and Lees found that the most common difficulties involved employment (Tewksbury & Lees, 2006). They also identified relationship difficulties, stigmatization, acute feelings of vulnerability, and instances of harassment, with approximately half their respondents reporting verbal harassment. Other research has shown that offenders report lower levels of self-esteem because of their label (Meloy, 2006, p. 89) and increased feelings of alienation and isolation (ibid., p. 108). Furthermore, “a smattering of vigilante cases have occurred across the country. Studies suggest that about one-quarter of offenders report being the victim of some sort of vigilante justice (Bedarf 1995), and approximately 40 percent *worry* about being the victim of harassment (Meloy 2006)” (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 125). Today’s convicted sex offenders living in the community face a number of serious barriers to reintegration as a result of community notification practices. The social consequences of these policies are exacerbated by residency restriction laws that push offenders toward marginal communities such as the “shantytown” under the Julia Tuttle Bridge in Miami (Skipp & Campo-Flores, 2009), and that could prevent an offender from moving in with a supportive family (Laura J. Zilney & Lisa Anne Zilney, 2009, p. 131). Families have had to relocate because of these restrictions. (ibid.)

e) criticism of SVP laws

While Megan’s Law requires more resources from law enforcement agencies, these costs do not compare to the enormous drain on public funds incurred by SVP laws. Civil commitment requires the establishment of new bureaucracies to review and screen

the records of the offenders whom prosecutors petition for commitment and to oversee the process (LaFond, 2003, p. 284). Qualified mental health professionals must be employed to evaluate possible SVPs (ibid.). Commitment proceedings routinely involve lengthy trials and appeals processes (during which time the state is responsible for housing potential SVPs) (ibid., p. 285). The cost of committing an individual varies from state to state, but the average is close to \$100,000 in addition to the costs of holding them in jail which range from approximately \$15,000 per inmate (in Texas and South Carolina) to \$43,000 (in California and Massachusetts) (Davey & Goonough, 2007). The highest cost per individual commitment for states that included all reported secondary costs in their reports was \$180,000 in Pennsylvania in 2007 (ibid.). The costs of confining an SVP in “a facility that is both *secure* and *therapeutic*” greatly exceed the costs of confining someone in prison (LaFond, 2003). The *New York Times* reported that

the annual price of housing a committed sex offender averages more than \$100,00, compared with about \$26,00 a year for keeping someone in prison because of the higher costs for programs, treatment, and supervised freedoms. (Davey & Goodenough, 2007)

These laws have been enormously popular with voters and political leaders continue to support them, arguing that the protection to the community is worth the price (ibid.).

In addition to the constitutional issues addressed above, critics of SVP laws have argued that it employs two contradictory logics (Morse, 2003; Schopp, 2003; Zonana, Bonnie, & Hoge, 2003). In “Bad or Mad?: Sex Offenders and Social Control” Morse explores the extent to which SVP laws confuse the “two dominant rationales for involuntary confinement – desert and disease,” which he also refers to as the moral and medical models. Whereas the medical model posits the wrong-doing individual as suffering from a sickness that may absolve him from responsibility, many instances

where disease is invoked to explain behavior do *not* preclude holding the individually morally responsible (Morse, 2003, p. 167). Morse argues that sex offenders are generally considered rational and that the legal system does not recognize strong desires as an excuse for crime. In fact, sex offenders are rarely able to invoke an insanity defense (ibid., p. 168). The insanity defense is based on the belief that certain individuals cannot act rationally and cannot be held responsible for their behavior. The legal system does not inflict retributive justice on individuals who are not responsible. Thus, we do not punish the legally insane. The civil commitment of the legally insane requires that the individual be both dangerous *and* not responsible, the “irrationally dangerous” (ibid., p. 171). Because they are not considered legally insane, the criminal justice system treats sex offenders as rational agents (who may have psychological problems) and metes out what the social and legal system defines as appropriate punishment. SVP laws, however, are applied to people who have been deemed rational and responsible and who have already been punished. Through a “legal sleight of hand” (ibid., p. 175) they attempt to civilly commit them based on a loosely defined quasi-psychiatric logic.

It is paradoxical, however, to claim that a sexually violent predator is sufficiently responsible to deserve the stigma and punishment of criminal incarceration but that the predator is not sufficiently responsible to be permitted the usual freedom from involuntary civil commitment that predictably dangerous but responsible agents retain. (ibid., p. 174)

The definition of mental abnormality (“a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others”) is sufficiently broad to include anyone who has ever committed a sex offense, and is not a “recognized diagnostic term” (ibid., p.175). Morse believes that SVP laws

undermine both the importance of culpability in sentencing, and the meaning of non-responsibility in a way that renders SVP laws to essentially be “pure preventive detention.” (ibid., p. 174.)

The American Psychiatric Association has also critiqued the SVP laws for employing a medical model in the service of social control (Zonana et al., 2003). The APA argues that they undermine the medical model and the principles of psychiatric civil commitment by confining those who deemed dangerous to society but who do not exhibit symptoms of a serious mental illness (ibid., p. 139). Their Task Force on Sexually Dangerous Offenders concludes that the laws

establish a nonmedical definition of what purports to be a clinical condition without regard to scientific and clinical knowledge. In so doing, legislators have used psychiatric commitment to effect nonmedical societal ends. (APA 1999, cited in Zonana et al, 2003, p. 135)

They further argue that the use of personality disorders -- which do not render individuals legally insane -- to justify civil commitment of people who have engaged in deviant behaviors but do not exhibit “severe psychiatric symptoms” renders psychiatry “an extension of the police power rather than a profession primarily directed toward the alleviation of symptoms and the treatment of illness” (ibid., p. 142).

IV. Imprisonment Trends

The new sex offender policies are an important aspect of the "new penology" -- a new era of punishment characterized by the decline of the rehabilitative ideal, the re-emergence of expressive and retributive justice practices, an expansion of punitive methods of social control, and the management of ever larger segments of the population

by the social control apparatus (Feeley & J Simon, 1992; Garland, 2001b; Jonathan Simon, 2000; Zimring, 2001)

The sex offender legislation of the 1990s evolved in the midst of the nation's exploding incarceration rate. Since 1970s the rate of imprisonment in this country has been steadily increasing and is now eight times as high as it was in that time. No other country imprisons as high a percentage of its population as does the US (Jacobson, 2005, p. 5) During the last quarter of the last century crime emerged as a central feature of electoral politics, both nationally and locally (Beckett, 1997; Jonathan Simon, 2000), and the US has witnessed a transformation of criminal justice practices that include the blurring of the line between inside and outside of the system through an expansion of punitive methods of social control into community (Feeley & J Simon, 1992; Wacquant, 2001), with a continually increasing proportion of the population "being directly managed by the criminal justice system" (Simon, 2000 . p. 22).

The current era of punishment has been labeled "the new penology" and is characterized by an intensified bureaucratic focus on managing populations through actuarial risk assessment measures and a shift in the conceptualization of the offender from an "aberrant" individual to a "high-risk subject in need of management." (Jonathan Simon, 1998). This penology reflects a sense of failure with assimilative reform practices, and within "this managerialism is a growing sense that little or nothing can be done to change offenders" (ibid.).

The new penology co-exists within a climate of populist punitiveness that emphasizes zero-sum rhetoric and expressive and retributive forms of punishment. In this framework, punishment practices are less driven by the practical need to manage

classes of deviants, and more driven by the emotional need to express communities' moral outrage. Simon explains:

This public discourse emphasizes what can be called "populist punitiveness." The death penalty, "three-strikes and-you're-out" laws, and mandatory sentences for drug dealing all reflect a new primacy of vengeance seeking... Although the new penology is concerned with high-risk populations, populist punitiveness is as obsessed as ever with dangerous individuals. Whereas the new penology treats crime as a normal fact of life to be managed, populist punitiveness insists on a zero-tolerance approach... Although the new penology speaks the language of managerialism and systems theory, populist punitiveness remains rooted in normative judgments about aberrational evil.

For the most part, the new penology and populist punitiveness coexist through a tenuously maintained acoustic divide. Politicians pass laws expressing populist punitiveness while relying on the managerial skill of penal professionals... (ibid.)

In neither the new penology characterized by risk management, nor the populist punitiveness characterized by zero tolerance is the offender himself seen as transformable or capable of reintegration or "assimilative reform" (Gusfield, 1986). Whereas in what Jock Young refers to as "inclusive societies", socially minded reform practices would aim to help the problematic individual control his behavior and re-enter into the social fold, "exclusive societies" do not invest in rehabilitative ideals but rather seek to use the states' legal and punitive apparatuses to expel and banish the deviant (Young, 1999). Young describes the tensions and contradictions influencing contemporary punishment practices, arguing that "threats and dangers to one's self-interest come from *outside* the family. Because of this, modernism conceives of the criminal as the stranger" (ibid., p. 38).

Simon states that the goal of the new sex offender policies is "waste management" (Jonathan Simon, 2000) and their "explicit function is to exclude and banish" (ibid.). They "merge appeals to this populist response while enabling state

bureaucracies themselves, ever more technocratic in orientation, to actually implement the policies.” They express an indifference towards treatment and are in fact “hostile toward medicalization” (ibid.). SVP laws, employing the term

predator, which has not foundation in either human science or criminal jurisprudence, indicates the implicit reference to popular emotions, including fear and the desire for vengeance. Combined with the shift from mental illness (a scientific term) to mental abnormality (suggesting a normative evaluation) marks a shift in the realm of that which is not part of the normal human experience but is also outside the forms of expertise associated science (i.e., toward the “monstrous”). (ibid.)

The medical model of transformation and treatment is also undermined by the reliance on risk assessment instruments that “have increasingly replaced the forms of psychological and psychiatric expertise.” Like the SVP laws, Megan’s Law “is premised on the futility” of attempting to treat sex offenders. It employs a symbolic “cordon sanitaire” (Young, 1999) and marks the offender as an outsider in a way that creates a “negative symbolic capital that cannot be shed and will therefore weigh on its bearer for life” (Wacquant, 2001; p100).

Employing Agamben’s theory of the “homo sacer”, Spencer argues that current policies strip the sex offender of social/human/civil rights, excluding them from communities through the creations of a “lawless space” within the community (Spencer, 2009, p. 220). This creates a “camp” although “the distinctions between inside and outside the camp disappear.” This results in a “state of exception” wherein “sovereignty is without restraint.” Spencer posits that registration/community notification lead to a “diffusion of the camp throughout society; there is a creation of an indistinction between exclusion and inclusion...” (ibid., p. 222) He further argues

that in order to pass these laws, the sex offender needed to be legally abandoned in order to be held captive:

the law protecting the sex offenders' rights is suspended and they are abandoned by the law. In the abandoning of the sex offender by community notification laws, the sex offender is held in relation to the law by virtue of their capture through these laws. (ibid., 229)

Janus links the civil management of sex offenders to the rise of the preventive state with a focus on "surveillance or risk rather than detection of crime, and preventive, rather than punitive, deprivation of liberty" (Janus, 2006, p. 14). This new penological paradigm involves a shift from:

the logic of regulation to transfer from risky things to risky people. At one level, if we focus on 'risk,' the analogy between, say, warning on cigarettes and warnings about rapists seems strong. The harm from people can be as severe as the harm from things. But there is an important way in which the analogy is very problematic, for it suggests that it is acceptable to treat people – or some people – like objects, examining them, assessing them, and then grading and labeling them in the same way that we might grade and label various types of nuclear waste. ...Megan's laws disclaim any punitive intent, basing their regulation simply on the risk posed by individuals, so distinguishing the sex offender laws from laws that regulate dangerous objects is much more problematic. .. the underlying rationale justifying the expansion of regulatory laws is that sexual predators have been made into a new 'outsider' group who inhabit an alternate justice system with much-degraded legal protections. (ibid., p 21)

Critical criminologists see the new sex offender policies as part of a larger socio-political movement towards "governance through crime" (Simon, 2000; Zimring, 2001; p146) as well as the transformation of punishment practices (Simon 2000). Like crime in general, sexual abuse or assault can be seen as a "valence" issue (Beckett, 1996) in that there is no pro-crime or pro-sex offender lobby. Megan's Law was supported by "almost all demographic segments of the population, and both political parties." (Simon, 2000). The movement towards governing through crime is accompanied by new forms of political subjectivity. The new

rhetoric of criminal issues in general, and the sex offender rhetoric in particular, locate all salient forms of threat in the deviant individual, and obscure other forms of social, cultural, and political conflict and victimization:

As communities become more and more defined by the experience of personal victimization – whether real or imagined, firsthand or mediated by television – the criminal law emerges as a tempting way to reaffirm the very existence of community (Kennedy, forthcoming). We are fast becoming a society in which we must compete in virtually every aspect of life, while simultaneously reinforcing a public ideology that brooks no real recognition of conflicts other than those inspired by perversity and criminality. (Janus, 2006, p. 22)

Vilifying the outsider, this punishment-oriented paradigm adopts a “zero-sum rhetoric” that posits the needs of the (ostensibly) law-abiding community in conflict with those of criminals: “anything that hurts offenders by definition helps victims” (Zimring, 2001, p. 147). This rhetoric serves to justify the increased infliction of public stigmatization and suffering on criminals (ibid.).

Megan’s Law demonstrates the ability of citizens to mobilize themselves and enact laws that do what many believed the government should have been doing all along. Its rhetoric “invokes the idea of meaningful communities acting in self-defense.” (Simon, 2000). Yet in reality,

The law vests in judges, prosecutors, or a state commission to assess risk and determine at what risk level notification should take place. The parole officer is replaced by the risk-assessment consultant, but the power over knowledge remains centralized... To the extent that community really means “local knowledge,” these circuits seem likely to intensify mistrust of one’s neighbors while building new kinds of dependency on the state. (ibid.)

Expressing exasperation with the state, Megan’s Law places increasing numbers of people who are living within the community under greater civil control. They are

monitored by the state's social control apparatus and living under conditions that mark them as a dangerous outsider.

CHAPTER THREE: TOWARDS A SOCIOLOGY OF SEX OFFENDERS

Social constructionism, briefly discussed in the previous chapter, brings a sociological perspective to the issue of child molestation and the associated legislative phenomenon of the last twenty years. Pulling back from both the psychological discourses which seek to provide knowledge and understanding of the deviant individual as well as the criminological discourses which analyze the efficacy of social control mechanisms, a sociological approach looks at a variety of social relations in shaping, framing, and defining deviant sexual behavior, and explores the processes of acquiring a deviant identity. In this chapter I outline the theoretical ideas underpinning my investigation of labeled (convicted) sex offenders. The study is rooted in classical and contemporary sociological approaches to deviance. In addition it engages theories of sexuality and recent theories of narrative. I employ qualitative methodology to elicit “self stories” of six offenders. This chapter addresses the merits of this approach and describes in detail the project’s design and the methods used for recruiting participants and collecting the data. I conclude this chapter with a critical discussion of the ways in which the subject is (pre)conceptualized in the process of research design, and explore some of its inescapable limitations.

I. Toward a Sociology of Sexual Offense

The sociology of deviance provides a useful framework for understanding sexual offending and applying this theoretical perspective underscores that it is social actors – not natural laws or biology – who define appropriate sexual conduct, cast sexual activity with children as immoral and unacceptable; and develop and enforce severe negative

social sanctions against such behaviors. Although the medico-psych professions articulate the heterogeneous character of the population of sex offenders, their discourses continue to reify sex offenders *as such*. The profession generates knowledge about the types of people who engage in illegal sexual behavior, and assumes the presence of underlying psychological disorders -- disorders which are there to be uncovered through their knowledge practices. Examples include the typologies discussed in the previous chapter, as well as efforts to further delineate subtypes. The treatment protocols employed by psychologists and psychiatrists divide the population into risk categories, and in general (although not always, see Marshall, 1999) define successful treatment outcomes in terms of recidivism.

A sociological perspective can enhance our understanding of the current climate surrounding sex offenders, and of the meanings that can be attributed to these policies, and their impact on offenders. Many sociological theories of deviance, sexuality, and the self, do not start from the assumption that deviance inheres in the individual. A number of theoretical strands in the sociology of deviance provide a useful framework for exploring the meaning of sanctions against sexual offending. Some theories of sexuality position deviant sexual behavior within a constructionist framework. Symbolic interactionism provides a way of understanding the construction and presentation of selfhood, particularly under highly stigmatizing conditions such as criminal conviction for a sex offense. These concepts all shift attention from the deviant individual's pathology and instead place the individual in a landscape of definitions and cultural meanings – which includes the dominant psychological discourses – wherein the construction of the self takes place. Narrative analysis provides a way of understanding

how individuals make meaning out of their experiences, manage their stigma, and present a viable – not monstrous – social self to themselves and others.

a) Durkheim, Erikson and Garfinkel

Durkheim's theory of punishment, presented in *The Division of Labor in Society* (1984/1893), maintains that crime and law are the structural and official representations of the moral order of every society. Laws provide a blueprint of social organization and the ways in which human behavior is regulated. Durkheim states that morality is "the daily bread" that holds societies together (Durkheim, 1984, p. 15). Collective identities are defined through expressions of beliefs and values which are shared by community members. These are reinforced through the internalization of representations of the collectivity, what Durkheim calls the common consciousness. The government and official authority reflect the values of collectivity and the core of this consciousness, and Durkheim's theory of penal law concerns crimes which threaten the moral authority of the community.

Durkheim argues that crime is a universal feature of all societies, but that what is considered criminal is culturally variable. Crime is not inherent in the act, but in the relationship between the act and the sentiments of the collectivity. Durkheim describes two types of law, repressive and restitutory, which correspond to our divisions between criminal and civil law, and between retributive and restorative justice. While restitutory law governs relations between individuals and attempts to mediate between different interests, repressive law mediates the relation between the individual and the collectivity. "Its real function is to maintain inviolate the cohesion of society by sustaining the common consciousness in all its vigor" (ibid., 62-63). Repressive, or penal, law is a

codification of customary behavior, violations of which represent violations of the moral order. Thus, some crimes against individuals also represent crimes against the collectivity. Formal punishment is the mechanism through which the community avenges itself and re-asserts its values. Often the act of punishment is made public, providing a means for community members to experience the affirmation of their values. Durkheim argues that revenge and emotion are not only expressed in the punishment rituals of traditional societies, but systematized in the penal sanctions of civilized societies as well.

The “populist punitiveness” that Simon argues motivates advocacy of Megan’s Law and other sanctions against sex offenders are visible in Durkheim’s theory of repressive law. Applying a Durkheimian perspective, mores regarding appropriate sexual behavior and appropriate sexual objects are integral to the core values of the collectivity. Violations of these moral codes are deeply threatening to the group – Jenkins would argue more so at some historical moments – and extreme and public measures against those perpetrators are necessary to reinforce the sanctity of the group’s norms and values and the strength of the moral order.

The relationship between punishment and community identity is further developed by Erikson in the theory of deviance he expounds in *Wayward Puritans: A Study in the Sociology of Deviance* (1966). Erikson poses that definitions of deviance are developed to demarcate the limits of acceptable behavior within particular communities. He argues that communities are “boundary maintaining” entities in both geographical and socio-cultural senses. Formal and informal mechanisms of social control are employed to “guard the cultural integrity of the community.” As in Durkheim’s work, deviance is

deeply tied to notions of communal identity and belonging. People guard against deviance to protect the “cultural integrity of the community” (Erikson, 1966, p. 10).

Boundaries are never a fixed property of any community. They are always shifting as the people of the group find new ways to define the outer limits of their universe, new ways to position themselves on the larger cultural map... Like an article of common law, boundaries remain a meaningful point of reference only so long as they are repeatedly tested by persons on the fringes of the group and repeatedly defended by persons chosen to represent the group’s inner morality. (Erikson, 1966, pp. 12-13)

Echoing Durkheim, he develops the idea that punishment rituals strengthen the authority of community norms – punishing offenders makes it clear who is inside and outside the group. It is important that this line be made visible through sanctions and punishment rituals which reinforce the community’s sense of itself. For this reason, social groups need to generate a certain amount of deviance in order to preserve its stability.

Punishment is thus less about eradicating the deviant behavior than it is about expressing the community’s cultural boundary, and it serves a function for the spectators – crime news “constitutes one of our main sources of information about the normative outlines of society” (ibid., p. 12). In addition, punishment rituals serve to assign deviant status. This status is usually irreversible. Our sanctions and policies around deviants also serve to structure deviant identity. In this framework sex offender policies can be seen as a symbolic means of reinforcing important boundaries about sexual behavior, demarcating what is and is not engaged in within the community. Megan’s Law, publicizing the identity of the offender, assigns a public deviant identity to transgressors.

Garfinkel's essay on degradation ceremonies also investigates the role that punishment rituals serve for societies (Garfinkel, 1956). Here too punishment emerges as a vehicle for expressing public outrage. Contrasting moral indignation with shame -- an

affect that causes the individual to withdraw from society into a private realm -- Garfinkel argues that "The paradigm of moral indignation is *public* denunciation." (ibid., p. 421). Furthermore, moral indignation "may reinforce group solidarity" (ibid.). Degradation ceremonies, which in our society take place within the courts (as well as the media) ritualize "the destruction of the person denounced" (ibid.). The individual's identity is literally transformed through such ceremonies, and the "transformation of identities is the destruction of one social object and the constitution of another" (ibid.). Thus, punishment rituals serve both to reinforce group solidarity through the expression of indignation, and to alter the social identity of the offender. As one researcher observes, "shaming is useful for establishing and publicizing boundaries between persons and groups," and in the case of sex offenders "registries and notification procedures were also created with the intent of promoting public shaming and societal ostracism (Blair 2004)" (Tewksbury & Lees, 2006, p. 310).

Durkheim, Erickson and Garfinkel offer frameworks for understanding the social use of sex offender policies. These policies help reinforce the sexual boundary between those considered adults and those considered children, and help divide insiders from outsiders within the community. Clearly marking the sex offender as outsider, Megan's Law, from this perspective, can be seen less as an attempt to control sexual behavior and reduce sex offenses, and more as a means through which norms and values are made visible. In addition, Erickson's and Garfinkel's theory posits that punishment rituals establish deviant social identity; in this way we can see Megan's Law as doing just that, assigning a social status on the individual offenders through public exposure.

b) feminism and sexual deviance

In her groundbreaking 1975 book on rape, Susan Brownmiller argues that rape has little to do with sexuality and is primarily a form of violence that under patriarchal social organization is “man’s basic weapon of force against woman... It is nothing more or less than a conscious process of intimidation by which all men keep all women in a state of fear.” (Brownmiller, 1975, pp. 14-15). Rape is an “exercise of power” (ibid, p. 256) and child molestation, particularly interfamilial sexual abuse, is just as much an exercise of male domination within patriarchal culture (ibid., 281). In fact, Brownmiller argues that there is no difference between “father rapists” and “ordinary rapists” (ibid., 280). Likewise Judith Herman posits father-daughter incest (which she asserts is widespread in American society) as an extension and exaggeration of normative patriarchal values (Herman, 1981).

Diana Scully’s research refutes the psychiatric/medical paradigm that casts the rapists as psychiatrically deviant. Investigating rapists’ childhoods, as well as sexual, psychiatric and substance abuse histories, and criminal careers, she concludes that rapists do not generally differ from other felons and display no unique psychopathology or psycho-social characteristics (Scully, 1994). She does identify a number of culturally available rape myths that offenders employ in explaining and rationalizing their behavior and explores the way cultural norms interact with the microcosm of the individual. The larger socio-cultural context provides the psychological or cognitive tools that enable rape.

Rather than locating deviance in the individual’s sexuality, these feminist theorists conceptualize rape and child abuse as part of structural gender inequality. From this perspective, current sex crime legislation can be seen as an attempt to make visible

the injustices of patriarchy. However, feminist discourse is largely absent from the discourses surrounding these policies which continue to emphasize stranger danger and the pathologically deviant individual. Advocates of these policies tend to posit a vision of a traditional community against the threat of uncontained deviants, and do not highlight the more prevalent and common form of child abuse which takes place between acquaintances and family members.

c) Stigma, Identity and Symbolic Interaction

While Durkheim, Erikson and Garfinkel explore the meanings punishment carries for the group, and feminists investigate the relationship between sexual transgression and cultural norms, other theorists have examined the relationship between punishment rituals, labeling, and individual deviant identity. In *Outsiders: Studies in the Sociology of Deviance* Howard Becker espouses the idea that social actors and social groups generate deviance (Becker, 1973). As Gusfield does in his history of the temperance movement, Becker highlights the role moral entrepreneurs play in setting cultural agendas, defining the limits of acceptable behavior, and enforcing norms. Deviance is the result of social practices and enterprise, not individual pathology; it “is *not* a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an ‘offender’ “(ibid., p. 9). Nor is it a “quality that lies in the behavior itself, but in the interaction between the person who commits an act and those who respond to it” (ibid., p. 14). Deviance is about the reaction of others. Thus, this perspective moves attention away from the social meaning of sexual transgression to the process by which it is identified and labeled. The role that different groups, such as victims’ rights advocates, play in setting agendas that call for stricter punishment policies are as germane to a

sociological understanding of sex offenders as the offenders themselves.

Rather than looking at the identity reinforcing and boundary maintaining properties these actions have for the collectivity, Becker examines the social processes involved in rule-breaking. These range from the stages an individual passes through on his way to “becoming” a deviant (Matza, 1969), to the public reaction and assignation of official deviant status. Significantly, deviant actions carried on in private have “a social character”, because the individual views his behavior through a social lens and from the perspective of mainstream norms (Becker, 1973, p. 31); that is, the deviant actor often shares the same values as mainstream society and may view his own actions as deviant. However, the pivotal step in the deviant career is being caught and labeled (ibid.). Becker argues that individuals who are labeled deviant develop an identity around that behavior.

To be labeled a criminal one need only commit a single criminal offense, and this is all the term formally refers to. Yet the word carries a number of connotations specifying auxiliary traits characteristic of anyone bearing the label... Thus, apprehension for one deviant act exposes a person to the likelihood that he will be regarded as deviant or undesirable in other respects... The status of deviant (depending on the kind of deviance) is this kind of master status. One receives the status as a result of breaking a rule, and the identification proves to be more important than most others. One will be identified as a deviant first, before other identifications are made. (ibid., p. 33)

The labeling process ascribes a social identity that takes on the character of “master status” – that is, all the individual’s other roles are subsumed under it. The deviant identity dominates and other potential identities are muffled.

Child molesters, once convicted, begin to engage in an official process of identity formation around the new social label which may or may not be in conflict with how they viewed themselves and their sexual identity before being so labeled (i.e., caught). Becker

observes that definitions of deviance are sometimes contested and that significant subcultures may form around alternative values. However, sexual activity with children is currently considered aberrant and intolerable by just about everyone in our society (Angelides, 2004; Jenkins, 1998; Jones, 1999; Lotke, 1997; Tewksbury & Lees, 2006; Laura J. Zilney & Lisa Anne Zilney, 2009)¹. Presumably this would make it that much more difficult for offenders to construct an alternative identity. A child molester may not consider his crime and its motivation constitutive of his “master status,” but the intent of Megan’s-type laws are to ascribe such a master status and make it known to the general public.

Erving Goffman’s work has been critical in understanding social identity and deviance. Like the other theorists discussed, Goffman sees deviance as part of a social process that is only incidentally related to qualities inherent in an individual. In *Total Institutions* (1961) he argues that being labeled mentally ill is a distinct phenomena from possessing any form of psychopathology. For example, many people who are *not* institutionalized have symptoms of mental illness. The reason one person instead of another may come to be labeled is a factor of the social contingencies that lead to hospitalization (Goffman, 1961, p. 134). Once in the system the individual is subject to a process designed to change his conception of his self, to accept the official definition of his identity. Here we see identity as malleable in that one individual can take on a new (discredited identity) at the same time that it is coerced and imposed. A sex offender’s identity as such is not necessarily a consequence of sexual transgression, but rather is

¹ Of course, who is considered a “child” is socially bound (Heywood, 2001); adolescence presents a problematic grey area concerning issues of sexual agency; and age of consent varies from state to state.

enforced through criminal conviction. Thus someone engaging in the same behavior but not subject to criminal sanctions may not see their behavior as deviant. This is particularly salient when considering those offenders who were convicted of consensual sexual contact with a teenager.

Symbolic interactionism proposes a dynamic relationship between self and society, and contributes to the sociological understanding of the self as having a cultural and social history (Callero, 2003, p. 128). Emerging from the philosophy of George Herbert Mead, symbolic interactionism investigates the dynamic between the subjective experience of self and the social world populated by others. The individual subject constructs his sense of self through interaction with others. “The body become a self only when it has developed a mind within the context of social experience” (Mead, 1967, p. 134). This perspective emphasizes meaning as a product of human interactions and avoids essentializing human nature or the self. The self is not an organic whole. Instead, it is viewed as product of social processes. Language is a significant part of this process, as the self is largely cognitive and is always oriented towards others. Mead argues that the self is an on going inner conversation within the individual where the self sees itself and comments on itself. “At its core the self is defined by the reflexive process, the universal human experience of self-objectification” (Callero, 2003, p. 128). Communication and selfhood are deeply intertwined.

Cooley’s concept of “the looking glass self” (Cooley, 1964) explores the extent to which private and subjective experiences are formulated and arranged through the internalized eye of the social group, or in Mead’s phrasing, the generalized other. This implies that humans are never really “alone” – even when no other social actors are

present, the individual is still a social actor, and constructs himself as such. Cooley's and Mead's work points to the way norms and values are internalized, and the way the individual views himself through the eyes of others. In fact, in Mead's theory, the generalized other serves as the basis of social control, influencing the behavior of group members. This is significant to a study of deviant individuals, for as previously mentioned, the deviant individual usually shares society's beliefs about his deviance seeing it through the eyes of the generalized other.

Goffman also developed a theory of the self, or at least the *presentation* of self – the public aspect of the social self. When in the presence of other social actors, the individual engages in a performance of self (Goffman, 1959). This is largely structured through social roles which organize much of social interaction. But impression management must still be assiduously engaged in. Social interaction requires actors to attempt to control the impression others have of them through a variety of techniques and strategies designed to guard against uncertainty or embarrassment. Here the self is also seen as deeply social, working to be in the world as an acceptable member of the group.

Goffman's work makes a critical contribution to the relationship between deviance and identity. As stated, for Goffman, social life for all individuals involves extensive work in the controlling and presentation to others of information pertaining to self. In *Stigma: Notes on the Management of Spoiled Identity* (1963), he explores the particular problems that impression management holds for deviant individuals. His work is concerned with how social roles are learned and performed, rather than with why certain roles ascribed to certain people. Thus, he does not develop a theory of deviance per se, but of the management of the consequences of being deviant.

Goffman defines stigma as a “shameful difference” associated with an individual which separates them from the norm, disqualifying them from full social acceptance. The stigmatized individual often holds the same beliefs about identity and social norms as mainstream society, and must develop ways of accommodating to their stigma in light of their shared social values. The stigmatized individual develops a narrative of self wherein their identity is organized, to some extent, around their stigma. These narratives are often learned in group settings, such as treatment facilities; these may take the form of an exemplary “moral tale” (someone who overcomes their stigma and functions normally in the world) or “sad tale” (someone who is unjustly stigmatized) (Goffman, 1986, p. 25). Narrative strategies play a central role in the articulation and construction of stigmatized identity.

Stigma is deeply tied to one's social identity, and control of information pertaining to self plays a key role in social interaction. What can be known about and expected of a person are essential aspects of situations. Goffman distinguishes between visible and known stigmas which render a person discredited, and those which are not necessarily apparent but can become known, which render a person discreditable. When one is already discredited in a social situation, one engages in “tension management” (ibid., p. 41); whereas if one is discreditable, one engages in a form of impression management focused on strategies for “passing” and concealing discrediting information. Discovery of discrediting information is threatening to social encounters and can significantly the way the individual is seen in the eyes of others:

Discovery prejudices not only the current social situation, but established relationships as well; not only the current image others present have of him, but also the one they will have in the future; not only appearances, but also reputation. The stigma and the effort to conceal it or remedy it become “fixed” as part of

personal identity. (ibid., p. 65)

Not only are relationships threatened, but the discreditable information takes on the power of a master status, effecting how the entire person is perceived.

Some stigmas bear a closer relation to mechanisms of social control, such as those attached to criminals and people with certain mental illnesses. Stigma in these cases functions as a negative sanction for bad behavior, that, for what someone has done as opposed to a physical condition that a person may bear. Goffman uses the term “ill-fame” to refer to persons about whom negative information is known and whose identity is often managed through bureaucratic functionaries of social control. His discussion of ill-fame is can be easily applied to the case of sex offenders under current policies:

It is possible for the circle of those who know of an individual (but are not known by him) to include the public at large, not merely those employed to make identifications. (In fact the terms “fame” and “ill fame” imply that the citizenry at large must possess an image of the individual.) No doubt the mass media play the central role here, making it possible for a “private” person to be transformed into a “public” figure.

...Where an individual has a public image, it seems to be constituted from a small selection of facts which may be true of him, which facts are inflated in a dramatic and newsworthy appearance, and then used as a full picture of him. (ibid., pp. 70-71)

Ill-fame, then, bestows a master status on the discredited individual.

Convicted sex offenders bear a social stigma that can discredit their social identity, and Goffman’s definition of spoiled identity clearly applies to them: “it has the effect of cutting him off from society and from himself so that he stands a discredited person facing an unaccepting world.” (ibid., p. 19). Current policies seek to make the stigma as visible as possible, and to make discrediting information widely available in such a way that he carries “ill fame”. Community notification and registration may make

impression management highly problematic for the sex offender. Unlike most stigmatized individuals (and all of those used by Goffman as examples), sex offenders have little capacity for collective action, as, as we have seen, they are near universally reviled. Internalizing mainstream beliefs about sex offenders, sex offenders themselves may distance themselves from their label and others carrying the same stigma. Goffman's work is particularly important in providing a framework and vocabulary for understanding how stigma is lived in daily life, and how individuals manage "contaminated" aspects of their social identity (ibid., p. 9). His ideas will be employed at many points throughout the data analysis.

d) the social construction of sexuality

Seminal contributions to the sociology of deviance provide a framework for understanding the social meanings of legislative sanctions against sex offenders, both for the group and the individual. Adding to this, a social constructionist account of sexuality helps contextualize ideas and beliefs about normative sexuality and people whose sexual behaviors are considered deviant. As discussed in previous sections, psychiatry and criminology have developed discourses that attempt to classify types of people who engage in deviant sexual behavior and commit sexual crimes. In attempting to delineate lines between normal and pathological sexual practices, these discourses invoke the notion coherent, organized, stable sexual identity. They accept the concept of sexual identity *as such*.

However, theorists of sexuality do not separate sex from society (Weeks, 1985, p. 5). They have argued that sexuality itself is a social construction – that sexuality is learned through social practices and institutions. Foucault's *History of Sexuality, Volume*

I presents sexuality as the product of discourses (Foucault, 1990). Repressive ideologies promoted by the church and Victorian culture served to generate knowledge about sex. Controlling norms of sexuality made analytically visible other forms of sexual behavior. For science and psychiatry, this meant expanding their purview to include new subjects; constructing new “perversions” meant the creation of new types of individuals. Drawing on Foucault’s theory of sexuality, writers such as Jeffrey Weeks (1985) and Steven Seidman (2003) posit that sexual identity - as an *identity* - did not emerge until the late nineteenth century and has its own social history.

Deconstructing the idea of an essential sexuality at the core of a person, contemporary theories of sexuality study the role that social actors play in defining which urges, desires and actions are considered sexual. These processes also designate legitimate and illegitimate forms of sexual expression as well as legitimate and illegitimate objects of desire. Plummer, in *Sexual Stigma: An Interactionist Approach* addresses the formation of deviant sexual identity. He argues that

Sex acts, sexual objects, sexual partners (human or otherwise) like all other objects toward which human beings behave are social objects; that is they have meanings because meanings are assigned to them by the groups of which human beings are members... The meanings of these social objects are mediated to the individual by means of language just as is the case with all other social objects. (Plummer, 1975, p. 29)

Other symbolic interactionists explore the ways in which sexuality is produced in social settings.

The physical sensations which constitute sexual experience are not merely *interpreted* by our symbolic systems into sexual phenomena, but even more important, sexual symbolism also *creates* sexual experience. (Gecas & Libby, 1976, p. 34)

In addition, Gecas and Libby observe that much sexual behavior involves non-sexual motivations, and occurs between social actors who perform a variety of roles and interact in a variety of social settings. Elaborating the ways in which deviant identity may be formed, Plummer states that not all individuals who engage in sexual acts that are not considered “normal” will develop deviant identities. Even those who have been labeled as deviant by others may not develop a sense of self or sexual self around the actions or desires.

Put at its simplest, the individual potentially identified as being sexually deviant has three broad choices: denial, where he refuses to see himself as deviant or let others see him in this light; diffusion, where he becomes conscious of his potential deviance and finds much anxiety in such consciousness; deference, where he ultimately comes to accept his deviance. (Plummer, 1975, p. 81)

Thus the sexually deviant act and the socially deviant identity are not necessarily linked, and Plummer argues the individual’s “career” has a several potential trajectories. The instances of sexual misconduct engaged in by people who became labeled sex offenders may have quite different meanings for them (and others) had they not been labeled.

It is important to note that Plummer focuses his analysis on homosexuality. Weeks and Seidman consider homosexuality as well as sado-masochism, and pornography. These issues are to different degrees openly contested in contemporary culture. Many people in mainstream America do not pathologize homosexuality; pornography has been defended by some feminists, and S&M has been championed as legitimate form of sexual expression and empowerment by a number of different groups. Child molestation and non-consensual acts are largely absent from this body of literature.

Within a constructionist framework an analysis of child molestation and sex offenders needs to consider that the categories of children and adults are socially

contingent. Definitions of childhood have a social history (Heywood, 2001) and the age of sexual consent is socially and legally defined (Archard, 1998). Social process, not biology or nature, delineate legitimate sexual actors from illegitimate ones. It is worth noting that in *Sexuality and Its Discontents*, Jeffrey Weeks briefly addresses intergenerational sex from a sociological perspective, acknowledging the existence of arguments “for” it (children are autonomous agents, adult-child sex can be educational, etc.) (Weeks, 1985, p. 287). He then observes that these often obscure or avoid issues of power and social context. His work is valuable in that it addresses the topic without reifying “pedophilia” or drawing on stereotypes of predators. This creates an analytic space where child molestation and sexual offenses against children can be analyzed from an interactionist perspective rather than a psychological one.

“Sex offenders” are defined as such by the criminal justice system. The term denotes anyone who has been convicted of a criminal sexual offense. Current legislative trends have increased the extent and severity of punishment for these individuals in such a way that makes them visible as outsiders within the community. The label “sex offender” is highly stigmatizing for the offenders. The media discourses surrounding sex offenders cast these individuals as compulsive sexual predators, and the medico-psychological professions seek to categorize them within a system of types of sexual deviants. The net effect is that sex offenders are seen as sexual types, and their deviant sexual behavior is converted to an essential identity. The social construction of sexuality places this identity within a history of social discourses, and denaturalizes our conceptions of sexual deviance.

e) theory and narrative

Advocating a congruence between symbolic interactionism and postmodernism, Norman Denzin has pointed to the significance of narrative perspectives in the social sciences in general, and in symbolic interaction in particular. Narrative plays a critical role in linking a variety of theoretical perspectives.

Interactionists, accordingly, study how people produce their situation versions of society... [They] believe in writing local narratives about how people do things together (Becker 1986a; Richardson 1990). These narratives take the form of small-scale ethnographies, life stories, in-depth interviews, laboratory studies, historical analyses, and textual readings of... popular culture... Sociology for them simply means studying how social things hang together... they rework concepts like culture and institution to describe the recurring meanings and practices which persons produce when they do things together. (Denzin, 1992, p. 23)

The cultural studies movement began to investigate “the taken-for-granted meaning that circulate in everyday life,” and focused on the production of texts (*ibid.*, p. 34). Denzin argues that symbolic interactionism enters this field “at the level of lived experiences” (*ibid.*). Narrative offers an opportunity to examine how individuals produce socially and culturally meaningful selves. In explaining the importance of interpretive methods and social interaction, Denzin states:

We live in narrative’s moment (Maines, 1993). The linguistic and textual basis of knowledge about society is now privileged. Everything we study is contained within a storied or narrative representation. The self is a narrative production. Material social conditions, discourses, and narrative practices interweave to shape the self and its many identities. Narrative’s double duty is complex, and self and society are storied productions. This why narrative is a prime concern of social science today.

Narrative is a telling, a performance event, the process of making or telling a story. A story is an account that involves the narration of a series of events in a plotted sequence that unfolds in time. (*Story* and *narrative* are nearly equivalent terms.) A story has a beginning, a middle, and an ending. Stories have certain basic structural features, including narrators, plots settings, characters, crises, and resolutions. Experience, if it is to be remembered and represented, must be contained in stories that are narrated. We have no direct access to

experience as such. We can study experience only through its representations, through the ways stories are told. (Denzin, 2001, pp. 58-59)

The “self-stories” people present - the narratives they construct in their presentation of self - becomes an important site of sociological interpretation because they are lived moments of the intersection between the individual and the larger social context.

Self-stories, accounts, or personal narratives, are part of the presentation of self. Orbuch (1997) posits that emphasis on accounts within the social sciences grew out of an interest in deviance. Accounts were defined as “verbal statements made by one social actor to another to explain behaviors that are unanticipated or deviant” and are considered to be “social explanations of events” (Orbuch, 1997, p. 456). It is through accounts that individuals “neutralize negative acts or their consequences” (ibid.,) and many strands of the sociology of deviance have focused on the ways people who have committed deviant acts try to make their actions understandable according to mainstream norms (Sykes & Matza, 1957). In fact, personal accounts allow the individual to regain esteem and construct a story that establishes order while allowing them to exert control on the meaning of events (Orbuch, 1997, p. 459). In generating accounts of their actions, social actors articulate not only an understanding of the conventions of narrative, but an understanding of social norms and expectations (ibid., p. 460).

Symbolic interactionism and narrative studies provide a means of conceptualizing the identity, or identities, that sex offenders manage in their presentation of self. As human beings their sense of self is deeply rooted in the internalization of society, yet as convicted sex offenders they are symbolically torn from the fabric of their communities and designated as dangerous others. This study provides an analysis of the narratives of

sex offenders, exploring the ways in which they construct both deviant and socially viable identities, and the strategies they employ to articulate a sense of a viable social self.

Explaining her own study of sex offender narratives, Pamela D. Schultz presents the four basic assumptions of self narrative:

- First, an individual's life is shaped through the storying of experience and through the performance of these stories.
- Second, self narratives are constitutive frames, not truth-telling. Self-narratives furnish rational grounds or justification for conduct.
- Third, an individual's self narrative is embedded within the assumptions gleaned from the broader social structure.
- Fourth, a person's self-narrative acts to create, sustain, or change social interchange. These narratives provide a vehicle for persons to interact with the environment.

(Schultz, 2005, p. 46)

Qualitative research is best suited to inquiries into the making of meaning (H. J. Rubin & I. S. Rubin, 2005, p. 5), and the narrative approach “illuminates the intersection of biography, history, and society” (Reissman, 2002, p. 697). The interview situation is seen as an instance of the performance of self. Analysis centers on the texts of

large sections of talk and exchanges – extended accounts of lives that develop over the course of interviews. The discrete story as the unit of analysis... gives way... to an evolving series of stories that are framed in and through interaction. (ibid.)

The narrative is thus a collaboration between the researcher and the subject (ibid.). It is important to realize that “informants do not ‘reveal an essential self as much as they perform a *preferred* self, a selected form the multiplicity of selves or persona that individuals switch between as they go about their lives.” (ibid. emphasis added). This is particularly germane when interviewing sex offenders who during the interview must

manage highly discrediting information in the presence of someone who is aware of their status.

f) interactionist accounts of sexual offenders

In recent years some scholars have recognized the paucity of narrative accounts of sexual offenders. Ken Plummer's *Telling Sexual Stories* (1995) explores the ways in which people *tell* their sexuality as well as the roles that public stories and modes of story-telling are drawn on, produced, and consumed within contemporary cultural contexts, such as TV talk shows, self-help books, magazines, and 12-step programs. However, Plummer observes that to become established, storylines require "interpretive communities of support" where they can flourish, and has observed that in the case of "paedophiles," there is no medial outlet for their voices. They are also unheard in the "literature on marginality/outsiderness/silenced voices" (Plummer, 1995, p. 119). Other researchers have argued that it is important for social scientists to hear the stories of "society's greatest pariahs" (Waldram, 2007, p. 963)

A small number of qualitative works on sexual offending have been produced in recent years. Although some of them employ symbolic interactionist ideas and narrative theory of discourse, these works all focus on understanding the motivations of offenders in committing their deviant acts. In addition to Diana Scully's research that analyzed the in-depth interviews of incarcerated rapists, Douglas Pryor and Pamela D. Schultz have analyzed child molesters' self-stories from a symbolic interactionist perspective in order to understand why seemingly "normal" men sexually abuse children.

Pryor's *Unspeakable Acts: Why Men Sexually Abuse Children* interprets the narratives of 29 convicted sex offenders who committed acts against minors. Employing a

“‘social process’ approach to explore the question of why men molest children” he focuses “on the stages of experience that characterize movement into and out of the active offending role” (Pryor, 1996, p. 8). He explores

how men reached the point where they began sexual contact with children, the patterns of adjustment they experienced between episodes, the ways their involvement varied over time, the changing views of sexual boundaries that unfolded, and how all the men were eventually caught and exposed.” (ibid.)

His research focuses exclusively on the “regressed” or “situational” offender who is primarily sexually attracted to adults (ibid., p. 91) and those who engaged in interfamilial sexual contact with a minor. He identifies factors that precipitated the sexual contact with the minor (such as a history of sexual abuse; loss of their own “male authority;” and a deteriorating sex life), factors that facilitated continued sexual contact with that minor; and factors that contributed to them ending the behavior (such as, most saliently, being caught). His work provides insight into how offenders’ experience of and interpretation of their reality enables their deviant sexual behavior.

In *Not Monsters: Analyzing the Stories of Child Molesters*, Schultz also seeks “to understand why an adult could be sexually attracted to a child.” (Schultz, 2005, p. xiv) . Explicitly drawing on symbolic interaction and recent theories of narrative, she analyzes the structural elements of her subjects’ story-telling to arrive at their “discursive reality” (ibid., p. 3). Schultz presents nine case studies of incarcerated sex offenders that focus on how they explain their behavior (“Ultimately, narrated identity is moral identity, which means that it offers an explanation for deeds done” [ibid., p. 32]). She examines the ways their stories vary on four levels: the personal; situational; structural; and organizational,

and argues that understanding these dimensions can lead to a more restorative justice framework that aims to rehabilitate offenders.

Both these works present humanized voices of sex offenders which stand in contrast to the images presented by mainstream media. These are not the voices of the stranger lurking in the bushes waiting to mutilate a child, or the serial pedophile with hundreds of victims (see Hammel-Zabin, 2003). These narratives are unpacked from a sociological perspective that views meaning as socially constructed. These works resist dominant stereotypes in the presentation of their participants, and offer their analysis as a critique of existing policies. However, neither author adopts a relativistic/constructionist view of sexual offending, and each clearly see the deviant behavior of their subjects as constituting abuse. They do not explore the affects of the labeling process or the ways in which being labeled may alter a sex offender's social identity.

II. Toward the Narrative Construction of Spoiled Identity

a) research design

This study explores the way convicted sex offenders – men who have been labeled and whose social identity has been “spoiled“ – construct and present their selves. To understand how sex offenders’ make meanings out of their deviant status, I collected a small sample of life histories of people convicted of an offense against a minor. Using open-ended in-depth interviewing methods, I sought to provide an opportunity for these stigmatized men to construct a narrative of self that would make visible the ways in which their social identity is lived, internalized and resisted. A total of 6 men participated in two separate 90-minute interviews each.

To access offenders, I researched local sex offender treatment centers. Only three were listed as such. One had closed and the other would not return phone calls. I met with the Director of the third center who showed great interest in my project and was willing to distribute fliers to clients of his organization. Through a referral, I discovered another treatment center that was not listed as specializing in sex offenders, although it did. The Director of that center also agreed to distribute flyers. It is worth noting that the difficulty I encountered researching treatment facilities is an indication of the level of stigma attached to sex offenders. Providers do not want neighbors to know that sex offenders are frequenting the area; nor do they want to contribute to public labeling of their clients, further stigmatizing them.

In addition, I was able to meet with Director of the city's department of probation who agreed to distribute fliers to probation officers who would then distribute them to their probationers.

The fliers announced a life history project for which participants would be paid \$50 for two interviews (\$25 paid at each session). It specified that participants should be convicted sex offenders who had offended against a minor. They were instructed to call a number that was specifically set up for this project, and interviews were scheduled to be held in the Department of Sociology's conference room at the Graduate Center.

Phone calls began trickling in after the first set of fliers was sent to treatment centers. During the first three months after distribution, I was contacted by 13 men. However, many of these callers would not return my calls. I did not call anyone back more than twice, as I didn't want to harass anyone. I also made appointments with several men who did not show up for their interviews or return further calls. During a

period of six months I interviewed four men. I continued to send fliers to the treatment center and the Department of Probation, but calls stopped coming in. During this time, the Director at one of the treatment centers left, and her replacement was not interested in the project. I decided to raise the amount of the stipend from \$25 per interview to \$40 per, and sent more flyers to my two remaining contacts. When I still received no calls, I arranged to go to one of the treatment centers and distribute fliers in person at the beginning of the groups. This way I was able to introduce myself, explain the project, and answer any questions. Within a week I had seven more interested offenders and was able to interview two of them.

Each interview with participants lasted between 60 and 90 minutes. The second interview was always scheduled within the following two or three weeks. The interview questions were designed to allow participants to speak as much as possible about themselves, and to create opportunities for them to direct their own narratives. For this reason, not all questions were necessarily asked of every person (although most were) and very many questions arose spontaneously. This method of interviewing is ideally suited for life history projects (H. J. Rubin & I. S. Rubin, 2005, p. 5) where subjects “are asked to provide a narrative about the stages of their life, their childhood, education, jobs, marriages and divorces, children, illnesses, and other crisis they have weathered...”

(*ibid.*, p. 8)

Qualitative interviews are conversations in which a researcher gently guides a conversational partner in an extended discussion. The researcher elicits depth and detail about the research topic by following up on answers given by the interviewee during the discussion. Unlike survey research, in which exactly the same questions are asked to each individual, in qualitative interviews each conversation is unique, as researchers match their questions to what each interviewee knows and is willing to share. (*ibid.*, p. 4).

In order to explore how meaning is made of events in the their lives, I needed to conduct interviews in such a way that they could generate narratives unique to them. For this reason, imposing a structure to the interviews would risk imposing meaning and structure on the narratives (although, to an extent, this is unavoidable, as will be discussed in greater detail later in this chapter).

The first interview session with each participant was devoted to their life history. I asked questions about their biography, establishing where they grew up, what their families were like, what career goals have they pursued, and what their significant relationships were like. Although intended to elicit a narrative, this style of questioning helped establish a comfortable rapport. Asking relatively non-threatening questions early on provided an opportunity for each of us to become familiar with the other's presence and adjust to the interview situation. As the interview progressed I would ask more probing questions. Because the flyer specified that I was interviewing sex offenders, these men often assumed that I wanted to hear about their offense, and began to talk about it early on. Although questions about sexual offending were part of the second interview, I did not dissuade participants from discussing it during the first.

The second session specifically focused on the nature of their offense. It included questions asking them to describe what they were charged with and what lead up to the incident/s. They were asked some general questions about criminal proceedings and conditions of their probation/parole. Questions were also included pertaining to how others in their life reacted when they found out about the conviction, and how their lives have changed since that event. Finally, participants were asked to voice their opinions on current sex offender policies and how sex offenders are portrayed in the media.

Procuring IRB approval for this project was extremely difficult. The responsibilities of the Institutional Review Board are to protect human subjects from any negative physical, social, psychological or economic consequences of their participation in a research project. Because criminal populations in general, and sex offenders in particular, are highly stigmatized and subject to supervision by the social control apparatus, they are particularly vulnerable. Because of this, my study required a full review process, and my application was considered by the CUNY-wide IRB Prisoner Representative. The Prisoner Representative was very concerned that my original application did not adequately consider the risks my research posed to participants and procuring approval took over six months during which many pages of communication were exchanged. Among the issues raised was the fact that recent legislation in New York was seeking to impose retroactive registration requirements on sex offenders who were released prior to the state's 1996 law. This indicated to the Prisoner Representative that "the state is not respectful of the basic legal rights of sex offenders" which elevates their risk. The Prisoner Representative also referred to recent incidents of vigilantism that resulted in two sex offenders murdered in the state of Maine. Because sex offenders exist in a hostile legal and social environment, the consequences of being exposed as sex offenders through participation could be more than minimal. Furthermore, offenders on probation or parole could risk re-incarceration if they mentioned any violation of their status, regardless of whether or not it related to a sex offense. The Representative advised that my project not include anyone on probation or parole; that extra precautions be taken to assure anonymity – such as posting results on a website, rather than sending it to them, transcribing and destroying tapes within 48 hours of interviews, masking

identifiers in transcripts, and waiving written informed consent and using an oral agreement; in addition he advised that recruitment measures be reevaluated and that I consider using the registry to send out fliers rather than relying on treatment personnel who know potential participants.

Most of these suggestions were agreed upon (48 hours was an impractical time frame, and I agreed to transcribe the tapes within a month of each interview). I did not agree to using the registry, however, as this seemed to be relying on policy of which I am critical. In addition, in spite of the Prisoner Representative's objections, the IRB requested that I include a statement in the oral consent agreement that said I would attempt to contact authorities if I was concerned about the safety of a child. The requirement that subjects not be on probation or parole was initially agreed to; however, when over six months passed without any responses I realized there simply were too few offenders in treatment programs that were not on probation or parole to reasonably expect to recruit participants. Thus, I reapplied for and eventually received approval to interview people who were in the community under conditions of probation or parole.

b) (pre)constructing the subject

The process of negotiating IRB approval was particularly significant in that it illustrates some of the ways this population is particularly vulnerable, as well as the ways in which they are stereotypically perceived. The IRB's main concern is with minimizing any risks to participants, and the process was helpful in ironing out my research design. It is the job of the researcher and the IRB to think in advance of anything that might possibly go wrong in order set up reasonable safeguards. But thinking ahead in this way also requires a projection of an idea about who subjects are. Looking at how we envision

the research before it's begun can show how we are constructing our subjects – “othering” them before we even begin.

During the process of refining the research protocols, potential participants were variously cast as both endangered and dangerous. The IRB views people who have committed any crime as de facto vulnerable. Participating in research poses special risks to this groups which include, but are not limited to: a) exposure – which could have harmful or shameful social consequences; b) imprisonment – as mentioned for people on probation or parole, disclosing (however inadvertently or innocuously) any violation of their status could land them in jail to serve the remainder of their sentence; and finally, c) as mentioned above, in the case of sex offenders, instances of vigilante justice exist. All of these are very serious concerns which researchers and the IRB need to address.

However, I would like to turn attention to the imaginative work that goes on in this process in an attempt to deconstruct “prior conceptions of the phenomenon” by “critically interpreting previous definitions, observations, and analyses” of them (Denzin, 2001, p. 72). There is a narrative embedded in the pre-construction of the researcher and the subject. The researcher is cast as an authoritative figure, a powerful person dominating the situation with the participant. The subject is vulnerable and endangered by the researcher's privileged position. The researcher enters the scene as a quasi-representative of the social control apparatus, privy to important shameful secrets, and with the power to unmask. The subject is seen as somewhat naïve, someone who may unwittingly expose important information about self that could be potentially damaging.

In fact, in anticipating the research I experienced apprehension regarding what I perceived as my “power” in the situation relative to my (potential) subjects’

powerlessness. I was particularly attuned to the IRB caveat regarding “psychological” harm and was concerned that it would be distressing for participants to discuss their crimes. Latent in this concern is a judgmental expectation that they *should* be distressed. In spite of my theoretical perspective and analytic distance, I entered the situation with preconceptions regarding the shameful nature of their actions and a preconception of them as someone who would feel shame at disclosing information related to their offense/s. In this way I was constructing subjects as people particularly vulnerable to feelings of shame through my own moral beliefs.

In contrast to the emphasis placed on the participants as endangered and vulnerable and myself, the researcher, as powerful, conversations I had with colleagues while designing the researcher generated scenarios where I was the one cast as vulnerable, and my participants as threatening. People with whom I consulted relied on many of the truth claims produced by professional discourses and distorted in mainstream media. These claims are part of a shared landscape of belief and the early stages of my research their entrenchment in the minds of the general public and professional populations – as well as within me, the social constructionist – became methodological issues.

While the IRB was concerned with risks posed to participants, friends and colleagues were concerned about risks that I would be exposed to by engaging with such threatening individuals as convicted sex offenders. For instance, I discussed my research with a forensic psychologist who became alarmed while I was describing the process of procuring IRB approval. Drawing from his own profession’s knowledge about sex offenders, he constructed a set of fantastic scenarios where I was the one in need of

protection and anonymity. From his perspective, my personal safety was at risk and this outweighed any potential psychological or legal harm to participants who had violated important moral codes. He was concerned that the original proposal included giving participants my full name, and thought that their knowing I studied at The Graduate Center would make me a target for stalking and harassment. That I intended to be a relatively compassionate, non-judgmental listener, as opposed to a confrontational one, would make me a gullible target for lies and self-justifications. Being a woman, I would be vulnerable to sexual attack. Operating alone, without supervision and unprotected by an authoritative structure such as a jail or treatment center would further enhance their perception of my vulnerability.

His concerns were framed largely in terms of ideas about who sex offenders are. Like others psychologists, he argued that sex offenders are particularly manipulative. They are accustomed to either concealing their deviance or being confronted by it. Talking to me, someone who both knows they are an offender and who is not going to challenge their “cognitive distortions,” would be a unique situation which would likely bring out their psychopathology in a way that I would not necessarily be prepared to handle. They would sense my vulnerability and capitalize on it in some unspecified self-serving way that would not only taint my data, but put me at personal risk. They might try to break physical, social or psychological boundaries with me. For instance, they may not agree to end the interview and might try to follow me home. They might ask me to help them out with personal or bureaucratic problems. Or, they may confront me, challenge me, ask me personal questions, or attack me verbally. Although these things

could occur in *any* interview situation, they were presented as more likely to occur with sex offenders.

In these projections I am cast as vulnerable, compassionate, good, gullible, naïve, alone, and female. I am also subtly constructed as too liberal and misguidedly idealistic. I am a potential victim. The subject is cast as manipulative, cunning, with an animal-like instinct to sense my inexperience. He is also construed as needy and socially inappropriate, as well as an aggressive, self-serving predator.

Fears regarding my safety were mentioned by everyone I discussed the research with, and many of the concerns lead to precautions instituted in the research protocol. For instance, my full name (as well as that of my adviser and the IRB administrator) were removed from the informed consent form. I would only interview people during regular working hours and would not leave the building for a full hour after the interview.

Pre-constructions of the subject were built in to the research in other ways as well. Particularly significant is the research protocol itself. As I reviewed the questions I had designed, it became apparent to me that on some level I had assumed a psycho-sexual developmental theory of deviance. The structure of the interview is built around an already familiar story of self-hood and ego formation following the conventions firmly established in memoir, autobiography, and case studies. Employing the tropes of coherent identity, I had created a set of questions that assume its existence as well as a linear progression from childhood to adulthood. The questions are in part based on an underlying assumption that childhood and family are essential to selfhood. By using a chronological progression that seems so natural that few ever question it, I built-in or guided a story toward a sense of causality. Another relevant assumption embedded in the

interview design was that their story would be a story of sexual identity. And underneath that assumption, and in spite of the theoretical framework from which I approached the topic, was the assumption that something must have gone wrong in their story line, something must have happened that explained the deviance. In the structure of the interviews, sexuality is literally at the center, as if it links the past to the present.

Examining some of the ways the subject (and researcher) are constructed prior to data collection sensitized me to hermeneutical problems associated with qualitative research (ibid., p. 74). The conventions I relied on for eliciting a life history are those that are generally accepted as what constitutes one (H. J. Rubin & I. S. Rubin, 2005, p. 8), and the conventions and assumptions I take for granted are shared by the general population. Using grounded theory and open-ended research questions allows participants to actively collaborate in the direction and shape of their narrative, and by establishing conversational rapport I could diminish the likelihood that my questions over-controlled the interview situation. It is worth noting that in fact, sexuality did not emerge as a major theme in any of the narratives. Had any psycho-sexual developmental scheme emerged as salient, it would have been analyzed as an explanatory package. This project does not tell the story of how sex offenders become who they are, instead it examines how sex offenders use socially available motifs to articulate who they are.

c) The narratives

It is understood that the narratives I elicit are particular instances of the management of identity. In terms of “truth”, they cannot be seen as anything more than what someone constructed to suit their purposes while being interviewed by a quasi-professional who knows they are a sex offender. I did not “fact check” anything they

reported and had no knowledge of their official records. Much of the professional literature on sex offenders emphasizes their use of “cognitive distortions”(Burn, 2006; S. T. Holmes & R. M. Holmes, 2002; Marshall et al., 1999; Scully, 1994; Terry, 2006); that they are “deniers” and “manipulators” who cannot be trusted. Although I am not interested in refuting or supporting such claims, the truth of their stories was not assumed. Indeed, it is my belief that the stories anyone constructs, for themselves or for others, are to some degree self-serving; that all versions of events and truths are simply versions, and are often produced with a certain intention in mind. This is particularly the case when unacceptable behavior is under question (Orbuch, 1997). For the purposes of the project, although I do underscore that the texts these men produced are constructions, when presenting their narratives I generally do not use terms such as “reported” or “claimed” which have a way of undermining the speaker’s intentions. I present the content of their stories as told.

My sample is small. As other researchers have noted, procuring access to sex offenders, particularly those in the community, can be extremely difficult (Pryor, 1996; Tewksbury & Lees, 2006). The six men I interviewed were between 35-55 years old. Three were White, two African American and one was Latino. Four were from working class backgrounds and two were middle class. These two were the only ones in the sample who had complete college degrees. Three were married at the time of their offense. All had offended against a minor, although none would meet the diagnostic criteria for pedophilia. Three were convicted for consensual sexual contact with teenagers. Names have been changed and identifying details have been altered or omitted to protect the identity of the participants.

Each life history yielded approximately 80 single-spaced pages of text. Each was read closely, with particular attention paid to recurrent themes; patterns in the way each individual constructed their offense; paradigms or knowledge bases used in the presentation or explanation of self; interpretations used or dismissed pertaining to deviant identity and deviant behavior; and ruptures in coherence or contradictions that imply conflict with or resistance to various paradigms or interpretations.

In reading these it became apparent that ways these offenders were bonded to their community were, to differing degrees, disrupted by both the conditions of probation and the stigma of their conviction. In spite of the fact that they were officially designated social outcasts, these men lived in the community and needed to develop strategies for maintaining a viable social self, someone worthy of inclusion. With one noticeable exception, these men resisted incorporating an identity as monstrous outsider or dangerous other and instead asserted a self that belonged within the community. In the chapters that follow I provide an in-depth reading of these aspects of their narrative. However, the ways participants constructed their offenses assumed a central position in each self's story. In the next chapter I look at these constructions.

CHAPTER FOUR: CONSTRUCTING THE OFFENSE

In telling their stories, all of the offenders provided an extensive account of the offense for which they were convicted. Constructing their offense, each gave narrative meaning to their experiences. In generating these stories, they employed motifs that contributed to their overall presentation of self and that illuminated ways in which they relate to their official label. In this chapter I introduce each of the six offenders. I briefly provide a description of my general impression of the interview, summarize their background, and turn to an in-depth examination of the ways they presented their offense.

The research was presented to participants as a life history project of people living with the stigma of being a labeled sex offender, so of course the interviews included questions about the specific offense for which they were convicted. In spite of it also being presented as a “life history”, they made a general assumption about the central importance of the offense. This is natural, as they were being interviewed precisely because they were labeled sex offenders. However, I was surprised by how quickly they jumped into these accounts in response to general questions pertaining to their background.

Reviewing the extensive amount of text they produced offering their construction of their offense, I found myself at times reading with a counter-narrative in mind. This dissertation is intended to analyze the texts as instances of the production of meaning by highly stigmatized members of society. As such, it is not intended to scrutinize truth statements. However, during my in-depth reading of these accounts, I became aware that I was searching for a specific truth, as if underneath the narrative lay “what really happened.” In processing the texts I was silently positing an actual truth lying underneath

the narrative account, one which I believed to be at times obfuscated by their constructions. In other words, I at times caught myself not quite buying into certain aspects of their stories. My own interpretation of their texts intruded on my reading of them.

However, stories exist within a cultural context of many stories. For every version of events, several alternative perspectives exist. These may or may not be made explicit by story-tellers themselves. But in differing ways narratives speak to their counter-narratives. In constructing their account of their offense, they produced texts that are in some ways in dialogue with the cultural context in which they exist. Assumptions, stereotypes, and listeners' "common sense" are all implicated in these narratives, and in some ways these men were defending themselves against these. They were engaged in making meaning within a context of meanings. And I, as listener and reader, heard and read their texts through other meaning packages. For these reasons, the analysis of their constructions of the offense has a dialogical quality that seems to me unavoidable.

In "Techniques of Neutralization: A Theory of Delinquency" Sykes & Matza argue that wrongdoers generally share the values of the larger society; they are not "totally immune from the demands for conformity made by the dominant social order" and they agree "with respectable society" about what constitutes wrongful behavior (Sykes & Matza, 1957, p. 665). Thus wrongdoers employ techniques to neutralize the impact of their wrongdoing. According to Sykes and Matza, these techniques allow them to engage in deviant behavior without "serious damage to [their] self-image" (Sykes & Matza, 1957, p. 667). The five techniques they identify represent ways of shaping events to serve the needs of self by making the actions seem less unconscionable to both self and

others. Although only three of the narratives can be seen to offer examples of Sykes and Matza's techniques (and none provided examples of all five), the narratives can be read as attempts to neutralize through humanizing motifs which make the deviant action understandable to non-deviants. It is not the intention of this chapter to address each of their techniques, and I did not demand an explanation of their behavior or approach the interviewees in a confrontational manner. My role was that of a facilitator of the narratives of their choice.

In these narratives we hear a range of different stories that are all conflated under the label sex offender. Furthermore, all participants offended against a minor, and therefore, at least in popular imagination, are considered "child molesters" as well. As we shall see, three of the offenders were arrested for consensual sexual contact with teenagers, and a theme that emerges in these narratives highlights a problematic grey area between adolescence and adulthood, particularly in regards to sexual agency. Only one person in the sample committed an interfamilial offense, and only one was arrested for serial offenses. One of the participants was arrested for a non-contact crime that involved making a date with a minor over the internet. Some were more forthcoming with their stories, while others were more reticent and difficult to engage. Some were eager to jump into the story of their offense, while others provided extensive background information. For this reason that narratives presented in this and the following chapter differ in detail and scope.

While each of the narratives is unique, all can be seen as attempts to make their actions understandable, and to place themselves within a context of circumstances in which their offense makes sense and they are not monstrous. It is my argument that they

did so in order to demonstrate that they were fully social beings. In fact, a number of the elements of these constructions will be revisited in Chapter 7, where I explore offenders' strategies for repairing damaged social bonds.

I. Raoul (an intrafamilial offender)

Raoul was a Latino male in his late forties. He asserted that he was well-liked by most people, and expressed a tolerance and understanding of others' behavior that led me to believe that he is in fact easy to get along with. At the same time, during parts of the conversation he would get quite worked up, with anger registering in his voice and body. I involuntarily flinched a number of times in reaction to this strong display of emotion. Raoul made a lot of eye contact and spoke fast. His narrative was cluttered, rushed, and filled with detail.

Raoul grew up in the outer boroughs of the city and reported having a physically abusive father and depressed mother. He spent much of his youth doing drugs and getting into trouble, and was a juvenile offender. He worked at a number of odd jobs throughout his twenties and thirties.

Raoul had been with his wife for 12 years when she began cheating on him. He was incensed by her infidelity and out of anger committed his sexual offense against her 13-year-old daughter (his step-daughter). While the mother was out one morning with her boyfriend, Raoul went into the girl's room while she slept, pulled down her underpants and took a Polaroid of her genitals. Raoul was sentenced for 15 years in prison, for sexual assault of a minor. While in prison he fought to get his sentence reduced and was released after nine years for time served.

While in prison Raoul “found God”. He describes hitting rock bottom and realizing that God would take care of him. He was now deeply involved in church and his religious views have been a highly significant resource on which to draw as he faced life challenges and worked on coming to terms with what he viewed as an unjust prison sentence.

Raoul created an extensive and involved narrative of his offense. Detailing the events that led up to the incident, he created what amounted to twelve pages of single-spaced text devoted solely to the construction of the offense. When he first entered the interview situation he seemed eager to jump right into the story, and immediately disclosed his official charge and listed some of the contributing factors behind what he did. It was highly important for Raoul that his listener understand that the offense was rooted in a long-standing relationship with his wife, and in order to understand his story, one must understand the complexities of this relationship. He told his story with urgency and excitement, and at times mounting indignation and anger.

The motifs Raoul employed all centered around a sense that he had lost control of his personal life; that he no longer had authority vis-à-vis his wife or the women in his household. He described the years leading up to the event as characterized by “drinking and drugging” which contributed to the “stinking thinking” that enabled him to offend against his step-daughter. Masculinity was a recurring, salient, and over-arching theme in Raoul’s narrative. His attachment to male social roles, predominantly defined in terms of kinship, was a consistent, if not primary, means through which he articulated his identity, his relationships, his understanding of his own sexual abuse, and his sexual

offense. For Raoul, manhood was something rigidly defined and easily threatened, a source of pride or destabilization.

Raoul could not describe the offense itself without going back twelve years to the beginning of his relationship with his wife. In fact, when asked what was happening at the time of the incident, he quickly reverted to the circumstances twelve years before when they first met. The urgency he spoke with indicated a great investment in his story, and a sense that the details he focused on were highly important to him. He offered these details with little prodding, and described the offense in what was essentially one long, uninterrupted monologue. When I would make comments encouraging him to focus on the event itself, he expressed frustration with being interrupted and insisted that his level of detail and history were integral to the account of the morning he took the photographs.

At the beginning of the first interview he made it clear that he was comfortable discussing his label and his offense.

My life is an opened book. I don't object to saying anything. I got charged with a lewd act on a child. She was my stepdaughter. She was thirteen. I took two photographs of her. There's a story. Me and her mother were pretty much doing a lot of drugs and we [moved] to try and change our lifestyle and better ourselves but uh after arriving over there the economy was different and a lot of things started to snowball and I ended meeting some people with drugs and I started doing things I wasn't supposed to be doing.

Indicating that he was at ease talking about his status as a sex offender, in bare language he presented what he did. Talking quickly, with a sense of rattling off explanations that he had gone over many times before, he presented the circumstances surrounding the act. These included the economy, his social life and what his friends were doing, and his drug use. Relying on the language of the official charge, he presented himself in terms of the label imposed on him, bestowing authority on the label and granting it reality.

Well I got charged with a lewd act on a child, using a child in sexual performance and possession of child pornography.

Describing what he did to his step-daughter, Raoul said:

I took the photographs, uh, close ups of, uh, you know, her genital areas... It was a Saturday morning and I went into her room and I nudged her and I told her listen, you want some breakfast, and she just kept like nudging ... She had shorts on; I took the shorts off.

He spoke awkwardly, and was quick to turn attention to the relationship between himself and his wife, stating:

I need to first clarify something. My girlfriend used to be my neighbor and when I met her she had three kids. And I lived with her for twelve years and in the process we had two which you know made if five. The victim she was when I first came into her life she was [nearly] two years old.

When asked to discuss what he actually did to the girl when she was nearly fourteen, he anxiously explained that one needed to understand the background and context. For instance, his family had moved to a town that a relative lived in, and they ended up moving in with him. The details of this turn of events were presented as key to understanding the nature of the household he was living in. He explained:

It's a combination of things that led to that. It's not something that I just woke up one morning and acted out. No. It was her brother bringing stress to us, 'cause he was staying with us; he was bossing my kids.

The brother-in-law's presence in the household disrupted the equilibrium in the household and undermined his authority over the children. This played an important role in his state of mind, and contributed to the sense that he was losing control. Detailing the interactions with his brother-in-law, as well as the stories related to his wife's infidelity, were critical to understanding his mounting anger.

You were asking me when I offended, how it was with the offense. I was giving you details of what led to one thing more – anger and more, because I found out she was sleeping with this guy.

His voice became indignant as he explained the months during which he gradually became aware of her “sleeping with this guy” and the events which were part of this gradual awareness were a crucial to explaining his increasing frustration and lack of control over the women in his life.

Raoul offered an overview of the offense:

I’m not trying to minimize, because I know I was wrong. It was my state of mind at the moment, an escalation of bad choices, bad decisions, my life style that I was living. It was a combination of a lot of things that led to that. Otherwise under other circumstances I would have never. I should have just left. I should have just left. I wanted to leave and I didn’t leave and being in the house it just kept eating me up that this woman had me babysitting her kids, our kids, while she was going out to work and getting screwed. And then she’s telling her daughter that I’m watching, that’s not your father. You know, so I don’t know why I decided to do that. It was something that I just did, because I knew that would hurt her.

Here he framed his action as an “escalation” of choices and decisions, casting himself as a responsible agent who “decided” to do that in order to get back at his wife. At the beginning of the first interview, Raoul articulated his offense as a choice, and asked rhetorically,

Why did I choose a sex offense? Why did I choose to take...? At that time when I did it, I was on drugs. ... I was watching pornography, I was doing drugs, my wife was cheating on me, it was like a combination of things.

He spoke as if he had listed these before, counting off the contributing factors in a rote way. No one element alone explained what happened. Yet in spite of these issues, he still framed it as a choice that he made. He again used the verb “decide” to explain the action that he took to retaliate:

She had me babysitting, you know, her daughter, and she was screwing around with somebody, and I just out of the hurt and betrayal and anger I decided to do something, you know.

The “decision” was made as an effect of his mounting frustration with the loss of his authority in the house and the insult of his wife’s infidelity. He expressed a need to act, to regain control over the situation, to show his power.

Explaining why he specifically chose a sexual violation of the step-daughter as a means of retaliation, he said:

My oldest stepdaughter and my oldest stepson, according to [my wife], they were molested when they were kids by their father. And that was the reason she left the kids’ father. Okay now, she always stressed that to me, when we met, I asked her what happened to the kids father, and you know she told me he molested the two oldest ones, not the little one, and that she couldn’t live with him. So I pretty much knew that that was a real sensitive spot for her.

He presents his reason for taking the photographs as a calculated attempt to find a way that he knew would hurt her mother. He described her reaction to her other two children having been molested by their biological father, and was it as an opportunity to show his own power in the household and do something that he knew would be meaningful to her. He deliberately chose something that “was a real sensitive spot”. To drive the point home, he made sure that she found the photos.

And I took the pictures and I put them in a card. And I was going to give them to her mom ... I left them in the room.

Although he presents his action as a conscious decision and choice that he made, he did not justify it as rational.

But just her telling me that she’s not my daughter, kind of like put me in my rebellious state, and stinking thinking., I was saying, well she ain’t my daughter. She just kept saying it, and she said it one time too many. But when I came to my senses I said man, she’s not my daughter, but she’s my daughter’s sister, and my son’s sister. So, which one is it?

I guess that’s just my stinking thinking, you know that’s not sensible. That’s stinking thinking. That’s not thinking. Meaning not thinking logical.

Here he presented two different versions of the cognitive process he went through. On one hand he based his action on his wife's consistent iteration that the step-daughter was not his daughter. He employed this idea in the service of his retaliation. However, he simultaneously attributed this to faulty reasoning, or "stinking thinking" that included distorting the familial relations that they shared and acting thoughtlessly.

When Raoul explained that his victim was a baby old when he met her, he linked himself to a child-rearing function and his familial relationship to her. In fact, he entered his wife's household and assumed the role of man of the house, with his relationship to the victim being essential parental. He stated: "So I pretty much raised her... I always provided." He constructed her as a baby who he nurtured through to her adolescence, someone for whom he played a significant role as care-giver and financial provider.

Throughout the narrative of his offense he highlighted the fact that this paternal relationship to his step-children was undermined by his wife once she began cheating on him. In this first telling he explained how his wife provoked him by emphasizing that the victim was not his daughter.

What happened was my wife... we were doing drugs and she started screwing around with someone in her job and she started telling her daughter, my step daughter, that she didn't have to listen to me, that I wasn't her father. You know, sort of like to get back at me.

He directly linked his wife's telling the daughter that she didn't have to listen to him to the infidelity. Her "screwing around with someone" was experienced as an insult, and added to this was the loss of his role of authority in relation to his stepdaughter. He lost both roles. He brought up this fact up at ten different points in the narrative, emphasizing that his wife kept reiterating this fact. He experienced this as her baiting him, and expressed great indignation and anger at this tactic.

Now my daughter, the victim in my case, her mother kept telling her that I wasn't her father. And that hurt me, and she was doing it out of spite. "That's not your father... you don't have to listen to him. If you want permission you can ask me, I'm your mother." And I'm saying to myself, you got a lot of nerve man, after I raised her, and when she needs something, it's ask your father...

He iterated again that he "raised her", and indicated a hypocrisy and lack of justice in his wife's behavior. It displayed disregard and disrespect for the years he had spent parenting her children. He argued that she had "a lot of nerve".

She kept telling my stepdaughter I wasn't her father and I used to say to myself this woman got a lot of balls, you know. She's out there, sleeping with some other guy, she's got me babysitting her daughter. Cause it got to a point where she kept saying it so much that I said, okay she's not my daughter.

In his construction of the offense, his wife's emphasis on the fact that his step-daughter was not his biological daughter was presented as the final straw. He was indignant because she was "sleeping with some other guy" and that his role was reduced to that of a babysitter. Eventually the insult became unbearable and he conceded, with hostile resentment, that he did not have a familial relationship with the girl.

The tenuousness of his parental relationship with his stepdaughter was reinforced by those around him, particularly his mother.

I used to whine. I used to complain to my family about that, and my ... mother would give me the advice that not to sweat her kids just worry about your kids... eventually I just started realizing that my kids were mines, and they weren't really my kids and I started changing my point of view or my attitude towards my step children.

The message he received from his mother contributed to an undermining of his idea of himself as the girl's father and placed him in a position of indifference in relation to her. He no longer needed to see himself as her protector, and no longer needed to see himself as part of the family. This made her less off-limits than if she were thought of as his daughter, and weakened the idea of incest in his offense.

After I took those pictures and the mother saw them, she was like, how could you do this to your daughter? Ha ha! Oh, but what were you saying before? What were you saying before? That's not your daughter, you remember? Now I took pictures and now you're telling me what? How could you do this to your daughter? Right. Now you're going to burn me to the third degree and put me on the cross?

He not only presented his offense as revenge against his wife cheating on him, but as revenge against her undermining his familial relationship with "the victim"

In constructing his victim, Raoul invoked adolescent sexuality, and presented the girl as a sexual and provocative character. By so doing, he offered a sort of defense, or mitigating circumstances to his behavior, explaining to some extent why he offended sexually against her. Raoul painted a picture of a household filled with sexually active teens, indicating that he was stimulated by them and had begun to see people of this age range as sexual beings. He stated that the teens in the house dressed provocatively in ways that emphasized their sexuality. As he argued that not all minors are innocent, and that many are sexually active, he began to create a construction of the victim as having sexual power.

They used to come to the house a lot and I was around a lot of teenagers, you know, a lot of kids, a lot of teenagers, young teenagers; mothers with no fathers who maybe just had like flings or little relationships that didn't work out, but they still happened to bear children. So I was around a lot of teenage girls and my girl wasn't giving me, wasn't showing the right example.

He put forth the idea that even young teenagers may be sexually mature, and that the teenagers in his life were already parents. He cast the victim as a sexual subject and reiterated this idea several times before introducing an event that he described as key in seeing his step-daughter as a sexual subject.

My stepdaughter had a friend that was a little older than her, and she was sexually active. She had a boyfriend that was like 22 years old; she was only 16. And one day my daughter showed me a picture of her mooning the camera. She said,

“Dad, look at this!” And I said, “Who is this?” “That’s [the friend]” and I knew right then when she showed me the picture I should have stopped her. But my mentality was already being transformed, like this wasn’t my daughter...

He moved from generalizing about the sexuality of teens to describing an awareness of a specific young girl’s body. That it was brought to his attention by his step-daughter led him to associate the image with her. He was already seeing her as less off-limits, not as his daughter, but as a viable subject sexually available to him. This photo, and the fact that it was brought to his attention by his step-daughter, were presented as playing a pivotal role in the story of the sexual offense.

So one thing led to another with the pictures. I believe that my victim actually planted that little seed when she exposed those pictures to me, mooning, her friend mooning. Up till that day I really never thought about taking photographs of my step daughter. I never did.

He argued that the beginning of the thought of actually sexually offending against her germinated with her showing him the pictures. In this way she is an active subject who exhibited agency and played a role in the events that unfolded.

In addition to constructing the step-daughter’s showing him the picture as a catalyst to the offense, Raoul also presented the step-daughter as acting towards him in seductive ways.

You know for a short period of time I started to think that maybe she even liked me, more than just her father... She would come with me a lot of times, like she would come with me to the store and I would maybe do something I wasn’t supposed to, drink or something and she would just like, act like she was older. Like some young girls act like they are older, dress older, and that gave me like an indication.

He built a story of their relationship that moved away from the father-daughter motif. In this story, she was the one that instigates the transformation of the dynamic. She began to form the beginnings of an adult relationship with him. He again constructed the victim

as a sexual subject who played an initial role in transforming the way he saw her. He described her behaviors as initiating the breaking of boundaries in their relationship.

At the same time, Raoul recognized that he knew that the line he crossed represented a serious violation.

I took the pictures. But I knew when I was taking the pictures, actually when I was taking them my heart was pounding cause I knew it was wrong.

Describing his pounding heart, Raoul was physically aware of crossing a line and committing a serious wrong. In spite of all his justifications, when it came down to committing the offense, he recalled that at the moment he knew he shouldn't be doing it.

Raoul often invoked his role as father, husband, partner, and provider more than any other social role in constructing his offense. These roles were a great source of pride for him. For example,

... but when I became a father I felt proud, because I did it, I had a son, with my wife and I was living with her and I was working and supporting them so it was a big, important day, and I felt like I got recognition from my family members and friends and I was doing the right thing. I became a man. I wasn't drugging or nothing I was just living a family life.

He created a gestalt where becoming a father, being a husband, and supporting his wife comprised manhood and therefore stability of self. Social respectability ("recognition") was granted to him by virtue of performing these roles. "Doing the right thing" – successfully embodying the roles – was contrasted with the drugging he associated with chaos and the "stinking thinking" which contributed to his offense.

He described the events precipitating his offense as a wearing away of his conventional social male role, one that for him was iterated through relationships with women. Without a woman functioning as a wife, he was no longer husband. The girl that he had raised was no longer seen as "his" but rather simply as the daughter of the

woman with whom he no longer had a manhood-reinforcing relationship. The meaning of his offense was filtered through his understanding of his kinship ties, particularly those which reinforced his masculine social identity. Significantly, when he acknowledged the affective and social relationship he had with his step-daughter, he admitted that he “went beyond the boundaries of a parent”, placing the nature of what he did on a continuum of kinship.

I mean I did violate her, but, taking pictures of her private parts it’s a violation, okay? Especially a major one for parents or a person trusted in an authoritative position.

This was the only instance where he mentioned a violation in-and-of-itself, and immediately stated that the harm would be more consequential if the violation was committed by someone in a caretaking position. He did not construct the offense from any other motif other than the father-stepdaughter paradigm.

The rich narrative detail of Raoul’s construction of his offense can be seen as building the grounds for a socially empathic reading of his story. Going back years in time so that the listener understands why he felt so angry, Raoul positioned his offense within a context with which his anger could be understood. In this way, he aligned himself with shared social values, particularly those that uphold fidelity and negatively sanction infidelity. Constructing his victim as biologically un-related to him, he implicitly invoked the incest taboo and presented evidence that he didn’t violate this important law. Raoul embedded his offense within a complex romantic history spanning more than twelve years. It seemed urgently important that the listener/reader understand the causes of his anger, because it is through this understanding that his actions might seem less monstrous. Critical to this effort was his appeal to the shared “family-oriented

values” that sanctify marriage. The injustice of being cuckolded and shut out from his role as care-giver to his step children needed to be communicated to his listener, in order that he, at least in part, be seen as someone who was wronged, and not solely as the wrongdoer.

II. Tim (an internet offender)

Tim was a white male in his late thirties. He had an open, somewhat blank, face, and gave me an initial sense of affability. But as we spoke he made little eye contact and often his lips were pursed in anger. The openness of his face began to seem defiant. He was difficult to engage in dialogue, often answering questions with a simple “yes” or “no”. He shrugged his shoulders often, indicating a lack of interest in or irritation with the questions. I didn’t feel comfortable probing him and was concerned that if I pushed farther I would seem intrusive or argumentative. In addition, I was afraid that he would become openly hostile.

Tim grew up in a close-knit working class neighborhood in the outer boroughs of the city and was raised by his mother. Tim’s brother became a police officer (“I know [my mother] raised him to be excellent.”). Their mother had died ten years earlier. He was from a large extended family with “over three hundred cousins” and was in close contact with an aunt who often helped out while he was growing up.

Tim reported having had an intense romantic relationship when he was in high school, and was married to another woman for less than a year in his early twenties. He briefly dated a woman ten years older than him. For the most part, there had been very

few significant romantic relationships in his life. He stated that he currently was unable to date for financial reasons.

He worked for years in a local service industry where he had a lot of interaction with customers over the phone. He enjoyed the social contact the job provided. He had to leave this employment because of a medical issue. At that time he was told he could not take on stressful work and was currently living on disability. The monthly check barely covered his bills and his life was highly restricted because of his limited means. The most salient aspect of his narrative was his dire financial straits, a subject to which he repeatedly returned, often with marked bitterness in his voice.

Before his medical event Tim became involved with a girl online who eventually told him she was fourteen. By that time an intimacy had developed and the dialogue had become sexually explicit. He continued the dialogue and eventually arranged to meet her to give her a DVD. This girl, however, was not an actual person; Tim was the target of a “what they call sting operation”. He was arrested and sentenced to five years probation and said he must be registered for life.

Tim was not inclined to produce a narrative account of self. Reticent in the interview, he answered most questions with short answers, often simply offering a “yes” or a “no”. He rarely showed an expressive impulse or any enthusiasm for the endeavor, and only offered anecdotes or more detailed stories a few times – usually in the heat of anger and indignation. For the most part, eliciting this narrative required a fair amount of prodding. At a number of key points he contradicted himself. I did not feel comfortable asking him to explore these tensions and or making them visible during the interviews, as I was intimidated by what I perceived to be hostility and defiance in his tone of voice.

Tim did not generate a long or complex construction of his offense. He told a simple story of being tricked, casting himself as naively falling for a trap. Consistent elements included the construction of himself as a passive target, one who did not bear significant responsibility for the events, as he acted under false pretenses. The story he told resonated well with an overall motif of powerlessness which characterized his narrative in general.

Tim was charged with making a date with someone he met online who described herself as fourteen. He was arrested when he arrived at what he thought would be her home: the person with whom he had been “chatting” was a “federal agent”. Tim was formally charged with “attempted dissemination of adult material to a minor” in addition to another charge which he could not recall.

I'm not sure of the other charge. I forgot the other charge. I have it at home. I have it written at home. I forget it. I don't memorize it. I try to just put it out of my life right now because I'm trying to get my life back to a normal situation. Even at this time it's still difficult.

His refusal to “memorize” the official charge indicated a resistance to the labeling process, and suggested that the charge in-and-of-itself had little meaning for him; or rather, that he resisted ascribing any potential meanings. Tim did not identify himself with the formal legal definitions of his situation. They represented something that had been imposed on him by the social control apparatus but which were incompatible with his presentation of self. Even as he was being interviewed as a sex offender he saw this label as irrelevant. His resistance was active (“I don't memorize it. I try to just put it out of my life”) and had the effect of demeaning the labeling process.

This subtle technique of expressing disdain contributed to the overall sense he presented of not having actually done anything wrong: “I never met her. It was all a sting

operation. There was no victim involved.” It was significant that he had not been engaging with an actual social actor, but a virtual person that was part of a ploy set up by agents of social control. Without a “victim involved”, Tim could not be said to have harmed anyone. He both set himself up as a victim of a large operation and as someone who was arrested in spite of the fact that he had not in fact done anything to minor

In telling his story, Tim presented the person on the other end of the dialogue as an active player in their relationship. He presented her as having had an important role in planning their meeting.

I attempted to meet the person to drop off some films, rated PG films on DVD that she had requested.

He described the planned encounter as at least in part a response to her request. The meeting was presented as having been set up by her. Casting himself as responding to what she wanted, he simultaneously cast her as calling the shots and himself as fulfilling her demands. He was not a predatory agent manifesting willful intent.

It is significant that he initially described the planned meeting as purely social. That is, he did not refer to it as a date, and emphasized that the main purpose of the meeting was to drop off these presumably non-sexual movies (“rated PG”)

No sex was supposed to have taken place, no nothing was to have taken place, just to drop off the films for her to watch.

He not only framed the encounter as devoid of romantic intent, but presented it as if he were primarily performing a delivery service, only going “to drop off” the DVDs. In fact, he used the phrase “to drop off” twice. However, it is worth noting that this relationship was formed on a dating website for single people: “It was like, single in New York or something. Any age group goes in there.” This indicates that there could

have been an openly romantic element to their communications. Furthermore, as will be discussed shortly, Tim's conversation with the person became quite sexually explicit before they arranged to meet.

Tim emphasized that they were engaged in a dialogue for a number of weeks before she stated her age. In fact, he several times reiterated that he did not in fact think she was a teenager during the first few weeks of their dialogues.

Well talking to the girl, I didn't know that she was underage in the beginning. I thought she was just your average female that was around my age or close to it. I didn't think she was that young.

She told me her height, her weight, her hair color. She never told me her age. Till a month after the conversation.

But I didn't know [she was young] at first. It took about a month after I was in conversations with her tell me her age.

It was important to Tim that his listener understand that when he initially engaged this person in online conversation, he assumed he was engaging with an adult. He was constructing a story of the building of a relationship between himself and an "average female" that was not based on an age difference. Rather it was presented as an attempt to establish a normal adult social connection. He was also here emphasizing that the dialogue progressed for a month before her age was stated, indicating that over a significant length of time a relationship developed that was premised on one set of assumptions.

He did say that the conversations began to get sexual. Tim emphasized that the explicit conversations only occurred after a social rapport had been established, one based on a topic of mutual interest.

The conversations we had were talking about films and the music industry. And you know, current events that were happening on that particular day... Nothing out of the ordinary. I mean it started becoming more sexually involved like three weeks later.

He stated that at this point he still had not been told her age.

We didn't start talking explicitly until the second week. Or third week after we started talking. And I didn't find out her age until a week after that. Which was like almost a whole month into the conversation.

Reiterating how many weeks into their relationship he had gone before the conversations became explicit, he reinforced his contention that it started off social, not lascivious, and that their relationship was based on a non-sexual connection. That this point was important to him suggests that he may have wanted to privilege the non-sexual element of their communication as less deviant, perhaps, or at least as more legitimate, than a sexual dialogue. In so doing, he cast himself as devoid of sexual intent, and subtly reinforced the idea that the meeting between them was to have been innocent.

Tim spoke with an animated feeling of indignation when he described how long they were in communication before he was told that she was fourteen. He was clearly upset that he was allowed to speak with her for so long without being told her age. He felt that allowing the communication to go on for so long was unfair and that he should have been told sooner. Implied in this was the idea that had he known earlier, he would not have continued the conversation or arranged to meet her.

Furthermore, he argued that what happened to him was legally unsound.

I was trying to find out from my lawyers, this is what they call a sting operation. Whatever they call that, entrapment. And he goes no, because you initiated the contact. I said yeah, but they didn't tell me the age until after a month. I mean there's got to be some kind of law with that. And he goes no. And he says you initiated the contact, there's nothing you can do.

Again referring to the offense as a “sting operation,” he invoked the idea of conspiracy -- a lot of agents with power ganging up on the powerless guy. “Entrapment”, although a legal term, implicated the agents of social control as predatory and Tim as innocent victim, unwittingly being led into a trap. He was not responsible for having fallen for the bait. Once again emphasizing that it was a month into the relationship before he was told, he indicated that this length of time contributes to the seeming dishonesty and illegitimacy of the state actors’ actions.

The intensity of the sexual conversations increased as time went on.

We started talking about going out on a date. And then she started telling me, you know, what would you do on a date, and it went from one thing to another extreme. So it just kept on increasing... [it got] very explicit.

At this point the nature of the conversations went down a less innocent road, and he presented her as initiating the sexual tone. It was during the “sexually involved” exchanges that the person stated she was a minor. Tim asserted that he should have stopped the conversations at that point, and had trouble explaining why he did not.

I don’t know what possessed me to actually continue to talking to her after I found out her age. I should have stopped it. For some reason it didn’t click in my mind to stop. And I just continued talking. I couldn’t stop.

He could not identify his own intentions or motives. Rather, the fact that he continued was presented as a mystery. He was not presenting himself as an active agent, but as someone on automatic. At the same time, he was grasping for a reason for his continued contact with the person, articulating a belief that he should have stopped. In so doing he postulated the wrongfulness of his actions.

A stop sign should have went up. Stop talking to her. Don’t talk to her; she’s fourteen, turn away.

Thus, just being told her age should have been enough; continued sexual dialogue with someone that age is wrong. He explained why it was wrong solely in terms of her age:

Because, you know. She's a kid. She's not an adult. She's not at the age of consent. To have an adult conversation.

He offered the idea that she lacked legitimacy as a social actor, or that she was not an equal social actor because of her age, and invoked a legalistic argument for why sexual communication with her constituted wrongdoing ("the age of consent").

In addition, Tim made it clear that he is not in fact attracted to teenagers and had always dated adult women.

In fact just prior to talking to her I just came back from ... meeting a 38 year old woman. At that time I was 36, so she was two years older. And she was in the military... My ex wife was twelve years older than me. I was 29, she was 41.

Clearly stating that his propensity is for older women or age-mates, he indicated that he would not have sought out a teenager. He implicitly differentiated himself from the child molester or pedophile, and asserted his normal sexuality.

Although he said he did not know why he continued to talk to her, he did offer some theories. He argued that his positive personality traits played a role in preventing him from ending the communications.

And I just continued talking. I couldn't stop. Like I said, I'm a people person, I could talk to anybody. I'm so easy. My brother says I'm too gullible. He says you've always been open and honest and you've always given to people and never taken from people. And he said it right. I'm a giving person. And that's what I am I give people everything I am, I let them take advantage of me.

He implied that it was his genuine feeling for people that led him to continue the dialogue, identifying himself with such pro-social traits as "open", "honest", and "giving". These positive characteristics made him more vulnerable, and are implicated in his being an easy target for a "sting operation". In particular, he emphasized his

“gullibility”, using the word a total of three times in explaining why he continued to talk to the person.

I’m still trying to figure it out. I mean I say gullible. That’s what I am. I’m gullible. I’m easy. I’m an easy target.

Positing himself as easily taken advantage of by dishonest people in positions of power, he sidestepped the fact that he had indeed been informed that he was talking to a minor, and instead emphasized that he was set up. He constructed himself as a naïve and trusting victim of active agents of social control.

Tim also offered an additional theory of his continued engagement with the person, proposing that the sexual element of the exchanges exerted a powerful effect on him.

I saw no indication that this person was a minor. Until she told me her age. And at that point I had already gone beyond the line of talking about sex. I was too far gone already.

At the point at which she disclosed her age, Tim was deeply involved in a sexually explicit online relationship with her. Saying that he was “too far gone” he implied that he was no longer in control of the situation, and constructed his sexuality as overwhelmingly powerful, so much so that he could no longer make choices about his actions or control the course of events.

Tim spoke with a mounting sense of indignation at the extent to which he was wronged by the system. In his case there was “no actual victim.” Literally no one was harmed. Nor did he bear responsibility for the wrong for which he was accused. He was set up by agents of social control. He participated in a social dialogue with someone he assumed to be a peer and when the communications became sexual he still thought he was talking to someone his age. That she disclosed her age so late into their relationship

was repeatedly emphasized by him in such a way that it appeared he held this fact up as vindicating him. He saw himself as a nice guy who whose gullibility led him into a trap.

III. Aaron (a statutory offender)

Aaron was a 50 year-old African American man with an energetic and social demeanor. He seemed to enjoy talking, good-naturedly laughed at some of his recent difficulties, and generally presented as self-confident and social. The interview progressed easily and there was no discomfort in the situation.

Aaron grew up in the outer boroughs of the city. He was one of five children all of whom were raised by their single mother. His parents were both deceased and he and his siblings remained close. As a teenager and young man Aaron was “not focused” and was not oriented toward school. He used drugs recreationally, and occasionally sold marijuana. He was arrested in his early twenties for possession and sentenced to probation. This experience was “a wake up call” for him. He had a supportive probation officer who encouraged him to return to school and pursue a career. He began working in human services and had been in that field ever since. He found the work very rewarding both personally and financially. At the time of his arrest he was a program manager for a large unit.

Aaron was in the process of divorcing his wife of eighteen years. He had two children with her and one grown child from a previous relationship, all of whom he was immensely proud. Aaron reflected that he had trouble in long-term relationships finding a balance between “autonomy and dependence.”

Aaron was convicted for consensual sex with a minor. That he didn't know "the young lady's" age at the time was repeatedly emphasized. He was eager to tell the story of his offense, which he presented as a "special situation" – involving presumably unique circumstances that distinguished him from what others might think of when they think of "sex offenders." Aaron met the girl at a bachelor's party. She was one of the striptease dancers that were hired as entertainment for the event. He felt that there was an instant connection between them.

And [the girls] were there, doing their thing, and this young lady came out and we – she – when she came and she danced and stuff like that, our eyes just like met. There was just something there.

Aaron constructed the young lady as different from the other dancers, and began a conversation with her based on this perceived difference:

I said, "you don't really seem like you're comfortable doing this." And she said, "You can tell?" and she said, "this is not – this is like my first or second time doing this." And me, I said, "let's exchange numbers."

When she called him they began a casual relationship, talking on the phone occasionally, and they eventually met for a sexual encounter. The relationship was casual, and Aaron said they only met "one time, maybe two times" before he broke it off. A few months later the police came to his office and arrested him for having sex with a minor. His lawyer told him that the girl's mother had called the police after reading her daughter's diary.

Married at the time of the offense (although separated by the time he was arrested), Aaron asserted that the relationship with the girl represented something he was looking for outside of his troubled marriage. He met her at a time when his marriage was dissolving, and by the time they had their first encounter he was separated.

My wife and I were beginning to see differently about the direction where we were going. [There were changes at work] so there were a lot of demands on me... I began to participate in extramarital things, like staying in the gym longer, going to the pool hall, playing cards, avoiding things. And then I met this young lady, this girl, at a friend's bachelor's party.

He constructed his motive for engaging in an affair outside of his marriage with problems between him and his wife as well as other demands. He largely thought of the liaison in terms of the fact that it was extra-marital, rather than in terms of the girl's age. The relationship between him and the girl was not particularly compelling or significant.

It wasn't like dating, anything like that. I had thought it was a developing friendship, you know. We'll call on the phone, things like that. And it would only be brief conversations...not about nothing important, not about what are your career goals and things like that. We just talked about small stuff.

In this way the relationship represented little more than a diversion for him; the meaning of the affair had more to do with what was lacking in his life rather than what was present between him and the girl. It would not have been significant had he not gotten arrested for having sex with a minor.

However, in his narrative, Aaron asserted two different versions of how the affair ended. Although when they met the girl told him she was 19, at one point Aaron stated that after they slept together he had an indication of her age. The girl had been impressed by the fact that Aaron was relatively well-traveled and he suggested to her that she get a passport.

And I think that's when I became aware of how old she really was. Because when I was helping her to do her passport, I saw her ID, and I said wait a minute, that's not the same [as the one she had shown me]... Once I realized how young she was, that she was younger than she said she was, I said, this is a potential for disaster.

Aaron stated that that's when he "began to pull back" but that he had already had a sexual encounter with her at that time. Later he also said "Once I realized that the person was

younger, I removed myself.” In this version of events, Aaron ended the affair because he knew she was a minor.

Yet, in another version, he offered a different explanation of his decision to stop seeing the girl. He explained that it ended because he needed to address the sources of stress in his life.

I was having some stressful things going on with my wife and things like that. And fooling around with that young lady really wasn't helping me to address the underlying issues with my wife. I didn't need to continue to pursue something over here I when I knew that I was married. So I told her after the first or second time, I told her, you know, “I think you're a nice person, blah blah blah, but I can't continue to do this, and I don't want to do this.”

He then asserted that when the police came he had no idea that she was a minor until they told him so.

In listening to these two opposing versions, there is a tendency to hear the first one, wherein he described a specific scene where he discovered her age, as more “truthful.” In addition to its specificity, this story casts a shadow on his innocence. Although even here he insisted that when he had sex with her he was unaware that was not an adult, he might have viewed the fact that he discovered her age before the police came as in some way discrediting. Aaron constructed his narrative of his offense around the theme of his innocence, and accordingly the narrative thread hinged on his ignorance of the girl's actual age. Admitting that he knew her age – even if not till after the sexual contact occurred – would make the story of his innocence seem less unequivocal. His position as misguided and naïve would be compromised and his narrative would be less clear cut and straightforward.

Aaron offered a number of reasons supporting his assertion that he didn't know the girl's age at the time that they were involved. He constructed an adult/child

dichotomy through which he organized his experience. His perception of her was visually informed, and he stated a number of times that she “looked older, was physically well-developed” and that furthermore his friends had all made the same assumption that he had. Meeting him as a stripper at a party, she presented herself as an actor within a sexually charged situation. That is, she presented herself as a fully sexual adult, and in this context it may have been reasonable to assume that she was of the legal age of consent. Aaron asserted that her behavior was that of an adult woman.

She was acting accordingly because she was placed in an adult role... Mentally she was savvy enough. I guess if you're in that profession that you got to become savvy to communicate and learn the lingo I guess.

Acting in an adult context and playing an adult role, she was perceived as an adult. Her behavior communicated that she was sexually knowledgeable and not an innocent child. Further contributing to Aaron's perception of the teenager as an adult woman was the fact that the night he met her his friend had engaged in sexual activity with her.

The person who was at the bachelor's party, when they found out about the charge, they said, “Shit, I can also be in trouble.” Because they, at the bachelor's party, they were doing, you know, whatever they were doing.

That his peers interacted with her sexually and also presumed that she was an adult may have buttressed Aaron's belief that she was of legal age.

The construction of his innocence was particularly enhanced by his assertion that not only had he and his friends made assumptions about her age, but that she had actively misrepresented herself. Like Tim's Aaron's narrative contains a sense of having been tricked. Aaron asserted that the girl produced ID that attested to the fact that she was 19.

She told me she was 19. And that's like the average age that those girls are going in and doing the dances. She said 19 and she showed me the ID. And what was funny was that a friend that was at the bachelor's party had even said, “wow, she fooled you, she fooled me. She fooled the crap out of me.”

In this way Aaron presented himself as having been deceived. He acted towards her based on the information she had given him. This narrative cast her as deliberately misleading and “fooling” Aaron and his friends. Her active agency in self-representation made her the one with control of the definition of the situation, and this fact was significant for Aaron in qualifying the official definition of her as the “victim.”

There’s always a “victim,” as they want to put it. It’s the person you offended against. But in my situation that person was a willing participant. Consenting. Minus the degree that the person was younger than she alluded to be, alleged to be. So that person has to bear some of the brunt.

He constructed her as having a pivotal role in the unfolding of events to such a degree that it mitigated the extent of his wrong-doing. She was described as having responsibility for what happened between them. Aaron’s narrative played against the unspoken concept of a “real” victim. It is also implicitly contrasted with an offense, unlike his own, that does not have “mitigating circumstances.” Her agency was presented as defining the nature of the relationship between them. She was constructed as “willing” in such a way that Aaron is almost constructed as unwilling. That is, Aaron did not willingly engage in sexual activity with a minor. His will was negated by her dishonesty and misrepresentation of who she really was. In addition to his above statements about having “removed” himself from the situation once he knew the truth, Aaron was adamant about the fact that he never would have been involved with her had he known from the beginning. He asserted that it was “wrong” to have sex with a 16 year old

because that person is in a development stage. Again, when I was telling you about the lingo that they use, if she had been honest and told me that... But if any time in the conversation she would have said that she was younger than what she said she was, I would have left the room. I would have left the room.

What happened between Aaron and the girl was based on a lie that she told. His narrative posits another hypothetical version of events wherein if he had the information about her age, he would have flatly disengaged.

Aaron's story is constructed in such a way that he was not responsible for the events that took place because he did not have enough knowledge of the situation. He constructed his motives for engaging with the girl as being based in problems in his marriage, as opposed to a desire for sex with a minor. He had intended to have an affair with a "young lady" but was intentionally misled into having sex with a "child."

IV. Reggie (a statutory offender)

Reggie was a forty year old African American man who had lived in the same New York City neighborhood his entire life. He presented as mild and polite, telling his story with simple humility. A feeling of sadness pervaded his narrative, and I had tremendous sympathy for his situation. His overarching narrative trope was one of unadorned and unmitigated guilt.

Reggie grew up in a small household that included himself, his older sister and his mother. His sister was 12 years older than him and helped raise him. The three of them remained close, seeing and speaking to each other frequently. They still lived within blocks of each other.

After graduating from high school Reggie spent a number of years working odd jobs in food services and retail management. He did not find these pursuits particularly satisfying and he was pleased when a friend helped him find a job as manager of copying services in a corporation. He found this fast-paced, deadline-driven work challenging,

and appreciated the salary and benefits. Unfortunately, he was laid off at the beginning of the financial crisis for budgetary reasons and had not since found another job.

Reggie had been living with his wife for fifteen years at the time of his arrest. They had two children together, and he had another child from a previous relationship. Although he described some difficulties and distance between them, they had a strong relationship and she stood by him after his arrest.

Reggie presented his narrative with straightforwardness and simply stated and reiterated his own wrongdoing. His lack of any overt techniques of neutralization contributed to the general sense of humility with which he presented himself. He was charged with “sex abuse forcible touching of a minor” and throughout his narrative emphasized that not only was he the adult capable of acting in a responsible manner toward a young person, but that he was the one with power in the situation.

Reggie explained in a direct manner with little emotion the circumstances of his relationship with the girl against whom he offended. Reggie had known her for a brief period of time during her early childhood through her father and they met each other again many years later. When Reggie then encountered her, he knew she was a teenager (“I knew she was 16, 17, or 18. I knew she was around there.”), but was not sure of her exact age. When they met, in her father’s presence, “right there, there was an attraction.” Emphasizing that because he was married, Reggie said that he felt that “it shouldn’t have been there.” He explained that the relationship developed with her calling him occasionally and him enjoying the attention, until one day they got together:

But there was an attraction there and you know it lead to her coming to my home one morning. We were kissing, fondling, but I stopped. For me, stopping, I think she felt that I may tell. So when I went into the living room to call her father, to call her father to come pick her up, she had called him also. And he was like,

“Oh, you’re feeling on my daughter!” And I was like, “listen…” The next thing you know, he came to the house, we had a big falling out in the house the lead out of our household to the street and the police came. He told the police, “he was touching my daughter,” and I was arrested then.

In describing the incident, Reggie emphatically and clearly judged his own behavior as “wrong,” and stated that he was aware of it as such at the time:

I knew from the point when I spoke to her on the phone and she said she was on her way, I knew it was wrong.

He even made a slight attempt to prevent her from coming over:

I knew it was wrong to the point that when I called her back to tell her don’t come, she was already on her way to my household. Still in the back of my mind, I’ll like, “stop it.” To the point that she got to the household I knew, “stop it.”

There was little equivocation in Reggie’s narrative, just a pervading sense that he was responsible for his actions and that they were “wrong”. Reggie didn’t act on his instincts to “stop” immediately, and explained that they began to engage in physical contact.

We started kissing, fondling. Stop. To the point that I wasn’t going to go. I didn’t have her expose her body or have intercourse with her. But I was like, this just isn’t right. I blurted out, under my breath, “I have to call your father.”

Reggie ended the contact himself and did not allow it to progress beyond fondling.

Calling her father is an example of how Reggie conceptualized his “victim” as a “child” and acted accordingly. In fact, he constructed the girl’s reaction to her calling her father as childishly defensive.

So if she felt that I was going to call him and put it on her, and she may even be in trouble… So she calls herself from the cell phone before I got to my house phone… What she did, it was basically what any child would do, honestly. If they’re doing something wrong and they feel they are going to get in trouble, they’re going to tell on their friend first. You know, “Mommy, Daddy, she did or he did such and such; he broke the cup.” Not that we were standing on the stool playing with the dishes, but he broke the cup and you’re going to tell.

Likening her to a child, he placed himself as the person with power in the situation, and removed responsibility for the consequences from her shoulders. He saw her actions as consistent with those of a minor, someone who needs protection and who cannot be expected to necessarily behave appropriately or in their own interests, and there is an element of self-recrimination in his describing her actions as so childlike.

However, in contrast to his construction of her as a child, Reggie also asserted that the girl was physically mature and that in one sense he did not see her as a minor.

She didn't look like an average sixteen year old. Dress-wise, you know. The way her body was formed; even the way she kept her hair, even the way she spoke – was a little older. Not making an excuse for what I did, you know.

As Aaron had done, Reggie responded sexually to the girl as he would to an attractive, adult female, and stated that her presentation of self encouraged that perception of her. On the other hand, he quickly added that he did not think that it was an excuse for his behavior, and throughout his construction of the offense he emphasizes that he was the one with power in the situation.

Reggie argued that were he to proclaim his “innocence” he would be showing disregard for his “victim” – a word that he learned in his treatment setting. Reggie elaborated on the ways she was in fact a victim and how he had control of the situation.

She wasn't of age to make that adult decision about what she wanted to do. She basically was being manipulated. You know, I knew exactly what to say to her, to impress her, to turn her on. So I knew the manipulation factor. Like for instance if I were telling her “if you don't come over I'm not going to speak to [you],” that would be more overwhelming to her than her telling me that. If she told me that, I would be like, so?

Reggie felt he had power over the girl for a number of reasons. He felt that he was less invested in the relationship and would be able to walk away at any point. He felt that he could get her to do his bidding were he to threaten to cut her off (a threat he never

actually made; he had been speaking hypothetically). In addition to asserting that her biological age made her unable to legally consent to sexual activity, he asserted that he was the more knowledgeable party in the situation, the one who could “manipulate” the other toward his own ends. This ability to manipulate was key to the way he understood his wrongdoing. Reggie further explained this power dynamic:

It was basically a thought pattern... Basically any child younger than me, you can manipulate. Even to a point where we do it as parents. You know, “if you go to bed on time, do your homework, take your bath – you’ll get a cookie. You know, we’re manipulating our child to go to bed. Because they’re looking for, can I have my cookie. As they get older you can use any kind of manipulation. You can tell a young girl, come see me and I’ll take you shopping. A lot of girls are hot on, I’ll get a new outfit, I’ll get new sneakers, get my hair done. So it’s just manipulation.

In his narrative he constructed the girl several times as a child with child-like thought processes and motivations, who was easily vulnerable to a more knowledgeable person with more social power and independence, as well as greater access to resources. He presented himself as having the means to easily impress and control her, and his sense of his own culpability was inextricably tied to this construction of the adult/child dynamic. Soon after he was arrested he felt anger at the girl, but he quickly recognized his own role in the situation and unequivocally linked it to the fact of their respective ages.

At first I blamed her. I didn’t have the right thinking and... I blamed her. Because she would call me; she would text me... But then it’s like, I’m the one to blame. I was the adult in the entire situation. I knew, stop it right there.

Reggie contrasted the way the girl perceived him with the disaffection that had developed between himself and his wife at the time of the offense. The extramarital nature of the offense also contributed to his articulation of the wrongful nature of his actions.

Being married I'm supposed to have blinders. I know there are women out there, but my wife is supposed to be the one and only, and I knew that what I was doing, what it was leading up to was wrong.

Not only was the victim's age a factor in his culpability, but the fact that he was pursuing a romantic/sexual relationship outside of his marriage. He explained that the attraction itself, however, was in some ways related to her youth.

She had that attraction. I guess as men we look for that look of a woman or a female being in total awe of us. Anything I did, if I worked out in the house it was amazing. Any joke I told her was funny, everything I did was like [Reggie] can always do it better. So inside it gradually made me feel like, wow. Sometime me and my wife will just pass by each other going to work, give each other a kiss on the cheek. There was nothing wrong with my relationship, but the greedy part of me wanted more.

Reggie articulated the idea that he seemed more powerful and "amazing" in her eyes because she was so young and inexperienced. Average activities and words, to which his wife had grown accustomed, seemed new to her and fueled the attraction between them. Here he also implicitly acknowledged a power differential between them that did not exist between him and his wife, with whom he was on equal footing, at least in terms of age and worldly experience.

Although constructing the offense largely and unequivocally in terms of his own wrong-doing, Reggie also constructed it as a lapse, or a "mistake," and repeatedly emphasized that it did not represent an on-going pattern of behavior, or what he termed a "problem".

It was a mistake I made. It was a mistake... But it wasn't a problem. Like, I've never been in a chat room. I don't log on to my computer and look for children's porn or anything with a young child in it... My wife is only a year younger than me. So there's never been a thing with me with younger women. I've always dated older women, actually.

Asserting that he never actively sought out younger people as sexual partners or for sexual stimulation, Reggie constructed his situation as a mistake which he had made that was not indicative of his sexual identity and which stood in contrast to his romantic history. He presented a self that was not primarily attracted to children or young girls. Although he did not use the fact that it was a mistake to mitigate his wrong-doing or as an “excuse”, it was important to him that he distinguish what he did from an ongoing problem.

IV. Karl (a statutory offender)

Karl was a genial white man in his early thirties. Exceptionally articulate and verbally skilled, he generated a self-reflective and analytic narrative. For many years he had been involved with self improvement programs and was influenced by the language and ideas of contemporary psychotherapy. Because of his verbal facility, he managed to say more than any other subject in the same amount of time.

Karl grew up in a middle class Southern family that was very active in their church. He described himself as having been deeply religious, and as a child and young person took the Bible literally. He loved everything about church and participated enthusiastically in many of its programs. In his early twenties Karl began a long coming out process, wherein he struggled to accept his homosexuality and manage the contradictions between his religious beliefs and his sexuality. Karl had not had a long-term relationship with either a man or a woman, although he has had a number of short-term relationships.

Karl was an artistic professional with a Master's degree in education. He traveled for professional reasons a great deal. In addition, Karl held two steady part-time jobs: one as a high school arts teacher, and the other as an assistant to an artist. He lost the former job because he engaged in sexual conduct with a student. Karl described an escalating flirtation between himself and a 14-year old openly gay boy. At one point when they were alone together they became intimate and Karl performed oral sex on him. When this information spread to the school's principal, Karl was immediately dismissed.

Karl's construction of the offense itself was entwined with the story of the developing relationship between himself and the student. He characterized himself as pursued by the student, whom he never referred to as a victim, and he constructed their interactions as analogous to adult dating rituals. His narrative was interspersed with relative definitions of appropriate behavior and the fluidity of rightness and wrongness, and the exploration of these meanings are part of his construction of the offense as well.

Chaos versus control was a major theme in Karl's narrative. He often described vacillating between periods of indulgence and periods of abstinence, whether from promiscuous sex or drugs. In addition, he described periods in which he traveled for work as being periods where things turned to chaos. When asked to describe his offense, he immediately detailed a particularly hectic traveling schedule. This aspect of the narrative of his offense took up several pages of transcript. He asserted that while traveling he would become emotionally somewhat less stable than usual.

I started getting work so I went away to [work] and then I'd come back and then I was doing a job and then I went away ... again; but I found as I was going away and coming back ... everything's up in the air... When I would go away it was really difficult. I would drink a lot and I was around the same people all the time socially... I never liked that setting. So I found when I was going away to [work]... I was not happy.

The difficulty he described experiencing at the time was not only expressed as a backdrop to the offense, but as establishing his state of mind. With “everything” “up in the air” he found he was not happy and indulging in a period of drinking. Traveling was directly tied to his offense.

This was when I was traveling a lot [out of the country]... I finagled things with school so that someone could cover my classes so that I could go. I went for a week... found out then the day before I came back, that they wanted me to go back for another... I came back for a long weekend, arranged for everything to be set up for me to go back... then went back for a month. You know so everything was kind of up in the air... It was like all of a sudden I was having these opportunities come up and not sure then how the whole school thing was going to play into it. So I had been teaching him a little while then I started going in and out of town and then coming back and kind of plugging back into the school.

Using the phrase “up in the air” – which he repeated several times – he depicted his life as having little grounding around the time of the offense. The meaningful connection between traveling and his offense was based on the fact that traveling had an impact on his decision making capabilities.

My life was kind of all up in the air at that point. I didn't know, I didn't have a real sense of grounding as well. Again. Yet again in my life, I went through, being on tour and knowing that being on tour was real difficult for me because I didn't have that sense of feeling connected and I would get a little lost and caught up in things when I was traveling ... and not being in one place and having that consistent more settled vibe where I can feel where my life is calmer and like I'm not as easily influenced by, like in those situations I would have tended to drink more, to have sex more. I would tend to act out in those ways, as far as when I'm stressed. Either drinking too much, well too much is relative I think. (my emphasis).

He described losing his identity in the process of traveling. Without this “grounding” he was “lost” – lacked a stable sense of self and was “easily influenced” by “situations”. As we will see, portraying the offense as a situation (rather than a series of actions) was integral to Karl's construction of the incident. In the situation, his sense of self was

compromised. He was not acting at full capacity but as someone whose mental state was compromised by the circumstances in which he found himself.

Karl developed a complex construction of the victim as full character with his own agency. In this construction the boy's actual age was obfuscated, while sexually and socially mature aspects of his personality were elaborated at length. The first time Karl mentioned him he presented this lack of clarity: "Was he fifteen or just about to...? He was a freshman in high school." Framing a question, Karl generalized the age, defining the boy in terms of his status as a student, and indicating that the actual age of the victim was not necessarily relevant to him. When I asked him again how old the boy was, he repeated that he was "a freshman in high school," and at another time states that he was "about fourteen, fifteen." Karl dismissed the actual age of the victim as not particularly relevant.

Karl portrayed the student as very aware of his own sexuality, and as someone who enjoyed sexually displaying his body.

He dressed in a way like you could see if he was wearing underwear or not wearing underwear, and he was a kid who would get in trouble sometimes, you know. They were like, look, the principal even called him in once to say, look, you have to wear underwear, because he wore low rise and you know that would show, and he was into wearing the g-string.

Karl brought attention to the fact that the student's sexual way of dressing was noticed by other school authorities. This indicated that it was not only Karl who was seeing him in a sexual way and that others recognized the student's deliberate presentation of a sexual self. Karl presented the student as socially precocious as well:

He was already sneaking out to bars with friends and going to drink in clubs and he was fourteen, with other kids as well. And so there was this sense that he was already in... He wasn't the innocent sheltered fourteen-year-old.

Here he twice mentioned that the student was fourteen, but distinguishes him in type from others that age. He placed him with the students who were beginning to embark on adult activities and who were farther along on the transition to adulthood than others. Not “innocent,” the student was cast as sexually and socially knowledgeable.

In constructing the offense Karl developed a narrative of a courtship drama wherein a relationship gradually builds. The student was placed in the aggressive and seductive role of the initiator, and was described as someone with a strong personality who stood out from the crowd.

[He was] really outgoing. Cute guy. Super talented. I mean really friendly. He would come by. He'd come by my room before I was his teacher, like all the time. But in a very seductive kind of way. He wasn't just coming by and being, I mean there are little kids that are just coming by and being friendly. This was very different. It was very flirty and very -- it was a lot.

He would come by my room a lot even before I was his teacher, with a very, batting of the eyes and um, coquettish, flirtatious kind of thing

The student was cast in the active role, seeking Karl out in a way which he distinguished from the friendliness of other students. Karl described this student as “different” in that he was presenting sexually and making a display of his sexuality (“batting of the eyes,” “coquettish”). The student came by Karl’s office somewhat excessively and wasn’t only seductive but was “very seductive.” The repeated use of the word “very” as well as “a lot” presented the student as not only exceptionally talented but as exceptionally assertive of his own sexuality. Karl recalled a number of times when this “out gay student”² would drop by his office, and reiterated that this happened even before he was his teacher. This

² Karl emphasized that the student was openly gay, perhaps implicitly resisting the stereotype of a predatory homosexual adult who “corrupts” young boys.

emphasized the history of the relationship and the aggressiveness of the student in its development.

In portraying the student as flirtatious, Karl acknowledged that a certain degree of flirting is common in school settings, and distinguished this student's behavior from more benign or innocent forms of flirtation.

I've had kids flirt with me before, I've had kids, that's just something that I've had to deal with. I mean that a lot of teachers just have to deal with, but this had different kind of intent. In the beginning not necessarily so much, but it was later on, realizing that it was a kid that was flirting, but much more aggressive with the way they were flirting...than other kids had been in the past.

Although many students may flirt, this student's behavior was characterized as marked by "intent" and that it carried more meaning than that of "other kids." Intent communicates pursuit and an agenda. Again he described the student as "aggressive."

Significantly, the student was the one who escalated the flirtation to physical contact as the relationship continued.

Once when we were going into my apartment. It'd be flirtatious, I'd be playing the piano, and he's looking over my shoulder at the music, and he's rubbing up against me behind me as I'm playing; and he's standing behind me looking over my shoulder. And I knew it was happening.

The student made "the first move" – initiating a form of sexual contact between them. Karl portrayed himself as passively allowing this to happen. Using the phrase "it was happening" Karl constructed this event as taking place somewhat apart from his own agency. Knowing "it" was "happening" suggested that Karl allowed it to happen, but, employing passive construction, Karl grammatically absented himself from the event. He further asserted that the situation between them would not have happened if the student had not taken the lead.

I wouldn't have known how to make that happen because I'm not usually the aggressive one in that way.

Karl presented himself as the more naïve one of the two, more helpless and less sexually or romantically knowledgeable, not knowing "how to make that happen." Furthermore, placing himself as not "aggressive", he by implication once again cast the student as the aggressor, and himself as the passive recipient of sexual advances.

As mentioned above, Karl's narrative depicted the student's more advanced social life. This was part of a motif where the student was differentiated from others his age who may have been more "innocent". Karl further argued that more knowledgeable students are less likely to be harmed by sexual encounters with adults.

There's this part of me that would like to know that he's okay and that what happened between us didn't really screw him up for the rest of our lives. I have a feeling that it didn't because there is this part of me that thinks there was a lot of stuff already going on that allowed him to already be in a position where he was able to come on to me that strongly anyway. Not saying to discount at all my role in this. But at the same time, thirteen year olds, thirteen, fourteen, fifteen year olds who are coming on to people who are in their thirties who are their teachers have probably already had things happen to them that allow them to do that.

Questioning the nature of what is and is not appropriate, and not seeing these things as absolutes, Karl asserted that the student was not necessarily damaged by the incident, and that his maturity mitigated the degree to which he could be said to have been harmed. He explained that the boy may not have been damaged because of who he was. The construction of his personality hinged on positioning him as the sexual aggressor. It was because the student came on to him that Karl believed the student was better able to come out of the experience "okay" and not "screwed up". This student was again cast as a type whose own background "allowed him to already be in a position" where sexual encounters would not have a negative impact. At the same time, Karl expressed the idea

that perhaps this student was not simply socially mature, but in some ways already damaged.

I would think your average well-balanced thirteen-year-old would not be coming on to a thirty year old teacher... I think there were probably some socially maladaptive behaviors... that were already in play before this happened.

Not “average” or “well balanced” the student he is depicted already had problems.

Because of this, the sexual interaction with Karl was perceived as part of an ongoing pattern of “socially maladaptive behaviors.” This way, even if the student did have issues later on, it would be an indication of the fact that he was already “screwed up.” It would not be because of the incident with Karl, but rather a continuation of problems that “were already in play”.

Consonant with his construction of the student as the aggressor in their relationship was Karl’s construction of himself as passive and lacking agency in the course of events leading up to and including the offense. Karl consistently presented the offense as a “situation”.

I was never presented with this opportunity or this situation before because people were just flirtatious, and that was it. They didn’t pursue to the degree that he pursued this.

The “situation” Karl described was the overtly sexual flirtation of the student. Karl was the “pursued” – the passive and by implication vulnerable person who was acted on by someone who persistently sought him out. Explaining the development of the relationship, Karl stated that the “situation” changed once the student was in one of his classes: “Then when I became the teacher it sort of escalated a little bit.” The situation was presented as something that had a life and momentum of its own. “It” escalated. Karl did not construct himself as playing any active role in the situation. He continued to

explain that the student was the one who asked for private lessons. Although this was an opportunity for Karl to have instituted a boundary, he gave the student the authority to make the decision.

He wanted to take private lessons. And he was like, do you teach private lessons and I did... I taught other students [from the school] privately as well. Because once we had one there he was like, oh we can have a lesson there again... It was like, whatever, as long as you're okay with that it's fine with me. Karl had an opportunity to influence the development of the course of events.

At this point Karl constructed the issue around the fact that he taught other students privately. He could have said that he didn't have any available time, or in some way refused the student the opportunity to work with him alone. This alternative, however, was absent in his narrative.

Although the lessons usually took place in a studio, circumstances lead to them meeting in Karl's apartment.

There was a time when the studio wasn't available and I was like we could either not have a lesson today or if you want to come to my place we can do the lesson there and he's like I don't know if we should, and I was like, if you don't know if we should, then we shouldn't and if it's okay, it's okay, I said it's up to you.

Here he left another decision in the hands of the student. When the student expressed doubt, Karl insisted that it was the student's decision, again deflecting an opportunity to take control of the situation. Again, he constructed the story of the offense as something that happened to him.

When describing more physical contact that occurred between him and the student, he also presented an incident where they kissed as something that "happened," seemingly uninitiated by either actor.

There was once when we were going into my apartment in the entryway that we kissed once... I had thought about it but... it's like, how do you? I wouldn't have known how to make that happen, because I'm not usually the aggressive one in

that way. This only happened because we were that, I mean it was that, you're this close to each other and it was easy to kind of just do it.

He said "we" kissed, identifying neither of them as having initiated the kiss. It

"happened" because of their physical proximity – again, it was the situation, and it was "easy".

Finally, when looking back on the act of oral sex for which he was arrested, Karl said

It was a pretty stupid decision. I didn't really ever think of it as a decision ever. It's not like I said, okay, I'm going to do this. It's just something I kind of got caught up in. Obviously everything is a choice to some degree, but I didn't feel like I was necessarily making a choice with the process.

Although first describing the act as a "stupid decision," -- that is, a matter that was in his hands to be decided -- he immediately qualified his statement, adding that he never thought of it as a decision. He made no conscious choice to engage the student sexually. Instead he "kind of got caught up" in it. It was "just something," meaning between the agency of the student and the power of the situation, Karl's actions were all passive. On the other hand, he again articulated the idea that "everything is a choice" – although his use of "obviously" almost served to minimize that statement, as if it was so utterly obvious that it was actually unimportant. In the less obvious sense, which he seems to privilege, he was not engaged in making choices.

When describing his relationship with the student, Karl expressed a sense that he enjoyed the attention of the student.

And then, like when he said he wanted private lessons, I knew that it was probably a little more than that but at the same time I kind of wanted that too, because I found it very flattering.

Although he could have refused to give private lessons to the student, he acknowledged that he enjoyed the non-professional element of their relationship. That Karl found the flattery gratifying was presented as an underlying motive for the new development in the relationship. While Karl was traveling the student would send him instant messages on the computer.

At the time I thought it was sweet and you know it made me feel good. I enjoyed it. I enjoyed the way it made me feel.

He described receiving the instant messages, but did not indicate whether or not he responded to them. Instead he focused on how it made him feel, and cast himself as the recipient of the overtures. The flirtation and the communications outside of school were not acknowledged as boundary threatening, but were seen in terms of his pleasurable experience of them.

Karl constructed the development of his relationship with the student as analogous to the development of a romantic relationship between adults. He reiterated this analogy at several points in his narrative, and in so doing presented the relationship as essentially normative.

And I would flirt back. I mean, I would totally flirt back, and it was this just kind of playful exchange that I would have had with an adult that would be okay.

Describing their flirtation, Karl normalized the behavior by likening it to exchanges that occur between age-mates. Statements such as these emphasized that there was nothing deviant about the interaction per se. Rather, the deviance was a technicality, a function of their respective roles and the age difference. Discussing the instant messages, Karl explained,

He would send me an instant message on the computer... Like he'd see me online and he'd send me little messages here and there. And it was always late at

night before he was going to bed, and it was always like, hi or sweet dreams, or whatever. But from a freshman in high school to your 30 year old teacher, I look at it that way and yeah, well, like yeah, not necessarily a good idea.

These online communications had an intimate quality, and suggested a burgeoning romantic relationship patterned by standard courtship rituals between age-mates. He described the excitement he felt as the relationship developed.

To me it was obvious what he was doing. But at the same time I liked it. Because at that point, then all of a sudden, I knew. It was almost like we were dating in a big sense of it. Because he would send me the messages on the computer and we would chat. Even when I was [away] I would sometimes get a message from him or an email... It was very much to me the way it would feel if he were 28 and we were dating. There were the nice little messages and the nice little emails, you know, and in many ways I saw it like this adult almost dating thing.

To Karl, the relationship with the student felt like any other romantic relationship. He did not experience it as an inappropriate boundary between teacher and student, but rather as the progression of an adult “dating thing.” The communications between them were not experienced as deviant but as part of the normal course of a relationship. Although Karl reported recognizing aspects of it as inappropriate, he also explained that his pleasure in the situation motivated him to continue.

It all felt very sincere and very heart felt. None of it felt, it didn't have that feeling of wow, this is totally crazy and inappropriate and I need to reach out and stop this. It was like, yeah I know this isn't something that should really be happening but it feels really great so why not kind of a thing.

The relationship with the student contained all the excitement of a new romance, and was not for the most part constructed as “totally crazy and inappropriate” but as something the felt “really great” in spite of the fact that he payed lip service (“yeah I know”) to the fact that it shouldn't “be happening.”

Consistent with his presentation of the relationship as similar to an adult dating “thing”, Karl emphasized the fact that the offense itself was consensual. This framing of

the event was critical to Karl, so much so that he would have gone to trial rather than admit to a non-consensual offense.

[It was a]B misdemeanor: sexual misconduct, I think... Even in the confession I was saying it, and she was like, you agree that this and this and this and that it was nonconsensual. And that's when I talked to my lawyer and we went up to her. Because [the student] never said that I forced him to do anything. He always said it was something he agreed to and that he sought after... When they were saying in the record that it wasn't consensual, I said, you know, I'm not going to say that. Because it was consensual. Because there are police records that say that it was consensual. And I understood it was because the age of consent is whatever here; 18 or 17. And he wasn't that age. And I said that it needs to be phrased somehow that he did consent but because he was a minor...

This was a legal battle for the definition of the situation wherein Karl would not be constructed as forcing himself on anyone. On the contrary he sought legal recognition of his version of the situation wherein he was engaged in a mutual relationship. Karl dismissed the legality of the age of consent as "is whatever here" and privileged the romantic nature of his connection with the student.

Throughout Karl's narrative was an exploration of the nature of right and wrong, legitimate and illegitimate, appropriate and inappropriate. These words did not have absolute meanings for him, and were defined in terms of contexts, motives, and characteristics of actors. One way that Karl constructed the nature of the offense was by contextualizing its "wrongness" in terms of harm to the person cast as the victim. As we have seen, Karl constructed the student as unlikely to have been damaged by the experience because of his precocity, prior experiences, and pre-existing socially maladaptive behaviors. In addition, Karl presented the cases of people who had experiences in their youth which they look back on as not having been harmful.

I have several other teacher colleagues that I remember them telling me when they were in high school like they had an affair with a coach. And they had this whole relationship, and they were involved all throughout when they were in high

school together. So there were these little messages I was getting from people I knew and respected that was like, well it happened with me and I thought it was great and it didn't scar me for life and it was that wonderful experience. And part of me maybe felt it wasn't that really bad.

These "wonderful" experiences were presented as possibly analogous to his student's.

He presented these as "little messages" that mitigated the sense of wrongdoing on his part. Examples of healthy, or at least non-harmful, relationships between adults and minors, reassured Karl that he had not done anything "really bad" to the student.

In expressing why the relationship is considered wrong, Karl maintained that the mainstream sanction against adult-minor, or teacher-student relations, is somewhat arbitrary.

Well because I was his teacher and he was my student and I'm thirty years old and he was fourteen. So it was, you know, it was more because society says it shouldn't be happening that it shouldn't be happening. Not because we didn't want it to be happening... I wasn't even thinking of it in terms of, wow, you could go to jail. Ooh your teaching career, this shouldn't be happening. It was just that um it was just more societal stuff in the way it would be viewed. That it was inappropriate because of our age difference and because of me being his teacher.

Karl identified the status of their roles and ages as the factors that are considered inappropriate, but presented these as things that "society" ordains as wrong. He contrasted this view with what he and the student wanted "to be happening," suggesting this may have been a more legitimate, or at least an alternative, way of viewing the situation. In regards to the appropriateness of the liaison, Karl did not see himself through the lens of society, but maintained his own way of defining the situation.

On the other hand, in spite of the fact that he argued against society's set of values regarding the legitimacy of social actors' desires, his narration of what happened

immediately following the sexual offense proper he articulated a clear sense of wrongdoing.

After it happened it was... more of a, wow this probably shouldn't have happened than it was with the kiss... And I remember telling him, we really can't say anything about this to anybody. And he was like, no. He agreed. And there was that part of me that, as soon as he left... I had that feeling like, this was really stupid, because I knew it was something I needed him not to say anything about.

Karl described an immediate and visceral sense of guilt, as well as fear of social recriminations. He presented the situation as something both parties felt needed to be kept a secret. Here he described it as something that "shouldn't have happened," and that was in fact direly inappropriate. Although before he stated that he hadn't been thinking of the relationship in terms of it having consequences affecting his career or resulting in jail time, here his fear seemed to concern such social consequences.

Karl linked his offense with overall patterns he identified as consistent throughout the course of his adult life. Primarily, he identified periods of chaos associated with traveling as undermining his decision making abilities and promoting the making of poor choices. Although he constructed the offense in this context as a "stupid mistake," he qualified this assertion by stating he did not feel he was making choices. More importantly, the entire construction of the offense cast him in a passive role within a situation that seemed to take on a life of its own. Karl mitigated his responsibility by differentiating between mature and immature young people, questioning the nature of what is appropriate, and exploring the extent that anyone was actually damaged as a consequence of his actions. In addition, he disavowed his own agency by constructing the student whom he offended against as an active seducer. These elements came together in the telling of the story where he participated with a quasi-equal in a romantic

relationship analogous to adult courtship dramas. The overall picture he painted was that in which he was caught up in events that were beyond his control.

VI. Terry (a serial offender)

Terry was a mild-mannered white man in his early fifties with grey hair and pale skin. He seemed polite and reserved, although I also got the sense he wanted to please or be a good subject. He tended not to make eye contact when he spoke and seemed to choose his words very carefully. In fact, he took pains to correct himself if he thought he didn't have exactly the right word. At the same time, he contradicted himself several times.

Terry had always lived in upper-middle class suburbs. He characterized his family life as pleasant but and traditional. Terry "was a star athlete" and excelled in academics. He went to a technical college where he dated a woman for three years in his early twenties. It was a celibate relationship; neither believed in premarital sex. Eventually he asked her to marry him but she declined his proposal. He had dated on and off but hadn't had any significant relationships since college.

He went into a financial industry after college and had been working at local institutions his entire adult life. He lived in the same community for years and participated actively in church organizations and sports teams.

Terry had a history of public masturbation and frottage (rubbing up against people) that began when he was in high school. He had been convicted thirteen times. His victims were between twelve and forty years old. He asserted that he had gotten away with "slaps on the wrist" because the offenses were not taken that seriously and

because he was a responsible-seeming member of the community. He was able to keep the majority of these arrests a secret and his lawyers negotiated a schedule of serving jail time on weekends and during vacations so as not to disrupt his professional life.

Terry began sexually offending as a teenager and described this behavior as “completely separate” from what he saw as his “normal” life. His most recent act was caught on a video surveillance monitor and released to the local news stations and papers. He was immediately dismissed from his job, excommunicated from his church, and kicked off his community sports team. All his professional contacts were severed and his relations with family members were tested.

Unlike the other participants, Terry’s narrative concerned a series of offenses and a long pattern of behavior. Thus he was not creating meaning for one incident, but rather for an aspect of his self. Although the narrative of his offense spanned and was entwined with his construction of his overall life history, he repeatedly maintained that offending was completely separate from the rest of his life.

Illness was a dominant theme Terry employed in constructing his history of sexual offenses. As a paradigm, illness rendered these behaviors and “the urges” understandable and communicable to him and others, and positioned his problems within the context where there are others like him. He described these as “*true sex offenders*.” In addition, Terry characterized his victims, the women he offended against, as extremely feminine. He contrasted this type of woman to the “masculine” women he said he was attracted to. In fact, masculinity emerged as another significant trope for Terry to articulate his social normalcy in contrast to his sexual deviance.

Terry explained his sexual offending:

They were all similar offenses, either public masturbation or molesting a woman. They were things that were thought out. They definitely were.

These actions were planned, and he deliberately chose “crowded places” such as “shopping malls” and large stores. The first time Terry was caught was in a department store, where security was already aware of him.

I was at a department store at a mall and, um, brushed up against a woman’s rear end... intentionally... There had been other instances. They say that for every arrest there are about a hundred other incidents... I was in the store and, um, let’s see, they told the customers to be aware of pick pockets, and as I was leaving the store security came up to me and detained me until the police got there. And the police arrested me... They went back into the store and pulled the woman aside as asked her if she’d come down to security with me... She was approached because they were watching [me] on security cameras. For some time.

Terry did not conceive of himself as a victim of security or law enforcement efforts, and rather, in his presentation of these offenses, seemed to accept that his behaviors were those for which security exists. In this way, he tacitly accepted the view of himself as a public menace (and, as will be discussed in Chapter 7, considered himself someone for whom sex offender policies should exist). He was a surveilled individual who deliberately and furtively attempted to perpetrate illicit acts. He stated that when confronted,

I was petrified. But uh that’s about it. Nothing would come of it. But mainly scared something would... They told me why I was there and they talked to the girl for a while, and convinced her to testify.

He was afraid of the consequences of his actions, imagining severe sanctions. However, the charges were eventually reduced to a “public nuisance type thing.” He portrayed the security personnel as actively attempting to seek him out and actively pursuing criminal justice measures against him. Again, he did not portray them with resentment, and seemed to accept their actions as necessary and appropriate to the circumstances.

Although at the same time he did not seem to think that the relatively lax sentence was inappropriate either.

Terry's most recent arrest was for "grabbing the breast of an underage female in a shopping mall." This time, he noted the zealousness of officials.

My most recent offense the detective really wanted to find out who committed it so he put pictures of the surveillance video out into the media and the schools and law enforcement areas... I was visible. So of course after I was arrested the TV stations did a follow up and put my mug shot up and you know, explained my crimes.

The detective set in motion a chain of events that in addition to his arrest lead to Terry's exposure in the community. He later said that he thought members of his community "didn't need to know" about him, and described the climate in which these events took place as characterized by "fanaticism."

Terry was marked as an outsider and threat to the community. Exposure of personal problems was an ongoing theme in Terry's narrative, and early in life he sought out therapy as a way of keeping "skeletons" in the "closet;" for this reason in particular it was likely that exposure to the community was especially traumatic for him. The very first time Terry committed an offense he was caught, and he described this exposure as playing a significant role in the development of his sexual offending pattern.

The first incident of a sex offense [was] when I was in high school. I was in a classroom and for days or so I had been, let's see, I had been hanging over my desk with my hand and brushing the girl's rear-end in front of me with the back of my hand and she got tired of it I guess and turned around and said what the hell are you doing and uh, the class erupted in laughter and the teacher turned around, and you know, brushed it under, kept on with the lesson.

At the time I did not think of it as significant. I was certainly embarrassed by it. But didn't realize really how important it was. It changed my whole personality. I was no longer sociable... because, the hurt would be there if I made a mistake socially. The embarrassment gave me a feeling of uh, a very terrible feeling of embarrassment and I didn't want to be awkward on social occasions and feel that

again... There were no other social consequences. It was in my head more, and it was very traumatic for me

The “terrible feeling of embarrassment” made a lasting impact on Terry and he stated that:

I would have never felt the embarrassment and gone further down the road [if she hadn't responded]. You know, lashed out. No...I'm sure [it would have been a one time thing].

It is worth noting that in this he identified his pattern of sexual offending with his response to circumstance, rather than to biological impulses which he later referenced. He argued instead that if the girl hadn't turned around and the class hadn't laughed, he would not have offended again. Thus he offered an explanatory package that privileged psychological maladaptation, rather than a medical model which he also later espoused.

In addition, Terry identified this girl with the types of women he chose to offend against throughout his life, and asserted that this incident led to his preference for offending against “extremely feminine” women.

And it probably got me disliking women to some extent because I was so embarrassed...I do think, getting back to high school, the woman, the first one I offended against, was one of the most popular women in school and one of the most feminine women in school. And I feel like maybe it's a I'll show you attitude that I'm using these other women who are similar types as an I'll show you.

Terry continued to offend against women who seemed similar in type to this first girl from high school. His feelings about her exposing him to ridicule were linked with negative feelings towards women in general. He presented his offending as hostility towards women that was rooted in his resentment of his high school peers' reaction to him. He stated that he was “using” the women he offended against to make up for the

original scenario. Again, here he located the source of his offending with a psychological reaction to circumstances, rather than a biological illness.

Terry's narrative interwove concepts of masculinity and femininity with conflicts about sexual desire. Articulating his social normality, Terry described traditional male identities. He emphasized his engagement with sports as a youth when describing what he viewed as his typical upbringing. In fact, he saw his life course as particularly male-identified, contrasting his skills in math and science with the humanities and literature. In making this contrast he pointed to the fact that pursuing these "male" interests limited his association with women.

The words "masculine" and "feminine" cropped up frequently. When pressed, he could not unpack them well, suggesting that they had deeply rooted hegemonic meanings that exceeded his capacity to define them. For instance, in addressing what "feminine" meant, he answered "primping all the time, that sort of thing" and masculine was "not primping all the time." Femininity was linked with appearance, presentation, and display. He frequently referred to women as being either feminine or masculine, one or the other. Interestingly, he only used those two terms in reference to women. Feminine characteristics were positive, seen and marked. Masculine characteristics were neutral, the absence of feminine markers. In this way, he invoked his own masculinity through the way he characterized women.

Terry said he had social problems with women who do not play stereotypical roles (i.e., who present as more masculine), particularly "authoritative women" in the work place. Yet he asserted that at the same time that he was romantically attracted to more "masculine" women. The women he offended against, on the other hand, were

described as extremely “feminine” – although he claimed he was not attracted to them sexually. In isolating his sexual deviance from his “normal life,” it was important for Terry to make it clear that the women he offended against were distinct in type from those with whom he socializes.

The women I’ve been involved with are less feminine even though they’re extremely good looking women, there’s no chance for a real relationship, there was no threat.

The implication was that sexual attraction to a woman was threatening to a social/romantic relationship. The contradiction here, between romantic (yet not particularly sexual) relationships with masculine women and sexual misconduct directed against women he argued he was not attracted to, can be interpreted in a number of ways, indicating conflicts about sexuality and romantic relationships. He did not think that sex is necessarily an important part of a serious relationship; a strong relationship was

where you fulfill each other, where you’re able to work together and smooth out the bad points, the rough edges of your partner. Comrades. Best friends. It doesn’t have to be sexual.

In spite of the fact that Terry asserted that his offending was distinct and separate from his normal life, he could not narratively articulate a non-deviant sexual relationship. The contradictions concerning the role of sexuality in relationships were tied to the presentation of masculine of feminine gender norms. He claimed not to be attracted to “feminine” women; although it is unclear whether he was sexually attracted to the “masculine” women he dated.

Terry has sought psychological help since he was a young man.

I’ve always been in therapy since I was 22... It was me seeking out therapy, definitely...I sought out therapy mainly from depression from [the offending], but also deep underlying. I did want to get to the bottom of that and try to resolve it.

Because I knew it was a problem... So mainly I was going for depression even though the underlying cause of depression was my offending.

Terry stated that the root of his depression lay in his offending, and he considered it a problem that could be solved through intellectual understanding. It was something that he could potentially master and free himself from.

The depressed times were more frequent, and people who are depressed are not normal. I told you about my mom having her emotions on her sleeve. I was taught very carefully that you just don't display emotions and you... bury your skeletons...The depression could show to others...Therapy was extremely helpful. Definitely. Because it was a um spot where you could discuss these things openly without any fear of anyone finding out about it.

The depression he experienced took on a more urgent quality, and he associated it with deviance related to exposure of emotions. For Terry, "normal" people hid their feelings. The most salient aspect of therapy was that what he would discuss would remain secret.

However, Terry eventually came to believe that his problem with offending required more specialized mental health professionals.

Therapy went very, very well for my emotional moods, but there aren't many therapists out there who know much about sex offenses. And they really did not help me with my sex offenses at all, until my most recent psychiatrist within the last couple of years...He was an expert on sex offenses, the history of sex offenders. How to combine medication and tools for preventing further sex offenses.

Terry asserted that his specific problem with sex offending required someone particularly knowledgeable. He cast himself as a special subject, in need of expert help. He actively sought out those who could help him refrain from committing further offenses. But doing so required a specific combination of treatments administered by elite personnel.

Terry first began to conceive of his sexual offending as related to an illness when he was in treatment as part of probation:

[It] is really just a learning center. Every once in a while the offenders had to talk but mainly it was just a learning where you went up to the blackboard and that sort of thing. And he told us about the cycle of offending and compared it to gambling and alcoholism, and said often times sex offenders before they start offending have a problem with alcoholism and when they conquer the alcoholism they move to sex offending. When they conquer sex offending they move to gambling or something like that.

Conceptualizing the offending as a form of addiction, Terry aligned his behavior within a particular type of illness paradigm that encompassed an array of problematic social behaviors. Terry continued to explain:

It's something that gives you a very sense of a high when you do it. The um, the, danger of getting caught, that sort of thing, and it gives you a flow of adrenaline and thing. So it's kind of addictive in that sense. So it's one of those addictive kind of illnesses.

Illness was related to a feeling associated with the behavior -- the fear of getting caught, perhaps the thrill of getting away with something -- and with the inability to resist the "high." Thus, Terry cast himself as lacking a certain degree of control over his behavior, and in that way a certain degree of agency. He grouped himself with others who had lack of control, although the problematic behaviors he listed were not as highly stigmatized as sex offending. In this way, he put his actions on a continuum of actions for which there was an understandable and common root. Aligning himself with people who struggle with addiction, Terry humanized, rather than demonized, himself.

In fact Terry had been diagnosed with Obsessive Compulsive Disorder (OCD), which he explained

causes you to check things all the time or have obsessions, sometimes even cutting or scratching all the time. And causes you to have compulsions. And [offending] was one of the compulsions.

Terry took anti-depressant medication for his OCD, and this particular illness paradigm was presented as slightly distinct from the addiction paradigm. Rather than focusing on

the irresistible allure of the high, Terry invoked the similar but distinct concept of compulsive urges. The urges were irresistible in-and-of-themselves, and were chemically controllable. In this sense, Terry's illness, although behavioral, had a chemical component to it.

However, Terry distinguished between the compulsive aspect of the sexual offending and other aspects.

I see [the sexual offending] as separate. The OCD did contribute to it. Um and I when I took medication for OCD it lessened it a little bit. But it didn't overcome it. So it's a component of it, but not the main.

The sexual offending was presented as a complex illness, with addictive and compulsive components, among others. Earlier Terry had presented a psycho-social account of his offending when he identified the reaction of the girl in high school whom he offended against, and when he associated his actions against women with her. So in some ways he saw his illness as having a psychological component as well.

Perhaps the most dramatic component of Terry's illness paradigm is the overtly biological. Terry was currently taking medication to eliminate his sexual urges (chemical castration) and reported that at several times he had asked to be surgically castrated.

I had, quite a few times in the past asked to be castrated. Surgically. Therapists and the courts and my attorney... said it doesn't do anything. It doesn't take away the criminal activity...I understood it and believed it. Because criminal activity, my criminal activity, wasn't completely sexual. It was a lot of addiction and compulsion and that sort of thing.

Terry's feelings about his sexuality were in part directed against his biology. He identified his male biology – both penis and hormones – as conspirators in his deviance. The penis was seen as separate from the self. The self was normal, the penis was deviant.

Bringing castration - chemical or hormonal - into his narrative, Terry introduced the idea of the male sexual apparatus gone awry. An excess of embodied sexuality. The male organism had to be managed to better fit the social identity. The improperly functioning system could through science and medicine, be successfully calibrated and brought into line with the properly functioning adult male. In *The Male Body*, Susan Bordo discussed the difference between the penis and its “symbolic double”, the phallus (Bordo, 2000). While the penis refers to an individual organ, the phallus represents the social power held by men. In Terry’s case the penis and sexual desire were construed as prohibiting his social viability: they led not only to arrest but to social impotence through the loss of his job and lack of freedom and mobility. Through renouncing the “power” that he believed his sexuality held over him, he could begin to negotiate a viable social existence free from his compulsion to sexually offend.

The professionals in the criminal justice system and psychiatric establishment informed Terry that physical castration would not help. Terry agreed with them, citing the addictive and compulsive components of his illness as those which would not be affected by castration. Still, Terry himself requested the chemical castration treatment for specifically sexual impulses.

I definitely asked about that. They said originally that they only do that if you really, really need it. And as they started to get into group therapy and that sort of thing, they recommended it for me... The doctor when I did my original interview he said it was one of the options. And I said yeah, I would like to do that. This was...with the expert.

Although he reported that the medication he was on was quite expensive, he maintained that it was extremely helpful.

[It] makes a big difference because it gives you a break from your sexual desires. And you can look at yourself and put the tools into place to overcome it... I’m

very satisfied with it. Very, very much. It's the greatest thing in the world. All repeat offenders might want to consider it.

Without his compulsive sexual urges, Terry was able to use the psychological or behavioral "tools" that would presumably help him deal with the urges. He stated that he planned to be "weaned" of the medication when he becomes confident that he won't

have any need to offend again, because it gave me a chance to see how perverted and hideous my crimes were.

By freeing him of his need to offend, Terry argued that he was able to see his behavior from a clearer point of view. At this point, he began to construct himself in terms of another kind of sickness – sickness that has a monstrous quality ("perverted and hideous"), rather than the more humanizing quality of addiction as illness. In a sense he took on the gaze of the other, seeing himself as mainstream society depicts sex offenders. Through the illness paradigm he was able to take on this view of himself as deviant while overcoming the behaviors

Seeing himself as a "true sex offender," Terry relied on a generalized body of knowledge to construct himself as a specific class of person and offender. Placing himself in this category, he expounded on the nature of true sex offenders and how they should be managed in the community. He constructed himself as lonely:

Because almost all sex offenders that I know of, myself included, um, were isolated or lonely when they committed their, it was a contributing factor in their crime.

Invoking a characterization of himself as socially isolated, Terry identified this loneliness as a causal link in the offending behavior. It was a cause not just for his behavior, but for that of "almost all sex offenders". He offered a further construction of himself as a sex offender:

True sex offenders like myself don't know their victims, so the people in the neighborhood have no reason to know because you deal with them every day and you're not going to commit a crime against friends, family, neighbors.

Generalizing about sex crimes, Terry described offenders as people who are not threats to those that they know directly. His concept of a "true" sex offender distinguished himself and those in that category from a vast array of people who have perpetrated sex crimes against acquaintances and family members – marking these people as not quite real sex offenders. Presumably, he meant that these types of offenders do not have the "true" illness that he has, and do not struggle with the compulsive "urges" he described. Thus, Terry presented himself as one of a class of people captured within the label of sex offender, but who are distinct from many others with whom he shared the label.

Identifying himself as "true sex offender", Terry created a narrative that was designed to explain a series of events and repeated behavior pattern, rather than an isolated incident or situation. Other than the description of the first incident in high school, the details presented describing each offense lacked richness and read as reportage of bare, official facts. Instead, the complexity of Terry's narrative concerned explaining the fact that he was a sick individual, someone struggling with an illness experts have officially identified. Linking himself with his "true" label softened the extent of his wrong-doing by placing him in a category that links him to people who struggle with various addictions, as well as other psychiatric disorders. He described himself as taking actions to seek treatment for the problem, which he subtly constructed as something for which there may be a cure. Thus, his sick self may in fact be a transformable self. While concepts of masculinity and femininity were firmly established in the fabric of his narrative, Terry did not invoke masculinity per se to explain his sexual

deviance. Gendered concepts were routinely employed to demarcate women, rather than himself. Yet he emphasized his normative social standing in terms of traditional male activities. While fulfilling some requirements of hegemonic masculinity, Terry distanced himself from his sexuality and sexual behavior by pathologizing and disavowing his genitals and hormones, and labeling his urges “perverted”.

VII. Constructing the Offense: Making Social Meaning

Offenders offered unique accounts of the specific events for which they were charged. In these stories we can hear elements of rationalization. For example, Karl and Tim presented their decision making ability as being compromised by a course of sexually charged events over which they had little control. Tim and Aaron presented themselves as having been deceived, and constructed themselves as in some ways victimized by the labeling process. Aaron and Reggie, whose offenses involved consensual activity with sixteen year old girls both referred to their behavior as a “mistake.” Karl, who also engaged in a consensual relationship with a teenager, used this word as well. For Aaron and Karl, this vocabulary was used equivocally, as mitigating their responsibility, whereas for Reggie there was little equivocation, and he assigned complete responsibility for the “mistake” to himself.

All the offenders in some way sexualized their “victims”, and Aaron, Tim, Karl and Reggie each constructed theirs as having active sexual agency and playing a significant role in the course of events. In these accounts, the concept of the minor who does not have the legal capacity to consent to sexual activity was problematized, and the

child was seen as a mutable category that several offenders chose to define for themselves.

Raoul was the only one who committed an interfamilial offense, and his was the only narrative that implicated the concept of “abuse.” He and Reggie both included an awareness of the misuse of power in their narratives, a concept which was noticeably lacking in the others’. Rather, for Aaron and Tim, power over the situation seemed to rest in the hands of the victim, and for Karl, power was diffused in the situation, with some amount attributed to the victim. The idea that he might have been exerting power over his victims was absent from Terry’s narrative as well, and he constructed the events in terms of control over his own impulses, and not in terms of his victims.

These events were the direct cause of them becoming labeled sex offenders living with highly stigmatized deviant identity. For this reason, the ways in which they constructed the offenses are particularly important, for it is through this construction that they began to make meaning out of the processes through which they became stigmatized and the consequences of the label. In so doing, all of these men created narratives that asserted a viable social identity, resisting constructing themselves as monsters. This issue was more complex in the case of Terry, who, as we shall see, believed that he was someone from whom society should be protected.

In addition to constructing their offenses in ways in which their actions are presented as understandable and human, the majority asserted a social identity that was worthy of inclusion and belonged to the community. Many of the elements of their constructions of their offenses will be revisited in Chapter 7, where I explore the ways in which they attempted to articulate and reinforce this bond.

CHAPTER 5: COMMUNITY BONDS

Since its inception sociology has explored the relationship between the individual and society. On one hand, society is conceptualized as a whole, as an entity in its own right that is larger than the sum of the individuals who comprise it. It is defined in part by structures and laws governing individual conduct. On the other hand, it is individuals who make decisions and implement group rules, exhibiting agency in their actions and giving shape to the larger social structure. This complementary and intertwined dynamic has been explored by theorists from Durkheim to Giddens. Whereas Durkheim posits that individuals internalize society's values and norms as part of their collective consciousness, Giddens explores the way individuals give life to abstract structures through daily routines and the presentation of self.

This chapter addresses the ways in which individual participants were bound to their communities, and is based on assumptions about the significant role that family and social networks play in both the relationship between the individual and community, and the maintenance of that connection. According to Durkheim's concept of the collective consciousness, the individual carries an internal representation of the larger society (in "lower" societies, this representation is articulated through religion (Durkheim, 2001, p. 11), whereas in complex societies it is articulated through reason and rational institutions [ibid., p. 341]). The individual's relationship to his society is deeply embedded in his own consciousness and can in this way be seen as essential to his social identity. Durkheim contends that in complex societies one's sense of belonging to the collectivity is largely experienced through membership in professional associations ("the corporation") (Durkheim, 1984, p. xxxv) In these societies, the individual emerges as a

much stronger entity than in traditional societies characterized by the similarities of its members. Although the strength of the collective consciousness is weakened in complex societies (ibid., p. 227), it still exerts its influence, through tradition (ibid., p. 235) and through the contemporary morality of individualism itself (“In reality the duties of the individual to himself are duties to society” [ibid., p. 332]). Individual members’ sense of belonging is often felt through associations. Although Durkheim emphasized “professional associations” (and his focus was on labor), other groups within societies serve to bind the individual to the society as a whole. In addition to affiliations with career-related groups, we can include the family, the neighborhood, the church, and personal connections such as friends and acquaintances, all of which can function to reinforce the individual’s sense of belonging to a/the collectivity.

Contemporary theorists such as Giddens and Putnam look more closely at the role these affiliations play and the ways in which individuals manage multiple identities under the conditions of late modernity. The bond to the community is experienced through participation in daily routines which maintain a sense of continuity (Anthony Giddens, 1984, p. 60); Putnam’s work demonstrates how the bond is structured through participation in and with a variety of social arenas and networks. Giddens observes that

in contemporary societies individuals are positioned within a widening range of zones, in home, workplace, neighborhood, city, nation-state and a worldwide system, all displaying features of system integration which increasingly relates the minor details of daily life to social phenomena... Positioning in the time-space paths of day-to-day life, for every individual, is also positioning within the ‘life cycle’ or life path... [which] is always closely related to the categorizing of social identity. (ibid., p. 85)

Giddens argues that the larger structures of society are enacted and reinforced through the daily routines of individuals (ibid.) – a concept perhaps closely tied to Goffman’s “daily

round” which “links the individual to his several social situations” (Goffman, 1986, p. 91). Conversely one can argue that by participating in these routines and enacting the appropriate roles the individual lives out his connection to the structure. That is, by engaging in his individual tasks and functions in their various settings, or “zones” the individual reinforces his connection to something larger than himself.

Putnam’s *Bowling Alone* explores the dissolution of community and elaborates the elements that comprise community, iterating the importance of family, church, and various civic and social activities (Putnam, 2000). The strength of a community is in part defined by the engagement of its members in various activities. Conversely, we can argue that the strength of the bond within the individual is perhaps visible through the iterations of his connections and social engagement.

Taken together these theories emphasize the importance of participation in group activities, and its influence on the bond between the individual and his community.

Durkheim’s concept of the collective consciousness provides a basis for understanding the individual’s internalization of community values. Contemporary theorists such as Giddens and Putnam examine some of the ways in which this internalization is lived and actualized through daily life. Putnam emphasizes participation in smaller groups. Giddens sees this connection as manifest through various zones and routinization of the practices of contemporary life through which individuals establish a degree of ontological security.

This chapter describes the participants’ relationships with their communities, addressing the specific forms their connections took prior to their convictions, and describing the extent to which they were maintained afterwards. In exploring each man’s

bond with his community, I will briefly describe the nature of their childhood in terms of social connections; the nature of their familial, interpersonal, spiritual, and professional ties; and the extent to which these were maintained after they were officially labeled as sex offenders. This chapter establishes the social fabric in which the offenders were entwined prior to conviction, and shows that some important bonds were not subsequently severed.

Each participant was living a relatively stable, “normal” life prior to conviction, and, with the exception of Terry, did not carry a sense of stigmatized identity. That is, with the exception of Terry, none of them saw themselves as “discreditable”, and their sense of belonging to the larger group was more or less intact. Prior to conviction all of the men maintained, to differing degrees, social bonds through typical affiliations: church, work, family, and friends.

In the following chapter I address the severance of many of these bonds, but here it is important to realize that the stigmatization that came with their new label as sex offenders did not entirely break their connections to the community. Significantly, each was able to maintain familial bonds in spite of his conviction. All the men explained this through recourse to a real self – an essential self that is good and knowable – that the family members trusted and believed in. This concept of self was larger and more significant than their isolated deviant sexual behavior, and the stigma attached to these behaviors did not, at least for their family members, override previous knowledge of them or become a master status. In later chapters I will argue that this essential self was a foundation that allowed them to resist the complete internalization of a stigmatized identity.

I. Terry

Terry described himself as a particularly active and engaged member of his community throughout his life. He grew up in a family that attended church regularly and frequently socialized with neighbors. Raised in a typical upper middle class suburban neighborhood where people knew each other, he was accustomed to the overlap between social roles and social zones: e.g., neighbors were active in the same PTA and church groups and socialized regularly. Since his childhood Terry excelled in the kinds of activities stereotypically valued in mainstream American society, such as sports, extracurricular school programs, academics and church-sponsored community service. He had many friends, was well-liked, and, in addition to his academic achievement, was “a star” athlete, participating in sports every season.

In his adulthood, Terry’s family of origin continued to play an important part in his life, offering support, companionship, and regular contact. Terry’s brother and sister both lived in the same county as he did, and he would speak to them on the telephone on a weekly basis. In addition he would get together with them from time to time and had vacationed with them and their families. He also spoke with his father on a regular basis. This solid family bond provided Terry with a strong foundational link to the community.

Terry remained active in his community throughout his life. Moving only a few towns over from where he grew up, he had a deep sense of familiarity with this community in which he has resided his entire adult life. He felt as if he knew the people there, in both an individual and a collective sense. As he did in childhood, Terry participated in several local sports leagues and, as his parents had, he attended church

regularly and was active in its programs and community events, all considered critical in terms of “social capital” (Putnam, 2000, p. 59).

Significantly, Terry’s professional identity was particularly integrated into the fabric of the community. His position conferred social status upon him and he was seen as an important member of the community. In this way his job played a central role in his sense of belonging. In turn, his sense of belonging contributed to his professional status.

In fact [the place I worked] was in the town that I grew up in. That was helpful. They did that on purpose because they figured I’d know the customers and be able to spur business.

His personal connection to individuals made him a desirable job candidate, someone who could enhance business. It facilitated rapport with customers, and inserted both himself and the institution he worked for into the routines and structures of the community.

Terry derived personal satisfaction from this job precisely because it provided him with a social connection and a social role.

I really enjoyed [the work] because it was social... I did have to interact with the customers a lot and there was a sense of fulfillment because you did have to help a lot.

The fact that Terry derived “a sense of fulfillment” from his work indicates he was pursuing a “career” rather than simply a “job”. In other words, his work was critical to his identity, to who he *was*, rather than what he *did*. The distinction between performing a social role (which is an aspect of his identity) and serving a function underscores the significance of the relationship between his job and his connection to the community. He saw himself as an important part of the lives of community members, as someone who

could offer help. The identity fulfillment came from the fact that the work was “social” – it involved working with people and reinforcing and maintaining a social identity. That Terry emphasized helping people indicated that it was important for him to see himself as playing a crucial, necessary role: people were dependent on him.

The strength of Terry’s bond with his community figured significantly in his sentencing. Although he was a serial offender, for several years, his high social standing influenced the way he was processed by the criminal justice system. Although he committed numerous offenses, state actors continued to see him as a member of the community, someone who belonged. Conversely, they were reluctant to cast him as a deviant who should be expelled; rather, they tried to find a way to maintain his inclusion. His social respectability derived from his active participation in a variety of highly-valued social realms, which made an impression on powerful actors in the criminal justice system such as judges and prosecutors.

Describing his first arrest, Terry stated:

They kept me overnight at central holding and um, let’s see. Went before the judge and the judge released me on my own recognizance it’s called. Where you just have to come back at a future date. And eventually it was resolved and reduced to a disorderly conduct charge or something like that.

Terry was seen as non-dangerous. State actors saw his identity as essentially *creditable* (Goffman, 1986, p. 4) and were willing to rely on his community membership as an indication of his trustworthiness (i.e., his “own recognizance”). They viewed him in terms of his prestigious social function and reinforced the fact that he was successfully performing his professional and social role. They gave more credence to his credible professional role than they did to his discrediting deviant behavior. As a member of his

community, trustworthiness was imputed to him, in spite of him having broken the law. In fact, it is worth noting that middle class people in general, and middle class whites in particular, are “weeded” out of the criminal justice system at every key stage, including sentencing (Reiman, 2001, p. 129). In addition to being middle class and white, Terry was so integrated into the fabric of the community that the criminal justice system resisted “othering” him.

To accommodate his standing in the community, judges worked with him over several years to keep his criminal sentences from disrupting the routines of his white-collar lifestyle. That is, Terry’s sentences were designed to create as little disruption as possible and to allow him to continue to perform as a member of the community. They seemed specifically designed to prevent stigmatizing him. The punishment rituals in Terry’s case continued to respect and uphold his insider status, and resisted banishing and excluding him.

I was able to keep it out of the papers and uh, just uh, go to the courts on my days off and that sort of thing and do the jail time when I was on vacation. I spent my vacations in jail.

Apparently, state actors did not want to expose him and protected his privacy. They colluded in hiding his deviance, still regarding and treating him as a member of the community. Hesitancy to make his arrest public can be seen as an unwillingness on the part of agents of social control to label him deviant. Allowing him to serve his jail time on scheduled vacations demonstrates a particular regard for the demands of white-collar work life, and a sympathetic understanding that having to go to jail and disclose his criminal activities would risk his job. This consideration does not reflect the typical

treatment given to most people processed through the criminal justice system (ibid.) and seems designed to accommodate and reinforce Terry's non-deviant life, rather than to ascribe and enforce a deviant social status.

That time was before work or family knew anything was going on. So my attorney was able to talk the judge down to either weekends in prison or a shortened time where I can just take an extended vacation, so that's what I did. They thought I was contributing highly to society... I was doing good things for the community aside from my other life.

Accommodating his schedule, judges and attorneys extended continued deference to what he claimed they saw as his high contribution to society. His strong connection to the community protected him from exposure, labeling, and the social consequences of his deviant acts. His social status within the community and his confirmed membership was recognized and affirmed by the criminal justice system and manifested itself in accommodating sentencing structures.

Terry's high social standing allowed him to continue to regard himself as "normal". His active and positive contributions to the community stood in stark contrast with his continued deviant sexual behavior. His participation in highly regarded activities allowed Terry to uphold a sense of normal identity that was deeply important to him. He continually reiterated that his sexual offending was "a completely separate life" and his narrative expressed that he cherished the high esteem he held in his community. In fact, this esteem protected him from fully internalizing a deviant identity. It allowed him to maintain the dichotomy between the self he constructed as "normal" and that which he constructed as "sick." By protecting his standing in the community, the criminal justice system acted in a way that preserved his ability to view his offending as a separate sphere of life, and to maintain to some degree an internalized connection with

the community and sense of his own belonging – in spite of, or concurrently with, his internalized deviant identity.

Without being marked as a sex offender, Terry was able to continue to perform his social role. He kept information about his deviant activities secret from those around him.

Until it hit the papers, no one, completely no one, knew about it... And uh, so you could pursue your life normally as if you were a normal person.

Knowledge of his deviance was not available to those with whom he interacted, and because of this he was able to continue to pursue and maintain a normative social role through his participation in community activities. Because his most recent arrest was for an offense caught on surveillance video, control of information became more difficult. However, prior to that, he felt he was able to live in the community “normally” – as any other member, without a stigmatizing difference.

His family learned about his deviant behavior before the information was released to the community. Terry stated that his probation officer made a decision to alert people close to Terry about his sexually deviant behaviors, something that falls within law enforcement’s purview as a result of community notification statutes (Meloy, 2006, p. 38). The officer called Terry’s brother.

My brother called me and I wasn’t home. He left a message on my answering machine. He said, “I got a call from your probation guy and um he told me what’s going on,” and you know, he said he still loved me... My brother’s one of the people who liked to brush it under the cover, pretend there’s nothing going on.

In spite of the discrediting information, Terry’s brother maintained a normalized view of him. Although Terry no longer had control of highly stigmatizing information, his brother did not let it influence or change his existing view of him. He refused to integrate

the new information into the conception he had of Terry. The bond was not severed because his brother dismissed the news (“brushed it under the cover”), an avoidance tactic which Terry ascribed to the way members of his family generally handled difficult subjects. Knowledge of Terry’s deviant conduct did not alter his brother’s impression, and this familial bond remained intact.

While Terry’s brother “pretended there’s nothing going on,” and his representation of Terry was not altered in light of new information, Terry’s father took it more seriously. He looked for a way of understanding the news that would allow him to acknowledge it at the same time that he could maintain his bond with his son. Thus, he sought an explanatory package with which to frame the new information. Terry’s father offered support in the form of finding him “help.”

My dad acted surprised and concerned and did um a lot of research and tried to get me help... the help entailed telling me how... people that could help me. Locally and things like that, coping with problems.

By researching Terry’s behavior, his father sought a body of knowledge that would make the deviant behavior understandable and treatable. He invoked the existence of professionals who possess expert knowledge about sex offenders. He looked to a world outside their immediate community, to one where deviants were understood, controlled, and helped. In this way, his son’s deviance would be manageable. He constructed Terry as sick and in need of cure. In this way he did not sever a bond with him, but bestowed on him a new deviant identity based in illness. This paradigm casts Terry as in need of help and potentially transformable -- capable of reintegration into the community. Terry’s father saw his son as someone with a problem that could be overcome and who could still be accepted as a member of the community and the family.

Terry had strong community ties prior to his most recent arrest which included a history of living and working in the neighborhood and participating in traditionally significant community-sponsored activities. His social and professional standing in the community were critical in informing and reinforcing his sense of normative identity. In addition, they protected him from the more stigmatizing sanctions of the social control apparatus which worked to accommodate him as much as to manage or punish him. His brother and father remained supportive after learning of his deviant behavior, suggesting that these social bonds can withstand the most stigmatizing, othering, and monstrous labels.

II. Tim

Tim, who was convicted of an internet-based offense, was raised in traditional working class neighborhood. His immediate family was close with their neighbors and he had a large extended family that was ever-present in his life. One friend from school used to visit him often during an extended childhood illness, and that friend remained an important connection throughout Tim's life. They currently spoke on the phone every day. The friend was sympathetic to Tim's financial situation and made sure to be the one to call, since Tim had a limited phone plan. Their social bond was based on shared difficulties. Like Tim, the friend also suffered a disability and they could commiserate.

He talks to me about his medical problems now. He's got a bum leg; he can't walk, so now he's homebound... it's a forty minute ride down the mountain by car. That's just to get down the mountain.

Tim laughed affectionately as he told of his friend's struggles and acknowledged that they shared a sense of humor about each other's situations. The shared humor seemed to be an important coping resource for him.

Tim's extended family was important throughout his life, and one aunt in particular played a crucial role as he was growing up. She had consistently provided significant support to his family.

There were times when my mother didn't have enough money, for like let's say for Christmas. Plus she was out of work for awhile, my aunt would help her with that... give her money because she didn't have enough to buy us Christmas gifts when we were little kids. She always made sure Christmas was handled correctly.

This aunt remained a constant source of personal support and material assistance. When Tim was between apartments because of financial difficulties, she let him stay with her for several months. She currently called him every day "to check in" – a phrase that implies familial concern about his well being, in addition to a friendly, and regular, communication.

Before he went on disability, Tim's job provided significant social contact. He worked long hours that were filled with interaction on the phone, and he particularly enjoyed it because he considered it social. Through work he got to know many people in his neighborhood. He was able to establish relationships in this context, but they were not based on face-to-face encounters. Although the phone contact provided social connections for Tim through work, they were limited by their form. Mediated communication is increasingly a feature of the modern world (Anthony Giddens, 1991, p. 84), and although different in quality from interacting in the same physical environment, still offers social connection and an arena to perform social identity.

At home, Tim had regular contact with the staff at his local video store. Being a “movie person”, this interaction was important to his sense of identity. He found it enjoyable and missed being able to spend money on movies. In addition, he engaged in conversations with people on the internet, particularly in chat rooms where he discussed movies and developed a sense of himself as an expert, “someone who knew what they were talking about. Particularly the classics.” The phone and the internet were clearly important mediums through which Tim interacted with the social world and maintained his sense of connection and social identity, both at work and at home.

After being convicted for his non-contact internet-based offense, Tim’s bonds with family, friends and coworkers remained intact. Significantly, Tim’s conviction did not affect his bond with his employers. Because his particular work environment was tolerant of criminal deviants, his job was secure.

People at work were understanding: Because they had some people that worked there that had felony charges on them too. For other reasons. But they were arrested and released or on probation or done with probation. Some people that worked in there have already been through the system, so boss understood. He had people working for him that were ex-cons. So he didn’t really care.

This community was inclusive of people processed through the criminal justice system, and until he went on disability Tim was able to maintain this important social connection. It did not marginalize him through informal or formal means of exclusion (i.e., social withdrawal or termination). Because he was not the only person with a criminal record, he could maintain an identity as a normal person or “average guy” and his relationships with colleagues, employers, and customers remained intact. Tim continued to work at this job until his medical incident.

Tim's significant familial and social connections also remained unaltered after he was convicted. His relationship with his best friend did not change, nor did his relationship with his aunt. After he was convicted for his offense, Tim only confided the event to his friend and his brother, who worked in law enforcement. Tim's brother arranged for him to disclose the information to the rest of the family.

I told two people. My brother, of course, and my friend. I'm not sure how anyone else would have taken it and then after I spoke to my brother he says we're going to have to have a family gathering and he says I want you to take each family member and tell them what happened because they already know you were arrested, but they don't know why. So he says I want them to sit down with you and you talk to them and you tell them one by one what happened to you. Just the aunts and the uncles, not the cousins. It didn't concern them. And that's what I did. They accepted it. They weren't happy about it, because they said, me of all people, I'm not that type of person.

Tim's brother acted in such a way that suggests their extended family had a sense of itself as a community, one in which certain information about its members need to be known. This implies a particular style of familial network where public and private information is controlled and managed within the group. It does not seem that Tim objected to or questioned the need for disclosure and instead took the family meeting as a matter of course. When he stated that his sex offense didn't concern his cousins, he implicitly acknowledged that it *did* concern his aunts and uncles. In this way he indicated a belief in the necessity for senior members of the family (perhaps as trusted authority figures) to know about the potentially discrediting information. This further indicates the extent to which he saw himself as embedded in the family network, and not as an isolated individual.

It is worth noting that it is the nature of his offense that required a formal meeting. The family already knew about the arrest. The criminal activity in-and-of-itself was not

cause for the meeting. Rather, it was designed specifically as a forum for Tim to disclose the fact that his conviction was for a sexual offense and that he had become a labeled sex offender. The *sex* offense was seen, at least by his brother, as particularly stigmatizing and in need of explanation. In a fashion similar to Terry's brother, Tim's family did not respond to the information by reformulating their conception of Tim from non-deviant to deviant, or from insider to outsider. His new status in the larger society did not affect his familial bonds. Asserting that he "is not that type of person," his family members reaffirmed their conception of him as non-deviant and worthy of inclusion. In a sense, they were able to cordon off what he did from who he was, and the new information did not discredit him.

His brother became an ally for Tim as he began to navigate the criminal justice system. Like Terry's father, Tim's brother reacted to the news by researching professional discourses, in this case the criminal justice system's treatment of sex offenders. As a member of law enforcement, Tim's brother took it upon himself to learn how sex offenders are processed, and he sought legal advice for him as well. Significantly this advice included entering into psychological treatment, something Tim's brother was also instrumental in procuring for him.

My brother says, at that point, this is what's going to happen. They're going to ask you to go seem some professional help. So him and him his wife was seeing this guy... They asked him what happens with sex offenders.

Tim's brother played the role of mediator in initiating Tim into the system and adapting to certain conditions of being a sex offender, thus participating in what Goffman refers to as the "socialization process" where the newly stigmatized individual come to see the "consequence of possessing it" (Goffman, 1986, p. 32).

While in some ways a loner who had minimal social contact prior to his arrest, and someone whose social isolation increased following his physical disability, Tim maintained a connection to his neighbors through the nature of his job where he enjoyed a great deal of social interaction. He worked in a community that could and did tolerate his criminal activity, and had the support of a good friend and a network of extended family members. The phone remained an important medium for his social interaction, without which he would possibly be completely socially isolated.

III. Karl

As we have seen, Karl grew up in a small, tight-knit religious community where the church played a key role in the community's life. This was a critical form of connection and identity for him. At an early age, Karl became an enthusiastic participant in church and school activities and eventually took on leadership roles in both realms. He described himself as "an overachiever," and in fact many of his social connections throughout his life had been contingent on his personal accomplishments. As an artist his professional relationships were based on winning competitions and procuring work based on his talents. His connection to his various communities tended to be based on a balance between autonomy and engulfment. Coming to terms with his homosexuality was a highly significant process that affected his positioning in relation to others. Coming out at church and to his family marked an end of struggles with belonging/not belonging to communities that did not fully accept him, and forging newly defined connections based on acceptance.

The church was an arena where Karl could develop and display his artistic and social talents. But more importantly it provided him with a worldview that included a connection to God as well as to community members. It was a physical and ideological space where he developed a sense of belonging to something larger than himself. He believed deeply in the church's teachings and took the Bible literally:

If it says Jonah was in the belly of a whale, he was literally in the belly of the whale.

I used to go door to door asking people if they knew Jesus is their personal lord and savior and leading them into the land of salvation so they would not burn in hell forever.

Proselytizing and holding strictly to dogma was a formal way of externally expressing his membership and allegiance to the church. In addition, he maintained a personal and private connection with Christianity.

Certain songs and certain lyrics are really comforting and the lyrics that always get me the most are the... "I know you and I love you and I think you're wonderful and beautiful." And those were always the ones. And those are the songs that I can still sing.

Again, I love church so much. I'll get teary. I really do. It does a lot for me. And it's been a really positive thing in my life.

Articulating the meaning the church had for him, Karl linked this significant social institution with a primary and deeply felt sense of self. It filled him with a feeling of being loved and gave him strength with which to confront life's struggles. Karl expressed the comfort and security he received from participating in Church music and made it clear that the ideas and spirit of the Church resonated within him in a way that was essential to his identity.

Karl's coming out process played a critical role in establishing an identity independent of the traditional beliefs of his community. These experiences have allowed

him to find communities that accepted his homosexuality, enabling both personal autonomy and social inclusion. As an adult coming to terms with his homosexuality, Karl went through many periods of abandoning the church or feeling abandoned by it. He saw its teachings as directly opposed to what he was coming to see as his nature.

There was a lot of extreme back and forth in my life dealing with my sexuality versus my religion... [which teaches] if you have those feelings and those desires then you have them but you are not allowed to act on them because that is a sin.

He could not remain in a community where homosexuality was viewed as a sin without experiencing self-hate. He resorted to periods of abstinence followed by abandoning the church for periods of excess.

I was very devout Christian, not going to do this, not going to do this, and then I'd feel like I can't contain it anymore and then I'd go back to being wild and crazy for anywhere from three to six months and then back. So it was just back and forth from one wild extreme to another.

Vacillating between extremes was a feature of Karl's adult life which rendered his experience of belonging to a community as something precarious and contingent on his internal stability.

As he began to accept his homosexual identity, he began to develop his self-esteem while exploring other belief systems.

From twenty-five on I said I'm not going to put myself in a position where I'm being told that I'm not good anymore and that's where my self respect really started happening... I was able to explore different spiritualities and look into Buddhism and Hinduism and all the things that offers, and find a very nurturing accepting religious beliefs that are about you and your journey and it's not you having to be on this journey that's spelled out for you.

By exploring beliefs that focus on individual experience, Karl was able to distance himself from the religious communities that had been so important to him. However, he eventually did find a Christian church that honored his newly found sense of self and

spirituality. In addition, he maintained professional and personal connections with specifically gay-friendly churches and religious communities. Self-acceptance was reinforced through an accepting spiritual community that tolerated differences in beliefs and upheld the value of the unique individual.

Although a limited source of belonging and community identification, Karl's professional life played an important role in his self esteem. His success was a source of pride. In this way, his professional connections played a key role in his life. In addition to the "intense" periods of bonding with others during artistic collaborations, Karl experienced financial and social security through his part-time teaching job. He enjoyed the structure of the work and took pride in his accomplishments as an educator.

So it was nice, especially being an elective... and it was important for me to be one of those teachers that people wanted to be in their class because that's how you grow your program.

In addition to providing a steady pay check and professional gratification, teaching gave him flexibility to pursue his career. He maintained regular contact with students and colleagues, but did not have to "do all the really tiring stuff that [he] had to do as a full-time classroom teacher." Teaching presented another realm where he could remain connected to the community while maintaining a sense of autonomy.

Karl's other job as a personal assistant was also a very important source of connection for him. He began working for this individual in his home several years before, during which time he became close with both him and his partner. These friendships provided him with stability and moral support through the difficult time following his arrest. The man he assisted is "kind of like a father" to him, while the man's partner and Karl

became really good friends... we work together all the time and have our lunches together. He knows me probably better than anybody else.

This relationship was crucial when Karl was arrested for the encounter with a student at his school. They were the first people he called and they helped him find a lawyer. Furthermore, they provided a sense of solace that broke his isolation during the turmoil surrounding his arrest and conviction:

He has been with me through talking about this whole thing, and since we're on similar spiritual paths I hear all his aches and pains... and he was able to do that through my whole process with this.

Having a sounding board through his "whole process with this," was a way for Karl to offset the isolation that could potentially befall people with a highly stigmatizing label.

This couple played a critical role in enforcing Karl's place in their community when they championed him during the crisis with "the angry villagers" (which will be discussed in greater detail in the next chapter). In the face of complaints and harassing phone calls from neighbors who discovered Karl's sex offender status, his employers asserted his right to be there and argued on his behalf. They refused to fire him, and were willing to become embroiled in a community debate for his sake.

Karl's relationship with his family was reinforced through his coming out process when he learned that they were not as dogmatic as he had thought. He had to reconstruct his notion of them at the same time that they were coming to accept his homosexuality. Because they participated in a fundamentalist religion that views homosexuality as a sin, Karl was concerned that his relationship with them would be severed when he told them about his sexuality. However, they "stepped up to the plate" when he insisted on full acceptance.

I said I need to be able to feel normal. To feel accepted. And I'm going to bring up conversations sometimes. I don't want to get to the point where it's Christmas and I have to choose to be with my boyfriend or with my family because I can't be with both.

Karl argued that he didn't want to feel any different than his heterosexual brother who could introduce his girlfriends to his family. Karl didn't want them to see his sexuality as a negative form of social deviance. He wanted to be able to openly discuss aspects of his social life without feeling stigmatized. This was an important step in his relationship with them, and also a moment when he realized that they weren't as traditional as he had thought:

I realized my parents and my brother were not nearly as dogmatic religious as I was. Because we went to the same church. It was odd. I don't really understand how I got my sense of religion because I was much more black and white than my parents are. My parents don't even go to church now. They had me go because that's how they thought you should raise their kids. It was maybe more social. And they took what they took and then they left the rest. I didn't take what I take and leave the rest

Their pragmatic view regarding their religion allowed them to re-conceptualize their sense of who Karl was without having to excommunicate him. It provided a way for them to affirm family ties rather than ideological affiliations. Karl's parents valued their connection to him more than strict adherence to doctrine.

Karl stated that it was very difficult to tell his family about the arrest, and that when he first told them he lied and insisted he was innocent, that the violation had not occurred. Their support was demonstrated by the fact that they provided the majority of the \$30,000 he needed in legal fees. Both parents were educators, and Karl stated that this represented a substantial portion of their savings. He did not disclose the fact that he had participated in the acts of which he was accused until after he was convicted and

sentenced. They were “shocked,” which indicates that the information challenged their conception of him. But they stood by him and remained an important source of social support.

Karl lived in an urban environment and felt comfortable within his ethnically mixed working-class neighborhood. Ironically, his relative anonymity gave him a sense of belonging. He contrasted his idea of working-class values with those he associated with the homogenous, upper class, suburbs where he worked. He described his neighborhood as:

Working class town mentality: It’s probably a mentality of not being as concerned with what other people think. Just mind their own business and doing their thing and taking care of their lives. Which is what I like... . . . I’m like one of the only white guys in my neighborhood. I don’t see even a lot of other people that are even like me but it’s a great place to be... You don’t feel that sense of, “oh I don’t fit in” -- even though I don’t necessarily fit in in that sense... I feel like in [the very affluent suburbs] where it’s wealthier, more WASPY, that kind of mentality. There’s certainly this emphasis of like how that could be a real a stigma, that there’s somebody there.

Karl’s sense of connection seemed to be derived from his ability to live autonomously and free from scrutiny. Although he acknowledged ethnic differences between himself and his neighbors, he did not experience himself as an outsider. This security and sense of informal inclusion was directly contrasted with the suburban environments wherein he was harassed. Although the “wealthier, more WASPY” neighborhoods tend to be upheld as more desirable places to live, Karl constructed them as a type of community where membership is tenuous and there is a great potential to be stigmatized. Belonging in a wealthier community is more contingent on maintaining status and social norms.

Karl struggled for many years living in a community whose belief system was antithetical to his sexuality. Through this struggle he eventually found accepting

religious communities that embraced his homosexuality. His success as an artist, which was an important part of his identity, was dependent largely on his individual talents, and in many ways Karl relied on himself, rather than others. Still, he had a strong family and social support system that remained intact in light of knowledge of his sexual offense.

IV. Reggie

Reggie's primary roles in his community were articulated through his familial relationships, and these remained intact in the aftermath of his conviction for a sex offense. His family continued to be a significant form of social support for him. Reggie grew up in a lower-middle class household in an urban neighborhood. He was raised by his mother and older sister, and was often left alone in the house while both of them worked. A very social person with a lot of friends, Reggie described himself as seeking out company. He attributed his need to be among people to his childhood experiences:

And also dealing with my mom and sister not being there as a child to go back to that. I always had a fear of abandonment. You know the fear of being alone. So sometime, like if I had the day off I'll get up early and just go to one of my friend's houses and watch TV or play video games till my wife got home because I just didn't want to be alone at that time. Because my mom would work, my sister's 17 years older than me, so she was at work, and I would just be left alone, and my mom was very over-protective. So sometime I couldn't even go outside. I had to be in the house by myself.

Reggie had always lived in the same neighborhood, and had a strong sense of belonging in the fabric of his community. He had known many of his neighbors his entire life and walking down the street he often stopped to chat with people, many with whom he "goes way back." Reggie and his current wife used to attend church regularly. They went less

often now, because they felt that this particular church community did not reflect their values.

It was more about money than about getting that empowerment feeling, you know. Getting that faith in you. It was more of a fashion show, gossip. You're supposed to go to church for a problem. If you have a problem, you go to church to speak to the pastor, you get enlightenment. And then there, you know, rumors would just spread. So after church we would know who's sleeping around, who's on the couch, who got put out, who's having a baby by this guy over here. And it just was too much, like we have to find another church.

The experience Reggie had at this church reflects the fact that people in his community knew each other well and were familiar with each other's family structure and personal issues, indicating a close-knit community (although perhaps an uncomfortably close one).

Reggie was currently married to his second wife, although they originally started dating over twenty years ago. They married after a period of separation of several years. They had two children together and he had another son with his first wife. He and his current wife were close and mutually supportive and they shared a rich history. He was also close to his children, and he saw his two younger sons on a regular basis. They watched TV together, played video games, and talked easily.

I want to make sure they know to talk to me about the important things. That I'm here for that. And they do, most definitely.

In addition, Reggie was very close to both his mother and his sister. He spoke to his sister regularly and saw her several times a month. He visited his mother a couple of times a week and talked to her on the phone every day.

Reggie's family was clearly very important to him, and the bonds he shared with them were the most important in his life. Fortunately, each member of his family was supportive of him when they learned about his conviction for the sex offense against the

sixteen year old girl. Reggie constructed his offense as a “mistake” that he made, and his family members all saw the offense in that light. The conviction did not change how people close to him saw him.

When he was first arrested Reggie had to spend ten days in jail. During that time he was too ashamed to call his wife, and tried to put it off. Telling her was

one of the hardest things. When I first told my wife, that was hard. She wanted to come visit me when I was incarcerated... I refused to see her. I didn't want to see her. Just the fact of being incarcerated. We had never had that kind of relationship where I was incarcerated. I just didn't want to see her on those terms.

Reggie's reluctance to see his wife while he was in jail reflected the fact that he felt differently about himself as a result of the conviction. He was ashamed of what happened and didn't want to be seen as a criminal by his wife. He was concerned with how he would appear in her eyes, and expressed a fear that it would change their relationship.

He explained to her the circumstances of the incident between him and the minor, and in doing so had to address his infidelity.

I told her it was just basically, you know, the best way I could put it to her was like, I guess that, the guy that works on the beach with all the girls just looking at him like, ooh and ah, and that's how [this girl] was to me. Instead of keeping it at a little puppy love crush with her, I took it further. That was wrong.

Here he explained to his wife that he was flattered by the attention he received from the girl, and described the transgression as wrong-doing on his part. Upset more by the infidelity than the age of the girl, his wife did not see Reggie as sexually deviant. She gave him her full support.

She was upset at first, you know, but she said that we would work through it, and you know we have. We don't argue about it. If we have a disagreement she doesn't throw it back in my face, you know, “what you did” type of thing. She's

not cautious of anything. She has full trust. One thing was, I was honest with her. I was honest with her.

The emotional support he received from his wife provided continuity and stability for Reggie as he lived with the consequences of his conviction. He stated that the relationship had not changed and that he now shared his experiences with probation and the treatment program with her.

Each week I go to the program like I'm supposed to. I discuss everything in the program with her. I don't state the names, but the different stories, scenarios. So she knows what it's like for me there.

Emphasizing the importance of honesty and openness, Reggie was less isolated in his experiences as a convicted sex offender and was able to communicate these experiences to the most important person in his life without risking severing that bond.

Reggie's mother and sister were "shocked" to learn about his conviction. He argued that the news was so confounding to them because they had never known him to behave inappropriately or to "go down that road". He explained that he had never been with

Someone younger than me. No one. I mean not even going down to the park to play football with someone younger. I explained to my mom, explained what happened. Being we're a tight-knit family they understood. You know, as long as I told them I go through the correct channels, you know. I know I'm never going to erase this mistake, but make sure it never happens again.

Reggie asserted that he needed to reassure his family that he was following the procedures associated with his probation and doing what he needed to do by attending the program (going through "the correct channels"). They accepted his definition of the

situation, that he made a mistake, and did not abandon their conception of him. The relationship and the identity he maintained with them remained intact.

When Reggie first told his older children (17 & 18) about the conviction, they reacted with anger toward the victim's father.

My sons, they were protective. They wanted to go look for her, look for him, you know what I mean? And I was like, "I was wrong. Let me explain what happened." And they listened. They took it in. And after we finished talking they went about their business... it didn't change them.

Reggie was able to neutralize his sons' anger by explaining his version of events as well as his own agency in the incident. Reggie did not demonize the girl or her father, but, as he did in his explanation for his wife, he focused on his own wrong-doing in constructing the offense for his sons. Reggie made sure to use his experience and his conviction as an opportunity to educate them about the possible and severe consequences of certain transgressions.

So I also explained every time I go to my group I basically explain to them what I'm going through so they don't go down that road... you know get on the computer saying the wrong thing in a chat room. That'll get you in trouble... They responded. We sat there and we watched... I like to have them sit there and watch *Lock Up* which comes on CNBC and shows you different jails, San Quentin, Kentucky, New York. These are places you do not want to be. Then we also watch *Dateline, To Catch a Predator*, to show them, playing online, this what will happen. And they take it all in. The entire time, probably won't even blink, in amazement. And I say, "one slip up and that's it."

Using his experiences as an opportunity to educate his children, he took the conviction and the negative consequences and transformed them into a means of reasserting his role as father and protector of his sons. His family provided a source of support for him, and he reaffirmed his family connection through constructing the offense as a learning experience for himself and his sons.

V. Aaron

The two most significant sources of social connection for Aaron revolved around his family and career. Aaron had been working in social services for over twenty years at the time he was arrested for a consensual affair with a sixteen year old exotic dancer. During the span of his career he took on increasing responsibility and felt that he was “productive” both in terms of “contributing” to the community and in terms of maintaining a material lifestyle that he enjoyed. When describing his career, Aaron exuded a sense of personal pride.

I had a caseload of fifty people. I was in charge of the unit. I was productive, I was doing the things I needed to do. I was married. I had a house, vacation twice a year.

He asserted that the personal satisfaction he derived from helping others was more important than the salary. Describing the meaning his work had for him, Aaron stated:

Just taking someone that didn't believe [they could accomplish their goals], you know, and encouraging them.... And just watching them blossom. Those are the greatest rewards. In the human services it was never financial. It was all about just being able to meet someone where they're at and then help them move to the next plateau in their life station. That was the biggest importance to me. And in between, even if they've fallen, to be there to not cushion their fall, but to be there to help them get back up. To be there to help them back on the bicycle. That's the biggest reward... I enjoyed what I did. I had a passion for what I did.

Aaron expressed the fact that the contribution he made to people's lives provided a significant source of personal satisfaction to him. He saw himself in terms of the positive impact he had on others, and this feeling seems to have been a source of self-esteem for him.

In fact, Aaron's career played an important role in the trajectory of his adult life, and finding “meaningful employment” helped him establish a stable, middle-class

lifestyle. In his youth Aaron had drifted between odd jobs and had been more concerned with socializing, using and dealing recreational drugs, and focusing on things to buy with his money than he was with developing career goals. This changed after an arrest for drug possession. He happened to have a supportive probation officer who “encouraged me to change, to modify my life. So I went back to school, took up a few courses...” He argued that the arrest was “a wakeup call” and that his life may have been far worse had he not had the “rapport” he developed with this probation officer. He explained that the experience

Straightened me out. Put me on the straight and narrow. Because prior to that, I saw a lot of my friends, at the time. I’m grateful to be 50 years old. A lot of my friends who I grew up with are not here presently. When I say that I mean they’re not here in a mental capacity, because they’re either tripped out, or they’re not here in the physical aspect because they’re six feet under, or they’re somewhere incarcerated for something... so I thank that person. I thank that person for encouraging me and being supportive at the same time.

His gratitude toward the probation officer reflected the fact that embarking on a path toward his career meant a great deal to him. His work provided him with a source of personal esteem and accomplishment which had become deeply integrated into his life for twenty years.

In addition to the personal satisfaction and financial stability provided by his job, Aaron also received a great deal of social benefit from work. He was deeply immersed in the culture of his job (“I was the go-to guy”), interacting with all levels of staff and outside authorities in his capacity as program manager. He developed social bonds with a number of people, with whom he would go out for lunch and invite to family barbeques on weekends. He regularly worked out in the gym with colleagues and acted as an informal “personal trainer” to a number of people.

Work was not only an enjoyable way to connect with the community. It also provided an important distraction from marital problems that Aaron was having several months prior to his arrest. He had been with his wife for 15 years, and when they began to have problems, Aaron spent more time at work. Throughout his adult life Aaron was in committed, monogamous relationships, and his most recent marriage was his longest union. He described relationships in general as difficult and involving work managing the tension between “autonomy and being dependent.”

However being in a relationship was clearly a significant source of social bonding for Aaron. He had begun dating a woman soon after his separation, and this girlfriend remained supportive after his sex offense conviction. In fact, although they were not living together at the time, she moved into his apartment while he was incarcerated to prevent him from losing his lease.

Aaron identified his children as the most important part of his life. All grown, his three children remained in frequent contact with him. They spoke regularly and his son and his family would come over every Sunday for dinner. His children were close to each other and had retained a sense of being a family. Aaron expressed pride in the fact that they all completed college with professional degrees. Watching them grow up and seeing them “be positive and succeeding” continued to be a rewarding experience. The sex offense conviction did not change his relationship to them and he stated that the remained “supportive and encouraging.”

Aaron’s siblings also provided an ongoing form of social support throughout his life. They were close as children and “looked out for each other.” He reported that his siblings were more career-driven as young people, and that they each went on to college

after high school. They supported him after his drug arrest in his efforts to return to school and find a career.

We remained close and supportive. Even with that first conviction. They were disappointed in me. But they didn't turn their back on me. They didn't turn their back on me. Even when I first got married they were happy and congratulatory of that. When I got my GED, they were happy about that.

As they had been with his arrest in his youth, Aaron's siblings were supportive after learning of his sex offense conviction. They retained their image of him and assured him, "we know you are not a rapist." They did not see his identity as altered nor did they label him a sexual deviant and Aaron did not lose significant family bonds as a result of his sex offender label.

VI. Raoul

Like Reggie and Aaron, Raoul expressed his social self most strongly through reference to his family ties. His sense of self worth derived from these relationships. He emphasized his roles as husband and father, and in particular expressed great personal pride in his children. He distinguished his social role within a kinship system from his stigmatized label: "Before I was a sex offender I was a father, a brother, an uncle a son."

These roles weren't compromised by his conviction for a sex offense against his 13-year old step-daughter. Raoul's family maintained their connection to him when he was arrested, as well as throughout his prison stay, and they continued to provide support.

[My family] was shocked. And they were supportive. They helped me out, we kept in touch... From the beginning.

Raoul currently lived with his mother, and expressed gratitude at being able to be with her. He described her as depressed and “negative”, and while he was in prison he had prayed that he could be with her and help her.

She looks forward to me getting on her case, kind of. Because she doesn't have anybody. When I first went to my mother's apartment she was introverted, in her room, in her little routine. I kind of like snapped her and gave her some life and I kind of like thank God for that because I did, that was one of my prayers.

The bond with his mother provided an important emotional connection where he felt needed.

Relationships with women, particularly the long-term relationship with his wife comprised a significant part of the entwined family network in which Raoul was situated. He maintained contact with his wife and his own children. He asserted that his complainant deeply regretted having called the police after discovering the photos, and reiterated that she did not want to press charges against him. She had not anticipated the severe consequences of her actions, and stood by him throughout his ordeal.

She helped me out, believe it or not. [My wife] sent me letters, sent me money, brought the kids to... the jail, so I could see them. She cried to me. To take a plea.

Raoul seemed immensely proud of his continued relationship with her. The fact that she maintained contact with him helped sustain a sense of social normalcy in the face of his status as sex offender. Her support in particular seemed to help sustain his regard for himself as a husband and father. It was with great pride that he relayed that he would be seeing her in the near future.

And you know what? My victim? Her mother is coming Friday. She called me on the phone... She wants to go to church with me, on Sunday.

Raoul grew up in an urban environment in a neighborhood where many of his peers came into contact with the formal social control apparatus.

I had a lot of friends that were delinquents... that were high school dropouts or selling drugs, and people stealing and stuff like that.

His early days in juvenile facilities and his immersion in drug treatment programs introduced him to a life organized in part by the criminal justice and social service agencies. Thus, he was embedded in a community where certain forms of social deviance were more common and in some ways normalized. His lifestyle was distinct from that associated with the mainstream middle-class, and he was raised as part of a community that did not necessarily see some forms of criminal behavior as abnormal or deviant per se and there was no sense that these community bonds were in any way severed as a result of his conviction.

Raoul's relationship with God and the church provided a network of social support in addition to a spiritual connection with something larger than himself. When he was in prison he felt that he had lost everything and had "hit rock bottom":

I started to realize I was losing my family, my freedom, all the things that I had worked for. I seen everything, I was losing everything. That was like the rock bottom.

That's when he "found God" and began to develop a spiritual connection with something bigger than himself through which he could cope with and find meaning within his prison experience.

Finally I came to my knees and I had to cry out to god. I didn't know who god was at that time but I cried out I knew there had to be a higher power to keep me from losing my mind you know... but God changed me while I was locked up. I was touched.

His spiritual connection helped him manage life in prison and he became a “model inmate”. When he was released from prison, he continued to go to church regularly, and found acceptance there in spite of his status as sex offender:

I tell people from the church, I had to sit down with the pastor and the deacon and I had to tell them because there’s kids in the church, and I felt embarrassed...
[They were understanding] They love me in the Church.

He felt embraced and valued by the community he found at Church and expressed a sense of social responsibility toward the institution, as reflected in his telling them about his offense. They did not reject him and continued to be a source of support.

Raoul had strong ties to his community through family and church. These ties were integral to his self-esteem and his sense of belonging to something bigger than himself. They remained intact in the face of new stigmatizing information. In addition, he lived in a community that had a tolerance for people processed through the criminal justice system and he was not seen as deviant because of that.

VII: Community, Family and Social Support

All the participants were to some degree socially integrated within various groups or communities prior to their conviction. These social bonds reinforced a sense of social belonging that is enacted through daily life in a way that established and maintained social identity. In contemporary social life each actor plays a variety of roles (Goffman, 1959), and performs these routinized practices (Anthony Giddens, 1984) in the course of the daily round. These roles are dependent on other actors, and contribute to one’s sense of a social self – a self with a viable social identity that is integrated into the social fabric. Thus, all of the participants – with the notable exception of Terry – inhabited a world

where they did not see themselves as deviant, and their sense of belonging was maintained in part through participation in a variety of social spheres.

For many of the men work provided an important form of community prior to their arrests and convictions. For three men (Aaron, Terry, and Karl) career was deeply tied to their identity and their sense of social self. As we will see in the next chapter, employment emerged as one of the most difficult challenges for all, and the severance of this bond was particularly consequential for the three of the men who had invested much of their life in their careers.

Close family members emerged as particularly important in this regard, and the fact that in spite of other severed connections (which will be discussed in the following chapters) family members stood by and supported each one is highly significant. These important connections validated their pre-deviant identities and affirmed that their conception of the person did not change as a result of their sex offense conviction. The conviction did not stigmatize them in the eyes of their family members. Although in Terry's case this meant reconstructing an image of him as "sick". In the case of the others, family members upheld their original image of them, and did not let the discrediting information alter that original conception. Their prior non-deviant identity remained intact in the eyes of those closest to them. As we shall see in the next chapter, the consequences of their sex offense convictions were severe and disruptive, and the strength of their bonds with family members was all the more important because of the loss of other reinforcements of social identity.

CHAPTER SIX: SEVERED BONDS

In Chapter 3 I argued that as a symbolic means of reinforcing communities' boundaries and identity, rituals of punishment ascribe outsider status to the transgressor. Traditionally they have excommunicated the offender by physically removing him from the community (and placing him in prison). However, sex offenders on probation and parole find themselves living within the community at the same time that they are effectively excluded from participation. The conditions of probation and parole subject sex offenders within the community to a range of social control policies that reinforce their outsider status. As Simon argues, the intent of these laws is explicitly to exclude and banish (Jonathan Simon, 2000). As an exemplar of the new penology which emphasizes managing risks as opposed to transforming or reintegrating subjects, current sex offender policies mark these subjects as dangers to the community who must be managed as "social waste" (ibid.). These policies place the offender within the community while denying them the civil liberties that are integral to "normal" social engagement. Their status as members of society is handicapped and their ability to conduct themselves as full citizens – legally and personally – is severely restricted.

Constraints on their liberties directly affect offenders' relationship to the community, and so, presumably, impact the internal bond between the individual and society. In the previous chapter I explored the ways in which the participants in this study were integrated into the fabric of their communities, both before and since their conviction. In this chapter I turn to the ways in which the conditions of probation or parole in particular, and their status as "sex offenders" in general, have severed many of these significant social connections. The conditions imposed by the criminal justice

system limited their physical movement and social freedoms and in so doing altered the contours of their daily lives. These routines are deeply entwined with the relationship between and individual and the social institutions which shape his identity (Anthony Giddens, 1984, p. 85). Through various restrictions, the social control apparatus continually reinforced the offenders' status as outsiders. Furthermore, the limited employment options available to them constrained various aspects of social identity, career trajectories, income potential, and job security. Where one lives often plays a key role in one's sense of community and belonging and Megan's Law relies on residence as a defining feature of community. These policies potentially expose sex offenders to their neighbors and jeopardize their privacy and ability to live as an "insider," i.e., one who belongs to the group. Finally, in this chapter I continue to explore the internalized, subjective sense of this bond while describing the ways in which these men were cast out from society through objective mechanisms of social control.

This analysis reflects the salient themes presented by each participant. Because of the nature of this study, which involved no fact checking or reliance on official records, I cannot make assertions about the extent of the legal sanctions imposed on each man. I do not know all the conditions of their probation, only those which they reported. For the most part, these were disclosed without prompting, and discussed with a sense of frustration and injustice. Thus those sanctions which were discussed are the ones which carried subjective meaning to them as individuals.³

I. Social Control and Civil Restrictions

³ It is worth noting that what subjects did not disclose probably also carries meaning, but these lie outside the parameters of the analysis.

The New York State Division of Criminal Justice Services manages convicted sex offenders in the community, and State policies regarding sex offenders are detailed in the New York State Sex Offender Registration Act (SORA). New York State requires that anyone who is convicted of a sex offense register with local law enforcement. In addition the Electronic Security and Targeting of Online Predators Act, which took effect on April 28, 2008, requires sex offenders to report all their internet accounts, email accounts, and screen names⁴. Although law enforcement agencies do not release information regarding offenders' Internet accounts, this information may be given (on request) to social networking websites with users under 18 years old. Those offenders classified as low-risk (Level I) must register for a minimum of twenty years. Those classed as moderate to high risk must register for life. Failure to register is a felony and will result in a minimum of one year in prison. The state maintains a 1-800 hotline from which the public may obtain information about offenders. Details pertaining to physical appearance, the crime committed, the terms of probation or parole, and zip codes are obtainable through this number for *all* levels of offenders. For Level III offenders, the State will also release the exact street address of the offender's residence. In addition the State maintains a website where visitors can search a database of Level II and III offenders by name, county or zip code and obtain this information. SORA does not monitor what individuals may do with information they have obtained, although using it to harass offenders is against the law. An individual may release whatever information they receive from the 800 number or website to whomever they wish.

⁴ A recent article in the Daily News reported that 3,500 sex offenders registered in New York State had their facebook and myspace accounts closed (Lovett, 2009).

Notification to schools and other organizations is left to the discretion of local law enforcement. SORA allows law enforcement to release the publicly available information to “entities with vulnerable populations related to the offense” (i.e., schools and facilities that serve children) for all levels of offenders. SORA does not include any restrictions regarding where an offender may live. However, the terms of an individual’s probation or parole may include such limits. In addition, many counties in New York State impose residency restrictions on sex offenders which bar them from living within a certain number of feet from schools. SORA does not include provisions for landlords to refuse housing to or to evict sex offenders. SORA does not limit where a sex offender may work, with one exception: sex offenders cannot work on an ice-cream truck. Certain professions, however, do routinely check fingerprints and perform background checks in order to refuse employment to individuals who have committed certain types of crime. For example, convicted sex offenders are not allowed to work as teachers or school bus drivers.

In addition to those imposed by state law, the criminal justice system can impose a range of restrictions on an individual as conditions of probation or parole. These can range from curfews to prohibitions against being in certain areas such as playground, contact with specific people, interaction with persons under 18, and the use of alcohol. Offenders can be required to wear GPS monitors, undergo random drug screening, be denied use of computers, and have restricted mobility outside of their city.

Anthony Giddens’ work addresses the problems of identity under conditions of modernity and can illuminate the ways restrictions such as those listed above may deeply affect an individual’s orientation to their world. Linking microsociological analysis to

macro-level structures through a scrutiny of day-to-day life as structured around routines, Giddens outlines a theory of identity where daily physical movement through social zones plays a key role. In order to function socially, individuals require a degree of ontological security that is related to “an autonomy of bodily control within predictable routines” (Anthony Giddens, 1984, p. 50). A significant consequence of restrictions on sex offenders is the loss of individual autonomy (experienced differently by different subjects depending on their probation/parole conditions and the meaning they have for them). These policies heavily impact the routines in which they operate and perform selfhood; they restrict movement, compromise privacy, and alter the relationship of the individual to those around him. The policies effectively take control of the management of public and private domains. In so doing they generate a specific set of routines which mark the offender as deviant. Cumulatively, they reinforce offenders’ identities *as sex offenders* and undermine their ability to successfully perform non-stigmatized ones.

In this section I turn to a discussion of the ways in which the conditions of probation or parole have impacted the lives of the participants in the study. I will explain the civil restrictions placed on each man and discuss their consequences on their bonds to the community in terms of the effect on their freedom of mobility, their routine day-to-day life, and their lack of control of personal information. These restrictions all serve to reinforce their deviant status and to demarcate them from the community.

a) Raoul

Raoul, who took photographs of his step-daughter’s genitalia, served nine years of a fifteen year prison sentence. He had to register for thirty years, attend group each day, and report to his probation officer each week. In addition, he had a 9 PM curfew.

I mean I know I did wrong and I'm labeled a sex offender, I'm a bonafide sex. I'm on the web, you know. I have to report to probation every week. I have to register. I go to programs. You know, it's really stressful, really, you know. I did 9 years in prison, followed by 10 years probation. I have to register for thirty years.

Raoul indicated that the fact of being a sex offender is in-and-of-itself a restriction that constrained his social identity. That information about him was available on the Internet was seen as a now critical aspect of his social status and identity, part of being a "bonafide" sex offender. Being "on the web" was part of the way in which he was officially labeled as someone who committed a socially unacceptable ("wrong") act.

The effects of social control were continually experienced throughout his "daily round" (Goffman, 1986, p. 8) and his weekly routine, constraining and structuring the ongoing experience of his everyday life. Having to attend therapy on weekdays for an hour required an hour of travel time each way. This considerable portion of the day affected his availability for work ("I mean, I have to be there every single day."), as well as his ability to control and structure his own time. His weekly routines revolved around his status and the conditions of probation. He could not "put the past behind" because the fact of his past action, and the attendant stigma, was reinforced and re-experienced on a daily basis. That three hours of his day was devoted to his stigmatized identity (nearly half a traditional work week), curtailed his ability to pursue non-deviant, non-state controlled activities within the community, and demarcated a set of routine practices that distinguished him from those around him.

Raoul experienced these constraints as extremely stressful and suggested that the rationale for them was not completely a matter of justice.

Public assistance, Medicaid pays for [the program]. I think it's a racket; I really do. They had me going there every day. That was stressful. Besides having to do

with the probation and having a curfew, right? When I went to this program, they told me you got to come every day. How am I supposed to continue on with my life if I have to be here every day? And then probation once a week.

Arguing that the frequency of his attendance in therapy is in part “a racket” for service providers to make money, he positioned himself as a pawn in the social control apparatus that manages low-income individuals who enter various state systems. He asserted that his autonomy was compromised through mandated treatment that benefits payees of social control services. In addition, curfews represent constraints not generally associated with autonomous adults but with dependent adolescents. This is a significant imposition and intrusion into an individual’s ability to control their own activities and is a daily reminder and reinforcement of the presence of formal social control into the routine of his daily life.

Raoul’s daily routine and ability to establish “ontological security” was sufficiently constricted by the conditions of his probation that his ability to “continue with [his] life” was undermined. Probation emerged as a mechanism through which his status as a sex offender was reinforced, and his full membership in the community was compromised.

b) Tim

Tim was sentenced to eight years of probation for making a date with a person claiming to be a fourteen year old girl. He had to register for 20 years. In addition, he was not allowed access to a computer and was subjected to a 9PM curfew for the first few months of his sentence. This restriction was dropped, although he was still not allowed out on Halloween (a provision which he said he “understand[s]. I agree with

that”). Tim’s deep frustration with injustices in sentencing and probation requirements will be discussed in the following chapter.

Tim was required to attend his treatment program once a week. He did not mind having to attend the group, but payment for the sessions posed a tremendous hardship.

They’re fifty dollars a session. I’m on twenty dollars a session because I don’t have the funds. I went from ten dollars to twenty dollars so I had to cut my phone expense in half cause I have a house phone, a regular house phone. I went from the unlimited package to call by call. Next thing I know they’ll be turning my electricity off cause I can’t afford that because they’ll raise me to twenty to thirty dollars to catch up to paying them.

The program’s cost took critically needed resources away from him. Because of his considerable financial constraints, the payments represented a significant expense that impinged on his ability to communicate with others. As discussed, the telephone was Tim’s most significance medium of interaction with others, and having to decrease his phone usage may have contributed to increased social isolation.

Furthermore, his frustration with the system was articulated through the fear that program costs will continue to increase leading to further hardship and social marginalization. This indicated a significant degree of ontological *insecurity*. Tim expressed the idea that anything can happen in the future; the conditions of probation contributed to a sense of powerlessness over his fate. He felt that the way his life was managed by the social control apparatus stripped him of control over important aspects of his life.

c) Aaron

Aaron served six months in jail and was sentenced to an additional ten years probation for his affair with a sixteen year old dancer. He had to register for twenty years. He saw his probation officer once a month and attended group therapy each week.

Aaron was confused and frustrated by the way his probation was handled. In discussing the conditions of his probation, Aaron expressed intense dismay at the fact that he had not been given proper documentation of the restrictions which applied to him. He claimed that his probation officers never gave him the papers and that the conditions kept changing.

So it's like, okay, I just signed some conditions, but do I get a copy of it? It's like, stay out of trouble; find a job; don't use drugs. Don't – like, there are certain places that you can and can't visit. Like, I don't have any children. I have grandchildren, so I don't have any reason to be going into those schools. But again, my offense wasn't about that. So, you know, I said, "That's not applicable." At one point they said I wasn't going to be able to go to the mall. But the judge ruled, no, that's absurd. That I wasn't going to be able to use the internet, but then he ruled that out. That you can't be within a thousand feet of a school, but then they ruled that out, and they modified it to 700 feet or something... Again, I signed the paper, but I don't believe I was given a copy.

Aaron expressed frustration with the way the system managed his status. He was exasperated by the way constraints on his behavior were continually changed. Laughing when he told these stories, Aaron communicated dismay at the extent to which he lacked control over decisions that affected him.

The impact of being a convicted sex offender was experienced less acutely as a loss of civil restrictions and more intensely when he described the loss of his career. He even talked about the time he spent in jail as a difficult but temporary situation, one that didn't have lasting consequences. The most serious result of his conviction was the fact that he could not return to work (which will be discussed in greater detail later in this chapter).

d) Reggie

Reggie served ten days in jail, was sentenced to six years probation and must register for twenty for his encounter with a sixteen year old girl. While on probation he met weekly with his probation officer and attended weekly treatment groups. As part of his probation he was subject to random checks by his probation officer. He was not allowed to have pornographic material in his apartment or on his computer. He stated that as a sex offender was not allowed

to work anywhere where you're affiliated with children. You can't baby-sit kids. My kids can't have sleepovers if the kids are underage. You're not really even supposed to go to the park if there's like little kids in the park... but like certain things you just can't avoid. If it's a public park you just can't help it; if you go there to workout or to jog, and there are kids there

The seeming ubiquity of children in his neighborhood curtailed his ability to enjoy himself without being reminded of his status. The conditions of probation compromised his role as a parent in relations to his sons and their friends, and impinged on his ability to freely conduct himself as a parent and community member.

He argued that anything he did that was a possible violation could reinforce his sex offender status. Even when he no longer has to go to weekly sex offender treatment, he knew that it would loom over his head for the duration of his probation.

If you do something that has nothing to do with a sex offense, they could land me right back in sex offender classes. You know, if I'm speeding, which is really a violation, not a crime, which as me being a sex offender puts me right back in the sex offender classes.

Reggie articulated a concern with the fact that there were graver consequences to minor – and non-sexually-deviant – forms of law violation for him because of his status as a sex

offender and the conditions of probation. There was no escaping his status as a sex offender.

e) Karl

Because he had a complex professional life that required traveling for art projects, the conditions of Karl's probation were a continual source of tension for him. He was sentenced to six years of probation and had to register for twenty for having a sexual encounter with a student at the school where he taught. His experiences with registration were fraught with conflict because he lived and worked in separate states. With the exception of work, he was not allowed to leave the city without permission. He was not allowed to be in any professional relationship with a person under the age of 18, nor could he be alone with anyone in that age group. Karl was aware of the tentacles of social control apparatus reaching into every significant aspect of his life, intruding on his privacy in ways that mark him as an "other".

Karl experienced his probation requirements as a devastating loss of freedom:

I remember sitting in the probation office with my probation officer and the first time we were going over, look you can't travel and you can't do this, and... I was just crying. I was just crying. I couldn't really do anything. I was just devastated realizing all the things that were being taken away from me.

The initial realization of the enormity of his situation was expressed in terms of the loss of mobility and control over his lifestyle. He was "devastated" as he felt that he was being stripped of the accoutrements of identity which are taken for granted in modern democratic societies.

Because his probation officer could drop in at any time to ensure that he had not “committed a violation”, Karl felt that his life needed to be open for inspection at any moment.

This morning my probation officer came by and knocked on my door at 7 in the morning and if I had somebody there and they didn’t know about it, they would be wondering why these people are knocking on my door and walking in and looking around and making sure I still live there.

The distress of this unexpected morning intrusion was strongly articulated in reference to an incident which *could* happen (and less so in terms of what *did* happen). Karl expressed the impact of the inspection on his life through a what-if scenario, imagining the difficulty of having to explain the intrusion to a potential new boyfriend. He specifically depicted someone who would not know he is a sex offender. And the source of anxiety seemed to center around exposure and disclosure of discrediting information. Karl recognized the abnormality of having one’s life inspected by agents of social control and knew that it would require explanation. Anticipating such moments created anxiety about how he could be seen by others. As Goffman observes, possibilities of exposure make discreditable persons more “alive to the social situation”:

What are unthinking routines for normals can become management problems for the discreditable. These problems cannot always be handled by past experience, since new contingencies always arise, making former concealing devices inadequate. The person with a secret failing, then, must be alive to the social situation as a scanner of possibilities, and is therefore likely to be alienated from the simpler world in which those around him apparently dwell. (Goffman, 1986, p. 88)

Control of private and discrediting information was essentially taken out of Karl’s hands and he recognized the impact this could have on his personal relationships. The unannounced inspections reinforced his status as an outsider because most people do not

have to endure the invasion of social control into their homes and personal lives. Intimate relationships could pose a special problem because these “can necessitate time spent together, and the more time an individual spends with another the more chance the other will acquire discrediting information about him” (ibid., p. 86). For Karl, the possibility loomed large that such information would be revealed before he was ready to disclose it. The fear of exposure was felt just as vividly as the surprise of the actual morning inspection because exposure could stigmatize him in his personal relationships and make him vulnerable to social judgments. Karl’s lack of privacy had the potential to stigmatize him for those around him. The fact that he could not control situations like this meant that he could not control when to disclose his “story” to a potential partner. It could force him into greater and premature intimacy, and could possibly lead to rejection. In this way, the conditions of Karl’s probation put him at risk of having to disclose his status as a sex offender and jeopardize potential relationships.

In addition to surprise visits from probation officers, the inability to travel outside of the city was also experienced as a formidable constraint that could potentially disrupt his personal relationships.

So that’s a discussion that has to happen because if I’m dating someone that lives [out of state] I have to tell them, because I can’t just go [there]. They’re like, “what do you mean you can’t go...?” And you can only say, “Ah I don’t like going [there]” so much before they’re like, “wait.” Because I’m not that kind of guy who’s like, “I don’t travel outside of [where I live].” ... I could just withdraw and go into a shell and avoid it all until it’s over.

Again Karl imagined a dating scenario where he has to explain his status. He expressed his frustration in terms of potential situations that could arise and saw the development of future relationships threatened by the conditions of his probation.

Significantly, Karl described explaining his inability to travel in terms of his identity, contrasting the *type of person* the conditions cast him as (someone who doesn't leave the area) with the type of person he truly was. In this way, he saw the limitations as actually constraining his social personality, turning him into someone he was not. Rather than adopt a false persona of "that kind of guy", he would prefer to explain his situation to the hypothetical romantic other. The alternative is what Giddens refers to as "situational withdrawal" – "the refusal to behave as a capable agent" (Anthony Giddens, 1984, p. 156). Karl expressed this idea as going "into a shell" to "avoid it all until it's over". Refusing withdrawal, Karl attempted to assert his social relationships by adopting (or rather, envisioning adopting) a forthright stance where he could present others with the discrediting information about him. It was preferable to him to assume the stigmatized identity of a labeled sex offender, rather than equivocate and assume a false identity of someone who did not travel.

The conditions of Karl's probation threatened his ability to safely present self to others. Particularly the surprise visits from probation officers and the restrictions placed on his movement set him apart from others in ways which could potentially expose his status. Lack of control over discrediting information was a source of anxiety for Karl, and he repeatedly imagined difficult scenarios involving disclosure.

f) Terry

With over ten convictions for sex offenses for such behaviors as public masturbation and frottage, Terry lived under greater conditions of social control than anyone else in the study. He had to register for thirty years, was on house arrest and wore a GPS monitoring device. The extreme lack of mobility imposed on him isolated him in

his home. Although here he could enjoy more freedom and comfort than someone confined to prison, he nonetheless lived under conditions of punishment and isolation where the law influenced every aspect of his social existence.

Terry explained the conditions of house arrest that allowed him three hours a week outside the home.

I've been on house arrest for twenty months and I'm on house arrest indefinitely. ... You can go to therapy at a set time. You have three hours a week outside the house where you can do errands. And for anything else you need permission... Permission doesn't come a long very often.

House arrest kept him separate from the community and restricted him to the confines of his home. It relegated him to a private realm, denying him a public or social existence. Proscribing the specific activities for which he could leave for a few hours a week, the sanction very directly controlled the nature of his routine day-to-day life as well as his movements in the community.

These conditions further entrenched him in an identity as sex offender. The additional activities for which he could leave the house – therapy and appointments with his probation officer – pertained exclusively to this status. He was permitted to enter the community under the condition that he did so *as a sex offender* participating in mandated activities directly linked with his management by the criminal justice system. This means that the majority of interactions he had were with people who knew he was a sex offender and who interacted with him according to that status. Thus, his participation in the world was limited to his participation as an individual who had committed a sex offense. His other identities were denied expression, movement and visibility; they were denied a stage on which they could be performed.

That he needed to ask permission for any contingencies that may arise reinforced his lack of autonomy and his dependence on the state. Placing Terry in the position of having to justify his actions, it denied him control over his actions, requiring that he consider what he might want or need to do in terms of the concerns of the social control apparatus. In this way official authority took on a reality in his thoughts. As he considered events for which he may ask permission, he would have to temporarily inhabit an imaginative space where the event could be possible. However, while opportunities may be envisioned, they could only be realized at the state's discretion. In this way the state was a presence in the mind of the offender which played a critical role in his ability to imagine the future.

House arrest is a method of social control that simultaneously keeps the offender both inside and outside the community. In contrast to those incarcerated, Terry could spend his time in the home doing as he pleased. He could wake when he wanted, and eat what and when he chose. He could dress however he liked, talk on the phone whenever he liked, and enjoy access to all his belongings.⁵ Control of his private time remained his. He could live within his home in many ways like someone whose life was not under state control. The ability to do errands allowed him a respite from isolation, a few hours where he could casually interact with members of the community as an ordinary citizen taking part in the ordinary routines of life.

Yet these “freedoms” were highly controlled and the conditions under which Terry spent his time in his home or doing errands in the community severely restricted

⁵ Of course, house arrest would be more comfortable for those whose material life is already more comfortable; the consequences of this form of social control are in this way largely affected by class.

his ability to perform many social roles. His life in the community was distinctly that of an outsider whose day-to-day routine was circumscribed by the criminal justice system and whose routines were highly surveilled. Enforced isolation is in-and-of-itself a “lifestyle” that differed dramatically from those of Terry’s neighbors and the people with whom he might interact in the supermarket. His life was significantly different than those around him, and it is difficult to imagine that his limited activities in the community mitigated his sense of his outsider status or provided a significant reprieve from the heavy weight of social control apparatus. This is a prime example of Spencer’s argument that today’s sex offender is a “homo sacer” living in a “camp” that is diffuse throughout society and which creates “an indistinction between exclusion and inclusion, resulting in an inclusive exclusion of the homo sacer” (Spencer, 2009, p. 223).

When he did leave the house for his three hours of running errands, Terry was required to wear a GPS monitoring device that allowed law enforcement to track his exact whereabouts. This device was worn around his belt and looked to be about two inches thick and four or five inches square. It was obtrusive, and Terry believed it was deliberately intended to stigmatize him as a convicted criminal.

I’ve had GPS devices on for 20 months, um, they were different. They are getting a little better. When they first started they were the size of a cinder block you had to carry around, and then it got down to the size of a brick. And now it’s down to this...It’s just another way to put a scarlet letter on you. On your chest... They could make it the size of a cell phone if they wanted to. The cell phone size is easy. I don’t know why they have to have this size for that. You know. Always the reminder there.

Whether deliberately so or not, the cumbersome device functioned as a constant reminder of his status as sex offender, preventing him from inhabiting a normalized identity. Not only were his movements tracked by the state, but he emphasized that the mechanism of

tracking, the device itself, would not let him forget his status and served to set him apart from others.

Offenders on house arrest who have jobs are allowed to go to work, but this activity is highly monitored:

If you are working you are allowed to, um, go to and from work. As long as you take the same route every day and the same times every day. You just have to carry the GPS device and wear the bracelet.

However, as will be discussed in the next section in greater detail, Terry lost his job as a result of his most recent arrest. The provision allowing him to pursue work activities was moot in this case, and there were no provisions for work-seeking activities. Thus the unemployed offender on house arrest endures greater isolation than those employed and is limited in his ability to pursue employment. In this way, the sanction inadvertently metes stronger control on those who may already be marginalized and/or isolated.

The conditions of house arrest isolated Terry and prohibited most forms of social activity and contact. Structuring the nature of his day-to-day life, the state denied Terry control of his routines at the same time that it denied him opportunities to perform social roles. Limiting his out of the home activities to those which related to his status as a sex offender, the conditions of Terry's probation relegated him to arenas wherein the only identity he could perform was a highly stigmatized one.

Four of these six men served jail sentences ranging from 10 days to 9 years. They were all then monitored within the community. The conditions of probation and parole and registration notification policies generated a pervasive level of stress among these

men. These restrictions served to reinforce their status as sex offenders and left little room for them to escape their label. The restrictions were also experienced as anxiety about the future over which they had little control. Ontological security was undermined and social vulnerability enhanced. These restraints curtailed the possibility of autonomous activity, creating a state of helpless dependence on the state.

II. Employment

The work one performs is directly related to one's social status and class, affecting one's material conditions, consumption opportunities (increasingly significant in the expression of social identity in the modern world), and sense of security. In addition, work is often closely tied to one's identity. For many people performing one's "professional" role is a large part of the presentation of self. As Americans spend more hours a day at work, the workplace has emerged as a potentially significant site for community connectedness. Although Putnam argues that workplace ties tend not to be intimate or "supportive," they still can offer the opportunity for "rewarding friendships" and "a sense of community" (Putnam, 2000, p. 87). Putnam also observes that "for the one American adult in three who is not employed, workplace ties are nonexistent" (ibid.). Thus, even if the workplace doesn't offer as much potential for social capital as one might wish, those denied work do not even have the opportunity of establishing these kinds of connections.

Although SORA does not ban sex offenders from pursuing any particular form of employment (other than operating an ice cream truck), many employers perform background checks and will refuse to hire convicted felons, particularly sex offenders.

This means that in pursuing work options, sex offenders must rely on either marginalized, “off the books” jobs, or jobs they can secure through personal connections. Because of these limitations, convicted sex offenders are potentially excluded from high status careers and high paying jobs, putting them in a socially insecure and downwardly mobile position where the privileges and comforts of middle class life are closed to them.

In this section I address the ways in which their convictions for sex offenses impacted participants’ employment status. In particular I explore the ways in which these consequences affect their identity, their status in the community, and their economic prospects.

a) Tim

Tim had worked the same job for several years at the time of his arrest. He had not been overly concerned about letting his employers know about the offense and stated that the business already employed a number of former inmates and “people that had been through the system”. He said that when he told them about his arrest “they didn’t care”. Tim was not aware of being stigmatized on the job and was in an establishment where his deviant behavior did not “other” him from the community.

However, because of a subsequent health incident, he did eventually lose this job. He stated that because of the nature of the job, he could not return to it: “I couldn’t go back [to that industry] because it’s too much stress.” While his disability limited some of the jobs which he could consider, Tim’s conviction for a sex offense even further limited the availability of positions that would be suitable for him. Tim believed his health would not interfere with a number of government jobs, but recognized that as a sex offender he would never be eligible for them .

If I ever wanted to get a decent job like let's say working for the transit, or working for a city government agency, I could never get any of those jobs now, because of my offense. Because I have a felony charge.

Tim was frustrated by his financial situation and resented that he was charged with a felony for a non-contact crime without an actual victim: "I mean, it was just a set-up".

The conviction further entrenched him in the dire financial straights he found himself in by barring him from well-paying jobs with security. Dually limited by his disability and his conviction, Tim was shut out from opportunities that could alter his financial condition and help him enter the working class.

b) Reggie

Reggie was unemployed at the time of his arrest. He had worked at a corporation for nearly ten years as manager of its mailroom. He enjoyed the responsibility, the pressure of meeting deadlines, and the professional environment. He had been laid off because of cutbacks at the beginning of the recession and had been unemployed for a couple of months prior to the arrest. He was currently still receiving unemployment benefits from the state.

Living on unemployment benefits, Reggie was in a vulnerable financial position at the time of his arrest. Although he reiterated that was only a Level I offender, he was convicted for a minor felony for sexual contact with a minor, and this showed up on background checks. He stated that he could never have the type of job he had had previously because of his record. Thus, his conviction had a significant impact on his ability to find meaningful employment of the kind he was accustomed to and would have liked to pursue.

Reggie had applied for a number of jobs and in the process the potential employers all ran background checks that disqualified him from the positions. He stated that these experiences were very “discouraging” and his words reflected a sense of frustration and futility.

Even when you apply for a job and they tell you you have to sign this form for a background check. You don’t even want to go that far with the interview because it’s going to come back that I was charged with sex abuse forcible touching.

Reggie suggested that it was futile to present himself to potential employers because they would not consider him once the discrediting information was known. For this reason he felt he had few realistic options.

In addition to not being considered for jobs because of his background check, Reggie had endured humiliation from interviewers in human resources who confronted him with his stigmatizing label.

I went for one interview for a temp agency, and one lady came back and she was like, “My God, you’re a rapist! You’re a rapist!”

Describing this encounter, Reggie expressed outrage at the word rapist, which he argued did not describe the situation between him and the victim (with whom he had not had intercourse). Reggie said that this experience “was terrible;” the word rapist “leaped out” at him and made him feel “like the sticky stuff at the bottom of a barrel.” Although “shocked” at the way she threw the word “rapist” at him, he stood up for himself and confronted her.

Basically what she’s saying to me, it’s against my rights. You’re not supposed to speak to me in that manner, you know. Disqualify my application and that’s it. But she personalized.

By personalizing he meant that the interviewer had made statement about him as a person. She had reinforced a stigmatizing label in a way that had personally offended him. He was confronted with dealing with her as a person who was judging him, which was different than simply managing bureaucratic protocol.

As someone on probation, Reggie was eligible for a course on employment-seeking designed to help people with criminal records find jobs. Although he learned a few important techniques for managing discrediting information, overall the course further contributed to a sense of futility, hopelessness and powerlessness. In describing the course, Reggie expressed cynicism about its true purposes.

I graduated from an employment course that they sent me to, which they're supposed to help you find jobs. But it's more of they get funding for each person that signs up. After I received the certificate and I sat down with the advisor, I haven't even received a phone call in three weeks. And they're supposed to do some of the footwork and I do some of the footwork. And the reason I know they get funded for it, because if I have a lead on a job, they want to be contacted and let them know.

Although Reggie had earnestly attended the course in the hopes that it would help him find work in spite of his record, he left the course feeling frustrated and believing that he was just someone in a system that processed him for its own aims and continued functioning. He was willing to put effort into job seeking but found there was no support for him in these endeavors.

Looking for the good in the situation, Reggie acknowledged that there was some practical information imparted.

So the only thing they taught us was that if you sat down with an interviewer, to explain, if they ask you to explain your conviction, make it from a negative to a positive. Don't really go into it, just let them know I was convicted of a non-violent, non-theft crime and during those two years I've been in the programs to better myself, and I've also helped counsel others and like that.

In this way, Reggie hoped that he would be able to use some of the techniques they taught him to neutralize the stigmatizing information. He very much wanted to improve his material and social situation, and was frustrated that there were few opportunities available to help him better himself. Even feeling that he had tools with which to talk about his situation should he get a job interview, Reggie continued to express frustration with the fact that since the program he hadn't "received any phone calls, any leads, anything..." This contributed to a sense of despair about the future and the sense that there was little that he could do to influence the course of events.

c) Aaron

As we saw in the previous chapter, Aaron's management position and work environment was deeply important to him. In addition to providing economic stability and material comfort, the job provided Aaron with a sense of meaningful contribution to the world. Furthermore, he was embedded in the social fabric of the institution and had many strong bonds with colleagues. The loss of this job as a result of his sex offense conviction was particularly devastating to him, severing him from his own professional identity, economic standing, and social ties.

Aaron was publicly arrested at work. The police came to his office, handcuffed him and escorted him from the premises. When they first arrived and wanted to speak to him, Aaron was not concerned because he often interacted with law enforcement in a professional capacity.

What happened was the police came to my job, and when the police came, you know, I've always interacted with the authorities, because of our caseload.... So when they showed up and said they were here to see [me], I said "yeah, that's me." I had no idea what was going on. So when we went into my office and everything, and they said they were here to arrest me on this charge, I was floored. And then [my manager] had to become aware, because it happened on

the job. I said, “Well, listen, I’ll go with you guys. It’s not a problem, but you can’t put handcuffs on me in here. Let me walk outside because it’s my job. But they were not sensitive to that at all. They were not sensitive to that at all.

Here he described how the police publicly stigmatized him in his professional setting, making a spectacle of Aaron and creating a situation where colleagues needed to be aware of what he was charged with.

Aaron was dismissed as a result of this arrest and his subsequent conviction, although he went to the union and tried to fight the decision. The loss of the job entailed the end of his career in human services. He asserted that the nature of the charge against him disqualified him from that arena where he felt that “people, they don’t want to have anything to do with me, because, now you’re dealing with people.” By this he meant that the fact that his job involved working from a position of authority and in a helping capacity made his sex offense conviction that much more consequential. This frustrated him because he claimed the act he was charged with “didn’t have anything to do with any client.” In spite of the fact that he believed his offense was unrelated to his work situation, this door was firmly shut. Aaron found himself unable to find employment in the field in which he had been working for twenty years because of the extent to which he had been officially discredited by the conviction.

Needing a salary, Aaron applied for civil servant jobs in public administration, but, like Reggie, quickly found that any employer who performs background checks would not consider him. Aaron described applying for one position and completing several stages of the hiring process.

And they did a whole background check on me, so they knew. But when I went to the last interview – which they said to me I was clear to go to – the supervisor at that particular plant came and interviewed me and said, “unfortunately we

cannot offer you a position at this time because you're currently on probation." I said, "Wait a minute, GIS (which is the tracking service, the government information service), they were aware of all this..."

Aaron believed that although the reason they gave was simply that he was on probation, the truth was that they did not want to hire someone with a sex offense conviction. He argued with the interviewer:

So I said, "I don't believe. Where's that in writing because you are currently on probation you can't have this employment?" I was upfront with them. I was truthful with them. I said, "maybe I think this is your bias." But he said, "You have to leave the building." So I couldn't complete the interview. But how became aware, I have some friends that work [there]. They told me just put everything upfront in your application and they won't discredit you. But at the last minute, the rug was pulled from under me.

Aaron insisted that each time the background check disqualified him, the underlying reason was the "nature" of his conviction. He surmised this from the fact that employers were willing to talk to him in spite of the fact that he had a criminal conviction, and did not rule him out until specific information about the offense became available. He argued that "just the connotation of that label – the label itself has tremendous negative impact."

Aaron reviewed his situation and tried to get a sense of what his employment options were. It was important to him that he find "*meaningful* employment", but as he considered the possibilities, this goal seemed more and more unlikely. He explained that each new career he considered brought up issues that made it an unpromising prospect because of his sex offense conviction.

I would report to the probation officer. I would let him know about the dilemma because the big thing there is they want you to get employment. And I said, "So this is some of the things I was going to do." I was going to go take a course in cable installation. The probation officer said, "Nah, I don't think that's a good idea for you." I said, "Why?" He says, "Oh, because you're going to be in

people's homes." And, well, I'm not going to be in people's homes by myself, but he shot that down. I said, okay, fine. How about, I used to do videography work. I used to videotape weddings and bar mitzvahs, all of those things. So I said, maybe I'll go back and do some independent videography. "No, I don't recommend that because you'd be using a camera." But I had no charges on that. There's no video, no camera, no internet. But it's like everything I was trying to do. So was like, now let me see if I could perhaps go into some type of small business where I go into a cleaning business. "No, we wouldn't want you to do that because of the hours." But, I said, "I'm on probation, they never stipulated no curfew to me..."

Aaron described being thwarted at every turn. Every idea that he presented that could relieve his financial situation and provide him with a livelihood was dismissed because of connotations associated with sex offenders. Although there was no reason why Aaron's offense should render him a danger in someone's home as a cable installer or cleaning person, the probation officer put forth a conception of him as potentially unsafe in these circumstances, and treated these ideas as if they were out of the question. Although Aaron's offense did not involve camera equipment or pornography, and although he was not aware that his probation prohibited him from taking pictures, the idea of a job using a camera and possibly involving photographing children also raised a red flag for his probation officer. The sex offender label's connotations with pedophilia intruded on this officer's management of Aaron's case and led to him reinforcing Aaron's stigma. So this idea, which might have afforded some creative stimulation and financial relief for Aaron, was also tabled. Thus, Aaron found himself "between a rock and a hard place" where there were limited options for him in terms of the type of employment he could envision for himself. Unable to see any appropriate form of work available to him, Aaron expressed a sense of frustration regarding his current situation and slight despondency regarding the future:

I told the probation officer, at my last visit, I said, “I’m [between] a rock and a hard place.” He stops me, and he says “I too – a rock and a hard place. Because you, as far as employment, you’re either overqualified or under-qualified.” Being fifty years old, having a probation officer that’s much younger than me – you know what I’m saying? It is what it is. It’s difficult. And not being able to provide any type of resources. Again, having a criminal conviction of this nature, being fifty years old, trying to go back into the workforce. Potential employers are looking at you, “You’re fifty years old; you’ve got this recent conviction over you.” You know what I’m saying?

The loss of his career and lack of viable options at his current stage of life were particularly difficult situations for Aaron to manage. Emphasizing his age, Aaron implied that these losses impacted his sense of self worth, or rather his sense that it wasn’t socially appropriate, at his age, to be unable to support himself in a meaningful way.

Aaron had formed a number of important social connections with colleagues at his former job. However, after his public arrest he found that many of these friends no longer wanted to associate with him. He stated that he didn’t have to tell anyone at work what happened because everyone already knew.

Working in the [social services] is like working in a Payton Place. I was a guy that if I was going to lunch, I would go to the [staff] and ask, “listen, you guys want anything...” I was always the one that was always participating and things like that. And after this event took place, I went back [once] and I noticed how there were some people that I developed a keen friendship with that was like “I’m really sorry that this devastating stuff has been happening to you.” And then there was other people who were very fair weather types. Distant. Distant. It was just different. The whole interactions was just different... The biggest thing: the phone. It stopped ringing.

Not only did Aaron lose his salary and professional identity, but a number of the social bonds he had invested in were damaged. He had asked ten people to write character references for his trial, and a number of people refused to do so.

Then I had some people write, “due to the nature of the charge that you’re being charged with” you know what I’m saying? “I find that inexcusable and bah, bah, bah” and “I can’t support this, dah dah dah”

Aaron found that the nature of his offense opened him up to the judgment of peers who would not condone his actions and would not support him in his attempts to exonerate himself or mitigate his sentence.

d) Raoul

Raoul’s life was dramatically uprooted and irrevocably altered by the nine years he served in prison. Previously he had worked in a variety of jobs, such as painting and construction. He never belonged to a union and often maintained several jobs at one time. After his release from prison he was faced with the difficult task of re-entry and was pursuing a training program paid for by the state. He found the application process highly distressing because it involved explaining his criminal record to the school’s admission counselors and other administrators.

When I was trying to get into school, I had to go through three interviews, with the counselor, the president of the school, all because of this. I was like, you know, yeah I got a sex offense. I had to tell them... They asked me what was you in prison for... There was a big time span there that was unaccounted for... “I was... in the department of corrections.” “For what?” “For a sex offense.” “Well you know, what kind of offense?” and I tell them, “I took some photographs of my stepdaughter’s vagina, uh, I got charged with a lewd act, using a child in a sexual performance, child pornography. Uh, it was a isolated incident.” People don’t tend to believe, though.

The three separate interviews “because of this” indicated greater scrutiny of his life by non-state actors, and a greater level of administrative procedures with institutional gatekeepers. In detailing the dialogue that took place, Raoul offered a clearer sense of the difficulty of “that discussion” which Karl had only alluded to in his narrative. The administrators wanted to know exactly what kind of sex offense he had perpetrated,

indicating that what he actually did was of consequence to them, and perhaps indicating that they did not lump all people labeled sex offenders together. In providing the information, Raoul relied on the stark official language of his formal charges (“a lewd act,” etc), possibly to distance himself from the information in order to lessen the discomfort of having to disclose the nature of the incident. To make the actions seem more acceptable and himself as less dangerous, Raoul asserted that the offense was “an isolated incident;” it was not part of a pattern of behavior. He communicated that the deviant behavior was just that: a behavior. It was one action among all the actions of his life, something he *did*, but not who he *was*. It was not something that should be seen as indicative of his identity. This is a distinction that will reemerge in his narrative, as well as those of other participants, and its significance to social identity will be explored in the following chapter.

Although he was accepted into the program, this fact did not prevent him from arguing that for the most part people still see “sex offender” as a master status: “People don’t tend to believe, though.” He expressed a sense of futility regarding efforts to be viewed by others on his own terms.

e) Karl

Like Aaron and Terry, Karl had invested years of his life cultivating a career path. He was an educator who had planned on teaching from a young age. With a Master’s degree in education, he had always worked with middle school children and adolescents. In addition he had always maintained leadership roles in programs at several churches. Because his offense was against a student at the school where he was teaching, he was dismissed as soon as allegations were brought to the administration’s attention. Karl

maintained a part-time job with an artist, and because of the strength of this personal and professional relationship this second job remained intact. Yet, the sex offense conviction had thoroughly affected the career he had spent his life training for.

I'm in a big transition. I was a teacher before. I was an educator. So that career is kind of like no longer.

Significantly, he referred to teaching in terms of being, not doing. It represented the person he was, not simply a job which he worked. He had a strong, long-nurtured connection and commitment to this identity. His deviant behavior led to the immediate severance of this tie, and the long term consequence was that he would never be able to return to this profession. The phrasing, "that kind career is kind of like no longer" relied on understatement, leaving the impact of the loss to the imagination and implying a dead end. As his career trajectory was abruptly halted, he found himself not only stripped of a connection to an important aspect of his social identity, but stripped of future possibilities in this field.

In order to make up the lost income, Karl pursued off the books odd jobs obtained through personal connections.

I started working... through a referral. And I was doing a lot of waitering because I already knew these people. I didn't have to go through the whole interview, application process.

Karl was fortunate in that he had an extended network of contacts on which he could rely. This made it possible for him to avoid the exposure and rejection that he feared a formal application process would entail. He would not pursue anything "that would mean a background check". However, the positions he had taken through informal networks were inferior to the position he held at the school. While they did not provide the fulfillment he found in teaching, they also did not provide the same social status. They

were sporadic and were not a reliable source of steady income. Nor did they offer benefits or legal security. In these ways, Karl had been socially demoted, moved from middle class status to working class status, as a consequence of his sexual offending.

Avoiding official application processes was of prime importance to Karl. He saw it as requiring a difficult conversation involving exposure and explanation.

I just didn't want to be involved in going through an application process and people finding my records and then having to have that discussion. Getting hired when you have a record of any kind isn't easy, but especially when you're a sex offender it's a totally different ball game. And they don't really care what you did. They don't care about you as a person. They just see that and that's what they see and they don't go any further.

“That discussion” was a phrase which appeared several times in Karl's narrative. It implied a weary familiarity with a difficult and unpleasant chore, at the same time that it expressed anxiety. He anticipated having to tell people about his offense and expressed anxious frustration at having to contend with their reactions which he presumed would be based on stereotypes about sex offenders and pedophiles. He recognized his dual stigma – as both someone with a criminal record in general, and as someone convicted of a sex offense in particular. This type of offense, he argued, defied explanation (“they don't really care about what you did”) – that is, the stigma could not be weakened by explaining mitigating circumstances. He expressed that once they heard the label, his potential audience would not be interested in details that might humanize him in their eyes. Karl believed the details of his crime would be less stigmatizing if others were aware of who he was “as a person” – if the action could be placed in a context he had power to define wherein his non-deviant behavior could be taken into account. However, his experience was that the label was usually seen through a lens of stereotypes and

presumptuous associations. He was certain his listeners would bestow a master status on him as a sex offender that would preclude and override everything else about him.

f) Terry

Prior to his most recent arrest, Terry had worked in the same field for twenty years. He interacted with the public as a representative of an institution which viewed itself as integral to the neighboring suburban communities. Through his work, Terry performed a social identity that was highly significant to him, and when his offences were broadcast he immediately lost this connection. Once his picture and the details of his crime hit local papers and TV news, every aspect of his life was affected. His employer was quick to take action.

One of my arrests was chronicled in the newspapers and [the place where I worked] decided to offer me a severance package so that I would no longer be working for them. They made me leave work immediately.

Unable to control information from being publicized about him, he was suddenly transformed from a discreditable person (about whom “his differentness” is “neither known about by those present nor immediately perceivable by them”) to a discredited one (about whom the stigma is “known about already or is evident on the spot” (Goffman, 1986, p. 4). He moved from being a person who was able to hide his crimes and relegate them to his “double life”, to one about whom stigmatizing information was generally known.

The publicity alone was enough to discredit him and enough for his employers to make a decision. It is possible they were concerned that his personal stigma would spread to the institution (what Goffman terms a “courtesy stigma” [ibid., p. 30]). It is also possible that they based their actions on an underlying assumption about how the

public would react to him – with the distrust, disgust, and fear the public has toward sex offenders. The institution may have been worried that if they did not take action they would be seen as endorsing his behavior. Viewing itself as playing a prominent role in the community, it might feel a particular obligation to uphold the community's values, to preserve the collectivity's identity and boundaries.

Losing his job severed Terry from his identity as an important and upstanding member of his community, and cost him all his professional contacts. People at work had to make sense of this new, stigmatizing information.

They didn't know how to handle it. I had relationships with a lot of these people for twenty years and some weren't answering calls anymore and others were just aloof when I did contact them.

Colleagues and customers who refused to speak with him, or who were "aloof" presumably altered their representation of him as he became discredited. Although he did not commit professional misconduct (nor commit acts on company time or property), he lost all professional credibility.

Prior to the media exposure, he lived among colleagues and customers in the professional role that he had cultivated throughout his adult life. That role had become his master status. The deviant behavior that took place in one realm (and which presumably did not affect his professional acumen) now over-rode his performance in another. It is worth noting that he was committing deviant acts the entire time he worked at this institution. It wasn't the behavior itself that interrupted his career but *knowledge* of the behavior. People make assumptions about people they interact with, and expect that behavior in all spheres will conform to role expectations. As a professional who interacted with a variety of members of the community, Terry particularly needed to be

able to keep his deviance private. Because of the status he held in the area, he had a heightened responsibility to refrain from deviant behavior in order to maintain his social identity.

Terry had spent his whole adult life pursuing one career – everything he had built was now void. He was not trained for anything else.

So I had to switch careers and there weren't many careers out there that I could do... It was very difficult.

With his entire professional identity discredited and his career virtually over, Terry found himself only able to perform a limited set of functions pertaining to his lifelong training in one field. He described having few opportunities for employment outside of this area. In addition, his status as sex offender made it hard to find legitimate work of comparable social status. To make ends meet, Terry was working at home at independent pursuits he managed on the computer. Because he worked for himself, he did not have to worry about disclosing his criminal record to anyone. However, he was engaged in an extremely risky financial undertaking and was in an economically vulnerable position. Furthermore, he was professionally isolated with few opportunities to interact with others in socially meaningful ways that might reinforce an identity from which he could derive esteem and a sense of belonging.

The impact of their sex offense convictions was most keenly felt in the area of employment. Although only one participant had an offense that related to their job (Karl), half of the men lost their job as direct result of their convictions. The loss of their job meant a loss of careers in which they had invested years of their lives, and this

resonated as a loss of a meaningful social identity. The specter of background checks loomed large for all participants who recognized themselves as essentially barred from legitimate employment. In addition they recognized the fact that as sex offenders they bore a double stigma – as felons and as sexual deviants. This would make the job search even more frustrating and fruitless. Some reported additional frustration with the fact that probation officers could offer little help in their efforts to find work. Their status as convicted sex offenders severely impacted their ability to find employment and left all these men in a financially vulnerable position with little hope for future opportunities.

III. The Loss of Community – Additional Consequences Experienced By Terry

As previously discussed, Terry's narrative differed in a number of ways from the others presented in this study. Terry occupied a higher status and was embedded in a suburban community prior to his most recent conviction. Most importantly however, unlike other others, he had a history of deviant sexual behavior and a history of arrests for sex offenses. His last offense was publicized throughout the community. In addition to these differences, the consequences of Terry's most recent arrest were more severe and extensive. In this section I turn to some specific ways in which Terry's connection to the community was severed that were unique to his narrative. Combined, these represent a near complete annihilation of community connections and opportunities to express a social self.

Although his father and brother maintained their relationships to him once they found out about his offending behavior, almost all of Terry's other social connections were damaged by the publicized information.

Terry had been involved in church activities since he was child. This connection provided him with many social contacts with whom he shared a history. As a result of his arrest, he was excommunicated from his church.

I definitely had [gone to church regularly]. Recently when it came out in the paper, the church decided to um, kick me out. Yup. And I haven't found another one yet. I'm looking a little bit. But I was very regular, three or four times a month.

The phrase "kicking him out" indicated total expulsion and implied a lack of negotiation. Once they had discrediting information about him, they excluded him from their community. As he stated, he had been an active member and the connection was meaningful to him, both socially and spiritually.

The church was a very, very difficult situation, because, you know I really felt that I contributed a lot. I was involved in a lot of the events and you, it was difficult.

Terry implied that his contributions to the community were not valued once discrediting information came to light, and the difficulty he spoke of suggests that this was a painful loss.

Terry described himself as a social person. Unfortunately as a result of media exposure he lost a number of friends and informal social contacts.

Yeah, the community is difficult too. Everyone except one or two friends has disowned me from the community.

Those that maintained contact altered the nature of their relationship with him and confronted him with their feelings.

When I was in the paper, my friends, um, all just left me. I did talk to some of them that were willing to talk, and you know, they said that they were annoyed that I was let into their house. You know they let me into their house and that sort of thing.

That they had feelings about letting him into their house indicates that they restructured their account of their past with him in light of the new information. That is, they revised their narrative of their relationship. What had presumably been friendly interaction in the home was seen as a potential invasion by a dangerous other. They indicated that they would not have let him in had they known about the discrediting information.

Sports had been an important part of Terry's life since childhood. This activity is an important vehicle for male bonding, and provides opportunities for developing and displaying mastery of skills, as well as an opportunity to relieve stress. As an adult he played on several different teams, all of which dropped him upon learning about his offense.

My sports groups, my pool team, my soccer team, all kicked me off the team and would have nothing to do with me.

The loss of these activities and the social contact they entail further and more completely excluded Terry from the community.

Finally, Terry's sister learned about his history of sexual offending at the same time as his brother and father. She, however, had a very different reaction than they had. Terry reported: "My sister disowned me at first." Being "disowned" implied a total severance and annulment of a connection. However, he continued to explain:

There was no particular conversation. There was just a change in attitude. We used to contact each other every day and then, you know, then contacted each other once a month. We used to vacation together. And um, it was kind of an aloofness the last time we vacationed together and she wouldn't let me sleep in the same area as my niece, that sort of thing

Rather than completely ending all contact with him, his sister withdrew from the relationship, establishing distance by speaking less frequently and treating him

differently. Not letting him sleep near his niece indicates that she saw him as a sexually dangerous other, one who could not be trusted near children. She constructed him as deviant and changed her view of him in light of the connotations associated with his label.

His sister's attitude eventually changed. Like his father, she invoked an illness paradigm to explain his behavior, and to help integrate his new label into a social identity.

That was previous to my most recent arrest and when I got arrested again it actually made her think, or believe, that it was an illness. You know. And something that maybe psychological help could overcome.

Although still keeping a distance from him, invoking the medical paradigm helped her mediate and mollify the meaning of his stigma, and allowed her to reconceptualize him as a potentially transformable and potentially pro-social self.

With the exception of his contacts with his immediate family, Terry was completely banished from the community and left with no intact bonds. It can be speculated that the nature of his crimes (offending against strangers), their frequency, and the publicity they received served to more firmly invoke stereotypes of sex offenders and more effectively cast Terry as a dangerous outsider. More than any participant he was treated as a full pariah with little recourse to meaningful social supports or relief from the stigmatized identity. The "normal" and "separate" life he had worked so diligently to maintain was completely destroyed.

IV. Housing

Megan's Law emphasizes "community" notification. At the policy's core is a sense of "meaningful" communities (Jonathan Simon, 1998). While residential communities, based on geographical proximity, have become less central to people's sense of identity and belonging (Wirth, 1938), the law invokes the concept of tightly-knit middle class neighborhoods built around the nuclear family and where people rely on each other and share social connections. Megan's law emphasizes informing the public of sex offenders living in their midst – not working in the neighborhood necessarily, not socializing in it, not shopping there, etc., but residing there. For this reason, housing has been one of the most salient issues in general public debate about sex offenders. Community members do not want offenders living with them. Community leaders petition to make local laws about where offenders can live more and more restrictive. For instance, increasing the distance from schools where they can reside. There are also concerns about neighborhood vigilantism and harassment (Meloy, 2006, p. 44).

Most of the men interviewed for this study, with one notable exception, did not experience any incidence of harassment or endure any sort of particular attention regarding where they reside. Although Terry, a homeowner, lost his job, was excommunicated from his church, and thrown off of local sports teams, he did not report any concern expressed nor actions taken by his neighbors regarding his status. Raoul lived with his mother in a neighborhood where people knew him, and was part of a low-income urban community that was in part comprised of people who have been processed through the criminal justice and/or the social service systems. His status as a sex offender did not raise any particular issues in the neighborhood. Reggie felt very connected to his neighborhood as he had grown up and lived in the same area his entire

life. Many of his neighbors knew about the incident and his charge, and for a long time he felt a deep sense of shame and exposure in the community. However, in spite of his feeling of exposure, he did not report any conflict with neighbors. Concerns about neighbors were also absent from Aaron's narrative.

Megan's Law, however, has contributed to a landscape of fear and distrust that affects many sex offenders, regardless of their actual experience. In Karl and Tim's narrative, stories heard in their treatment groups and on the news entered their subjective sense of who they were in the community and informed their sense of the generalized other's attitude toward sex offenders. Before discussing this aspect of anecdotal, imagined, and feared harassment, I will present in detail Karl's story of "the angry villagers."

a) Karl

Although all the men expressed some degree of fear or concern about being harassed by neighbors and/or thrown out of their residences, Karl was the only one who actually endured it. Karl worked in the home of a gay couple that lived in an affluent suburb. Because he worked out of state, he was required to register there and comply with that state's laws regarding sex offenders. Information about him, including his picture, was posted on the Internet. A member of this suburban community learned about him and informed the neighbors who mounted a campaign to have him fired. This event was of such significance to Karl that retelling it took up a large portion of his first interview.

They started calling the sex offender registry in [the other state] and [here], trying to find information about me, why am I here and what kind of a crime did I commit, and trying to get the details on all of that information, and because I had,

it had my birthday and all that kind of information so when they call... they can get more information about the crime.

With little effort an individual in the community was able to procure information regarding Karl's status as a sex offender, in addition to other identifying information. Karl did not know what prompted the search in the first place or who initiated it. But once the community was made aware they began to complain to his employer.

It was to the point where they were really calling a lot...it was just to the point where they were harassing [my bosses], like, "we need to change this." And I was like, "but I can't change it. If I'm there the state has to know I'm there and however the state chooses to list it on their registry is however they choose to list it.

Karl says that the harassment escalated to the extent that the neighbors called police and claimed that he wasn't there when he should have been.

But they had called the state police, maybe it was the local police. They don't give me all the details and all the information, because they don't know if I'm going to, if someone's going to go and retaliate or whatever... So I get calls from the state police saying "look, you know, we were informed that you weren't working at the address where you registered, and the local police went out and you weren't there and so, you need to call us, or a warrant is going to be issued for your arrest." ... And look they knew. It's all in the files that I'm not there everyday. It's not a nine to five Monday through Friday kind of job. It's a come and go; it's not that structured. My probation officer knew, and she knows when I'm there and when I'm not there and that's all in the file, but the guy didn't look in the file. He just looks in the computer and sees that I'm registered that I work there, and then is like "why aren't you're here?"

Karl's anger and indignation with the events was clear. Although the law allowed him to work there and his probation officer understood that it was a part-time job with unstructured hours, neighbors were still free to make the call and the police had to follow up on the complaint. Karl pointed out that although information about him was available to the public, he was not entitled to information regarding those who were harassing him.

This indicated that the non-stigmatized members of the community are protected by law enforcement at the expense of the stigmatized.

Karl's probation officer referred to the situation as "the angry villagers", and because they were really causing a lot of problems... it was inferred from my probation officer that I was being surveilled. I was under surveillance by the neighbors.

He was fortunate in that his employers championed him in spite of this pressure from their neighbors and their landlord saying that Karl could not be on the premises.

My boss's lawyer sent them something saying "look, you're not, this is basically not to be discussed, because on the website it says that you're not allowed to harass anyone based on any of the information found here."

Enlisting the services of a lawyer, they made it clear to the community that they would not tolerate neighbors pushing the limits of legal behavior, and indicated that it was the neighbors' behavior, not the presence of a sex offender, that was a legal issue.

In addition, Karl's employers attempted to educate the community about sex offenders in general.

[my bosses explained to the neighbors that] most of the cases of sexual activity and sexual misconduct with children are incest and pedophilia and generally happen within people of your family. With people you don't know about, it's not the people you know about that you need to be worried about... It's uncle Fred and Aunt Sally within your family. But of course they don't want to hear any of that.

Here the employers tried to inform them about the relative risks posed by the presence of an offender like Karl in their neighborhood. Asserting that it is people who are close to children that are most likely to transgress against them, they informed them that their fears were misplaced. The neighbors, however, were not interested in this information.

Karl believed it was because their concern was never about their children: "[When] the

neighbors got wind of it, they were like, ‘our property values.’” Karl reiterated several times that his took place in an affluent area where people were very concerned with their community’s image. Karl’s sense that they were upset about his presence because of material concern was reinforced by the fact that safety was never mentioned by any of “the angry villagers”: “They didn’t once address concerns about their children and the safety of their children.”

Karl’s experience with “the angry villagers” was an example of how seriously Megan’s Law and the registration of sex offenders is taken by some communities. Karl was fortunate to have an employer who stood up to their landlord and the neighbors. Other sex offenders may not have such a strong tie with individuals capable of advocating for them and influencing others.

“The angry villagers” episode led Karl to further speculate on why communities, particularly suburban bedroom communities, reject sex offenders.

It’s a stigma of it being listed in their neighborhood, because, and it’s the fact that, our children when they have play dates their parents look at the site and decide they don’t want their children to come over to play because there’s someone registered in the neighborhood.

He argued that the offender’s individual stigma can spread to the entire neighborhood, tainting it with ill-fame. He presented a projection of the neighbor’s projection of what other communities will think about them. In other words, he speculated that his neighbors feared that *their* neighbors would reject *them* because of Karl’s stigma. He implied that members of his community might not be afraid for their children’s safety. They were not necessarily worried that will harm them, perhaps because he imagined that knowing him “as a person” they did not actually see him as a dangerous other. Rather, they were afraid of what their friends would think.

Constructing an image of the way his neighbors internalized the generalized other for themselves, he invoked a picture of communities comprised of concerned and nervous parents checking websites, investigating their friends, and actively on the lookout for deviance. It is an image of people monitoring and surveilling their neighbors out of fear and distrust.

Karl repeatedly invoked class to explain the reaction of communities to the presence of sex offenders. He argued that in the racially mixed, working-class neighborhood he lived in, there was probably little concern about who is living amongst them.

If everyone in my building knew. Who knows there might be some issues in my building. But in another way I don't think there would be. I think they would be like look okay we just know that this guy lives in this apartment and we're not really like, like just be aware and take care of ourselves.

As emerged in the discussion of “the angry villagers,” Karl attributed heightened concern about his presence not to the protection of children but to the need to maintain property values. Gate-keeping was about maintaining the monetary value and social status of the community, not the moral values. Karl viewed people in working class neighborhoods as being less financially invested in the status of their communities, and therefore information about sex offenders was used solely as information about which they should “be aware” and “take care of themselves” – ie, in the case of the less affluent, the information really is used to protect children, and he saw that as being accomplished with a minimum of alarm.

Karl asserted that his status as sex offender precludes him every entering the middle-class housing market.

If I want to buy a co-op, [it's] probably not going to happen. How am I going to get approved to buy a coop when I have this kind of crime on my record? When I can't live within so many yards of a school? So many hundred yards of a school or whatever of a park. Well in this city it's really difficult to find a place to live that's not close to a park or a school.

As Karl recalled the life he had previously wanted for himself, he contended with the fact that his future options were limited. The problems he faced while on probation, would continue to thwart him because a) he had a permanent criminal record for a sex offense; b) he was required to register for twenty years; and c) certain municipalities bar sex offenders from living within a certain distance from schools. When discussing his neighbors' views about sex offenders, he invoked their need to protect their status. He recognized that he may in fact be permanently barred from the privileges of their status because of his legal and social stigma. Even were he to achieve financial success, he argued that he would not be able to buy into the kind of community he would like to be part of.

Karl vaguely referred to how far away from schools he must be. The "whatever" he used expressed disdain for the law, and dismissively implied that the number itself was arbitrary. This suggested that the physical distance was not necessarily related to the community's ability to protect children, and in light of his theory of why communities are concerned about offenders, implied that he believed the purpose of these kinds of laws was more about exclusion than protection.

Other offenders' experiences with landlords and neighbors contributed to Karl's sense of fear, and reinforced the negative impact of "the angry villagers" episodes. Group therapy provided a forum in which sex offenders heard other offenders' stories. These entered Karl's imagination and contributed to a shared landscape of experience.

Well I'm in my group therapy and... I hear stories of a lot of not so pleasant things. Where people are really harassed or where people lose their house because the landlord gets pressure from the neighbors because they're renting to a sex offender and they need to stop, and then they lose their apartment, and then they have to find a place to live.

That which had happened to others in his situation was as vivid for him as that which he had experienced himself. The possibility of being forced to leave his apartment contributed to a sense of instability and ontological insecurity that pervaded his narrative. Even though Karl was for the moment in a secure living situation, accounts he heard in group reinforced the fact that he could not take his situation for granted. He continually experienced the possibility of social rejection, exclusion, and banishment.

b) Tim

Having lived in the same working-class neighborhood for a many years, Tim claimed that he had a sense of his neighbors' strong opinions regarding sex offenders.

Well, I didn't tell people in the building about the sex offense. But I had asked them how they feel about sex offenses. And I have a general sense of how they feel and that's why I've not disclosed to them that I am one.

He had enough of a rapport with community members to begin a dialogue about sex offenders, and the vehement reactions he received led him to keep his status to himself. In this way he recognized himself as discreditable, someone who would be rejected from his community if discrediting information came to their attention. Because he was listed on the state website for sex offenders, this loomed as a distinct possibility. The fact that he felt he needed to conceal his status indicated that he lived with a sense of shameful difference from those around him.

His report of his neighbors' reaction reflected a critique of the criminal justice system for being neither consistent enough nor punitive enough with sex offenders.

They figure they should be locked up for whatever the sentence was for the duration for whatever the sentence was for probation. Instead of probation they should just get the jail time and then do probation afterwards. Some others say they should be taken out back and shot, which I don't take that, straight at the face of looking at it. People don't like the idea that sex offenders are walking free.

Although he shared his neighbors' attitudes (which will be further discussed in the following chapter), the fact that such extreme, albeit hyperbolic, measures entered the discussion reflected his awareness of the seriousness of his position as a sex offender in this particular community. The extent of the community's intolerance – or rather his perception of it – and unwillingness to incorporate sex offenders within its boundaries was described as potentially violent, and indicated that his need to keep his stigma a secret was in part motivated by fear and self-protection.

Like Karl, as a member of group therapy Tim also hears stories of harassment of offenders in their neighborhoods. One story stands out for him with particular vividness and involves an acquaintance he frequently referenced.

We had one guy last year ... He did twelve years in jail. He's a Level III sex offender. For life he's on the registry. And early in the year, last year, all the POs, including the head honcho of the department, and the borough president, borough councilman, comes to his house with all the probation officers, line up to find out how far he is from the nearest school. Find out he's less than a certain distance from the school and so he has to move out. They forced him down south... just because he was a Level III sex offender and he was 15 feet less than the actual range from the school.

Another example of how the collective experience of sex offender treatment created an inner landscape of possibility of harassment and banishment, this story concerned political excess. It was an example of what Goffman terms an "atrocious tale" – stories of "extreme mistreatment by normals" (Goffman, 1986, p. 25). Here Tim described a political, public mission, a spectacle to "force" out sex offender from the community. He

emphasized the display of power, the full weight of the social control apparatus mobilizing every thing it can in the purpose of expulsion. When Tim relayed this story, he seemed outraged, and emphasized that the individual in question was “a nice guy. I knew him.” – expressing frustration with the injustices that pervade the system. Implied in his depiction of this scenario was a sense of fear and a recognition that such measures could be applied to him.

Although the subjects interviewed for this study were living in stable residential situations, all of them lived with the potential to be harassed by, if not expelled from, their respective communities. Their own actual experiences formed only part of their sense of outsidership; these fears were reinforced and reconstructed in the collective sharing of stories that was part of sex offender treatment. Underscoring their social vulnerability and marginalized status as dangerous other, stories entered participants’ imagination and contributed to their internalized sense of social banishment.

V. The Loss of Subjective Bonds with the Community

Being convicted of a sex offense damaged participants’ connections to their community by restricting their freedoms, compromising their privacy, interrupting their employment and jeopardizing their class standing, and undermining their housing stability. In this section I explore the impact of these weakened social bonds on the way they internalized their connection with their community. I address the impact of the label on the relationship between self and the generalized other.

In narrative, subjective states can be gleaned through speakers' use of speculation and imagination – in this case, an examination of what they think others think about them, and about what they fear might possibly happen. It involves a projection onto the future and onto the minds of others, and often involves the experience of shame. In particular, this section illuminates ways in which these men conceived of themselves as outsiders.

That they articulated different aspects of the internalization of this relationship indicated different patterns of meaning unique to each individual. However, some participants were more introspective and reflective than others, and the interviews with Tim were particularly difficult. At no point was I able to elicit any narrative about feelings or subjective states, and for this reason the internalization of stigma will not be discussed in his case. In addition, Aaron's narrative concerned the loss of objective connections, particularly the loss of his job, and he did not reflect on his internal states.

a) Terry

Terry had been managing deviant identity for much longer than the others in the study, and the strategy he developed involved the formulation of a double life. Terry had been living with a discreditable identity throughout adulthood. From the first embarrassment he experienced as a consequence of an incident in high school, he learned that he would have to keep his behavior secret from others. Because he was caught early on (in high school), he thought he knew what to expect from others' reactions. He had thus lived with a private sense of having a hidden stigma. His narrative included aspects of having to manage discreditable information, as well as ways in which his perception of his community had changed since he was publicly exposed.

As we have seen, in constructing his narrative, Terry identified the first time he was caught as shaping the way he had since seen himself socially in relation to others. He had been rubbing his hand against a girl's "rear-end" in front of him during a high school class, and she turned and said something. This was followed by collective laughter and his response is worth quoting again:

I was certainly embarrassed by it. But I didn't realize really how important it was. It changed my whole personality. I was no longer sociable... because the hurt would be there if I made a mistake socially. The embarrassment gave me a feeling of uh, a very terrible feeling of embarrassment, and I didn't want to be awkward on social occasions and feel that again.

He identified a relationship between his action (touching the girl), the reaction to it (she announced his behavior), the subsequent public humiliation (the class's laughter) and his own inner state (embarrassment). He claimed it changed his "whole personality", and explained that by this he meant that he became more guarded out of fear of further exposure. His personality shifted to avoiding embarrassment/exposure. He later identified the laughter as taking on particular significance – that in fact the group's reaction was the only real consequence of this first sexual violation.

There were no other social consequences. It was in my head more, and it was very traumatic for me. The initial laughter. But... everyone still wanted to be a friend. There were no social ramifications from it. Just in my mind.

His inner state was most affected. He became transformed from someone who did not have or know that they had a stigma to someone who learned that they were discreditable. He was not fully discredited by this incident, however. It appeared that he did not earn a label from his peers as a result. But the mockery led him to reorient his sense of self in relationship to others around the fact that he had something discrediting to conceal.

Concealing his behavior from people who know him established a dual identity, which Terry described along moral lines.

There is a duality thing. Because most sex offenders, myself included, are very moral people and very law abiding people. So it's kind of a separate life. And people at work and people closest to you don't know anything about it.

In referring to "duality" Terry delineated a split in his own identity, although he expressed that this phenomenon is common to most sex offenders who share his stigma. He asserted that sex offenders can be "moral" in most spheres of life. Because offending did not align with *this* identity, or with the assumptions one makes about "moral" and "law abiding" people, Terry assigned the behavior to a separate identity. In this way, for him, the behavior did not undermine the sense of being moral, (or normal); it did not challenge that definition of self. Rather, it indicated the existence of another self.

Interestingly, when describing the duality, Terry shifted the narrative from his own situation to sex offenders in general and then adopted the second person. This verbal tactic invites or implicates the listener in the experience in such a way as to facilitate empathy. At the same time, it distanced the speaker from the described actions, by subtly veiling his presence.

Maintaining his secret was crucial to the performance of his social role throughout his adulthood and he inhabited this duality for years, maintaining a normal life completely separate from his sexual offending. He said that he was able to live "like a normal person", embodied in one identity, and that his behavior in the separate life did not have an impact on this separate existence even after he was arrested several times. However, current policies changed his internal orientation.

It didn't change my thoughts until I got put on the registered sex offender list. Then it changed my thoughts. You kind of walk down the street and you look around and you realize that you're not the same as the other people. It kind of isolates you. You have a skeleton in your closet that could cause you or other people pain if it's found out... it's out there for people to see so you never know who's going to come up to you and say, you're that sex offender... that lives in the neighborhood

As a registered offender information about him was potentially available to anyone who cared to search for it. Being registered meant that he had no control over the management of this information, and changed the basic relationship between his self and community. He began to see himself as "not the same as other people" precisely because he could be exposed. Others may have what he calls "skeletons in their closets", but his had greater potential to become visible. He identified feeling isolated, no longer a part of that community, but outside it, someone who did not belong even as he walked down the street. He described the acute fear of being suddenly discredited in public, and the unstable insecure sense of not knowing what could happen next, of not being able to walk down the street without fear that a blanket might suddenly be pulled out from under him; in this way he was alive to his outsidership. Significantly, here too he shifted voice to the second person, indicating that he was viewing himself from the outside, that he was describing someone other. When discussing being shunned or exposed, he saw himself as separate from himself.

In describing his sense of otherness he often referred to "walking down the streets" – as if this commonplace scenario of being anonymously among others had become potentially treacherous.

However, there's a fear of walking the streets as a sex offender. There's a fear of being found out and being kicked out of where you live. Or all your relationships, both male and female, they just don't understand it and they will discard you.

Being registered meant that his entire connection to the community was even more unstable and could easily be severed. He could lose his home and all his social contacts. He implied that knowing about his offense would override all other social knowledge of him, that others would not be interested in any mitigating circumstances but would summarily treat him as social junk and banish him – even though all his other actions in the community have proved him worthy of inclusion. His fears of walking down the street and being suddenly exposed indicated an experience of the social bond as a fragile one, easily broken with a bit of information, and dependent on one’s ability to keep secrets. Without the capacity to protect oneself from scrutiny and exposure, one is vulnerable to humiliation and expulsion. Additionally, he emphasized that he would be shunned by both men and women – the implication being that he would be made an outcast even by people who would never be potential victims (i.e., men). In other words, Terry found it significant that he would be seen as undesirable to society as a whole, not just to potential victims of his behavior.

b) Raoul

Raoul felt socially and personally burdened by the label sex offender and believed that people viewed him through the lens of their stereotypes. He had clear ideas of how others would regard him if they new about his stigma, and this was a source of embarrassment for him.

The title sex offender kind of carries a lot of weight. When you tell people, “I’m a sex offender,” they automatically assume the worst. The label sex offender is vague, you could be a ... you could have raped a three year old or that’s a sex offense, photographs, fondling, sexual contact, using a child in a sexual, all that falls under sex offender, lewd act, prostitution. All that, so the sex offender label is not categorized, although they do have different levels.

He recognized that people make assumptions about the label and that it did not matter what he did as an individual. What mattered was that they would “assume the worst,” that his own offense would be subsumed by the connotations associated with it, and that he would be lumped in with someone who committed far more heinous acts of deviance such as “raped a three-year-old”.

Raoul was aware that the media plays a significant role in shaping the public’s perception of sex offenders:

I was reading on the Internet the other day that sex offenders are likely to offend like a 117 kids. I’m like, yeah right. That’s a damn lie.

He was affected by the sensationalized misinformation put forth by the media, and assumed it affected how people would view him if they had information about him. The “lies” he encountered on the internet shaped how he saw himself in the eyes of the community.

Even among those who knew him and had accepted him, Raoul still felt the weight of the stigma.

Sometimes I deal with a little embarrassment, I get embarrassed sometimes telling people. It’s not something that I go announcing... I tell people from the church. I had to sit down with the pastor and the deacon and I had to tell them because there’s kids in the church and I felt embarrassed... They love me in the church. But still I go through embarrassment.

He only told people if he thought it necessary to the relationship, here disclosing his status to the church deacon who he felt needed to know because of the church’s programs with children. In spite of the fact that he felt loved and accepted in this environment where he carried personal credibility that overrode his stigma, he still experienced embarrassment. It stemmed not from their actual acceptance or rejection of him, but from an internalization of how others see sex offenders. As Goffman argues:

The standards he has incorporated from the wider society equip him to be intimately alive to what others see as his failing, inevitably causing him, if only for moments, to agree that he does indeed fall short of what he really ought to be. Shame becomes a central possibility arising from the individual's perception of one of his own attributes as being a defiling thing to possess. (Goffman, 1986, p. 7)

In Raoul's daily life there was a pervasive sense of being "a bonafide sex offender" – something which caused him shame and which he only disclosed when absolutely necessary, as he presumed negative judgment in the eyes of others.

c) Reggie

The experience of being convicted of a sex offense had a profound effect on Reggie's sense of himself, and his interior world was altered as a result of being labeled. This took the form of a pervasive sense of being exposed.

I'm a very laid back person, but this here has made me even, has pushed me farther back, because it gives you a sense of you're labeled. You know someone doesn't know, but you feel like they do know. It puts you in a state of paranoia. As you walk down the street you feel that every person that walks past knows that I'm a sex offender. And I'm Level I, so it's not on any database or anything, but that's the feeling you have. It's just a feeling I have.

Reggie described walking around feeling like people knew about his label, that his private wrong-doing was known and visible to others. In a sense, he felt that he was already discredited rather than discreditable. His acute sense of his stigmatized identity shifted the way he believed others saw him. This feeling was so strong that he initially experienced a state of depression.

I didn't want to look for a job. I didn't want to leave the house. I just wanted to stay in one place. I couldn't wait to get home. Like a storm was coming, I couldn't wait to get in the house and lock the door, dim the lights, and I just felt safe like that.

A previously social person, Reggie found himself shunning the company of others. He preferred to isolate himself away from the gaze of people in front of whom he carried a sense of exposure and shame. Reggie found adapting to the new label extremely difficult emotionally, and began to internalize a sense of being a dangerous other.

I guess before, I'd watch the different programs and [sex offenders] were monsters. These are definitely monsters; they shouldn't even be on this planet. That's the feeling I had watching the dateline specials and the different shows. Before, the *Law & Order*, you sit back and you laugh at those things. And it's a totally different feeling when you become classified in that. You fall into depression, you have thoughts, like I never had. But sometimes it's just like, What am I living for?

Reggie expressed an inability to integrate his view of sex offenders with the fact that he had now been labeled one. He internalized his belief in their monstrosity, and could not articulate a sense of self separate from that image. He had become someone who he had previously mocked and abhorred.

When he was first arrested, he felt ashamed in front of his wife, not just for the infidelity, but for the fact that he had technically been convicted of a forcible offense.

For like the first two months, I didn't even touch my wife. Because I didn't know what she was thinking. I didn't want her to think, well, am I forcing myself on her? You know, I was paranoid with anything I did.

He described doubting how his actions were being perceived by others, even in the privacy of his relationship with his own wife.

After being convicted, he internalized the associated label and began to doubt himself and his motives.

Being labeled, a lot of times they label you something. If someone calls you stupid, you'll take that in: "Well, I must be stupid." – when you're not. So being labeled a sex offender, you know, I carried that badge. If I got on a train and it was time for school to let out and the car filled up with kids, I just sat there like,

“Well, they know I’m a sex offender, I’m not going to look to the left or to the right.” And I never really paid them any attention at all. Like they might be making too much noise, you want to tell them to shut up... So like I said, that state of paranoia. I just felt paranoid, you know. If you’re under age get away from me. Don’t ask me the time; you’re going to get me in trouble.

A trivial experience like riding the subway had become fraught with danger. Reggie began to look at people differently, believing that they knew he was a sex offender, and feeling ashamed and vigilant. Reggie became acutely aware of himself in situations with young people and children. He was more alive to the situation, and more aware of himself as someone marked as a dangerous “other.” He was conscious of his status as an outsider who did not truly, or officially, belong.

Although his family supported him and did not view him as dangerous, he felt different about himself among them.

It didn’t change them. It just changed me. Like I said, it just made me very paranoid thinking someone’s thinking something about me. If my family came to visit and my niece was there. You know, she would run up to me... I would get up and go in the bedroom. Because I felt like, don’t pick her up. What kind of person are you? But they never felt like that about me.

The experience of being labeled literally made him doubt the “kind of person” he was, and he re-framed his encounters in light of his own label, and modified his behavior accordingly. Although he had asserted himself with the woman at the employment agency who called him a “rapist”, her words stung him and made him question himself.

I already feel like paranoid and down about myself. Once she said that, you feel like that [like a rapist]. It’s just how I felt. I didn’t feel like I needed to run outside and just grab someone and rape them. But I felt like, maybe I am [a rapist]. I’m not even human anymore. Keep my head down.

The label, expressed in the horrified words of the interviewer, took on so much power over Reggie that he doubted that he was not in fact a rapist. This idea was so disturbing to him that he doubted his own humanity and began to truly see himself as a dangerous other. His orientation to the world was so altered that he felt he could not look up at it, but must keep his head down in front of others (“I used to always have my head down when I saw my probation officer.”). His physical posture reflected and communicated the transformation in his sense of self from someone who belonged to the community to someone who had transgressed against it.

d) Karl

Karl’s vision of his life altered greatly after being convicted and learning the restrictions that would be imposed on him as part of his probation and his status as a registered sex offender. His sense of future possibilities were truncated and constrained, and this was most evident in his imaginative projection of opportunities. He considered all aspects of his life as dependent on the whims of his probation officer and his loss of autonomy was a source of great anxiety. He viewed himself as marked and could not take his freedom or his sense of belonging for granted. In his inner world he saw himself as an outsider within the community.

Living under the conditions of probation for two years reinforced Karl’s awareness of the insecurity of his future.

And after two years of adjusting to it and after a time of starting to realize, still, there could be a lot of policy changes that could really have a negative effect on me. And at any point my probation officer could, when I go in there to say look I need to... see my parents for Christmas; they can say, “you can’t travel.” And I wouldn’t be able to go.

He could not fully adjust to his situation because he lived at the discretion of the PO. This figure emerged in his narrative as a looming embodiment of the constant uncertainty under which he lived. Any mundane contingency that might arise would have to be addressed through the bureaucracy of the social control apparatus. This meant that many things which Karl might consider would involve this apparatus. For instance, just like his concern about explaining surprise PO visits to his boyfriend, the idea of visiting his parents was actually an imagined scenarios; it only existed in his mind. It inhabited his present. Even though he had not been rejected yet, the possibility was experienced as real. For Karl, uncertainty about the future created a sense powerlessness and anxiety. His fears were focused on the arbitrary nature of decisions about events which were important to him.

So if I write a letter to somebody [for permission to travel], who's to say that person's just not going to be an asshole and look at my file and decide you're traveling a little more than you should? You know? You never know when they're just going to decide to be an ass to you. And you don't have any recourse for that.

The probation officer was presented as a character who could just “be an ass” and decide to make life difficult for Karl for no particular reason. Power and control over minor and major decisions in his life resided in the hands of agents of the social control apparatus, and he felt he had few ways of directing the course of events in his life.

Karl was aware of his anxiety and did not want anxiety about the future to overwhelm his present.

I try not to live in fear of what could happen. With the system or what laws could change or how my freedoms could be even more restricted or because I realize my probation could change at any time and I could be dealing with a whole new probation officer that doesn't know me... That could take a way a lot of my freedoms and wait until I build up to them.

Karl asserted that he tried not to live with this fear, yet clearly the fear of what could happen in the future was very present to him. As we have seen, the system, embodied in the PO loomed over him as an ever-present constraint over which he has no control. He needed his PO to trust him, to view him “as a person” rather than a rap sheet. Starting at square one with a new officer would require time and effort in establishing a positive rapport all over again. It would require renewed efforts towards a successful performance of a trustworthy, non-deviant, identity.

Convicted sex offenders are knowledgeable about laws and policies that affect them and others in their situation. They hear about changes through others in their programs and through state agents. These pieces of information make individuals alive to potentially more stigmatizing measures of social control. Karl kept abreast of these policies and reported on some of the more alarming possibilities.

But there are places that want sex offenders to have neon green license plates so that every body knows that that’s a sex offender driving that car. I think it was Ohio that was doing that. And if I had an ankle bracelet or some GPS, if all of a sudden they decided I needed to have one of those because I’m a sex offender, and I have to wear that around. That’s something I would have to deal with in a very different way. So those are things I realize are all possibilities.

Knowledge about other laws creates fear, took on a reality in the present situation, regardless of whether they would ever actually impact Karl. The neon green plates represented a modern day scarlet letter intended to let everyone know a sex offender’s status. It is an imposed “stigma symbol” (Goffman, 1986, p. 92) that hovers over experience as a frightening form of potential exposure of all sex offenders in the country. Karl also knew offenders in program who had to wear tracking devices, and expressed that he felt so powerless regarding decisions affecting his freedom that stigmatizing

mechanisms of social control such as these felt real. His fears were reinforced by members of the system who warned him that laws may become more even constraining in the future.

And I try not to listen to the people who are like, it's only going to get worse for you. The laws are going to get worse. A lot of people, my probation officer says it; the therapist says it. They're like, it doesn't look good

Thus the future was a landscape wherein he would be even more restricted and controlled, and more indelibly marked as an outsider.

Karl voiced concerns that were similar to Reggie's about being in public places with children. Being labeled a sex offender and having to live with specific conditions of his probation impacted Karl's thoughts in such a way that he could not take normal routines for granted.

I realize I'm in situations, you know, I have to think twice. If I get in an elevator, if there's a kid in the elevator, I shouldn't get in the elevator. I should wait let that elevator go and then get in the next. Because technically I'm not supposed to be alone with somebody that's under the age of 18.

Simply being in a building and needing to use the elevator could turn into a potential violation of the terms of his probation. Having committed a crime against a minor, he was restricted to not being alone with anyone under the age of 18. And yet in the course of daily life there are many innocuous situations where one cannot control the age of people one finds one with, such as, in this case, an elevator. This restriction generated a constant tension in routine life, and was another source of anxiety.

Karl was more alive to these situations because of the stigma he carried, which affected his thought process to the point that he doubted his own normalcy.

The whole situation I'm in makes me think twice about a lot of things I would never think twice about. And not in a good way. It makes me think twice when

I'm sitting on the subway and there's this adorable little baby playing with her mother and I -- we're all naturally drawn to watch and think how cute and smile and wave. And there's that part of me that feels very self-conscious when I smile and wave, because oh, but if they knew I was a sex offender smiling and waving, then that wouldn't be so great.

Karl's status as sex offender was always present in his mind, reframing his definition of the situation. Karl saw himself through the lens of his stigma, imagining how others would define his behavior if they knew the discrediting information about him. He described enjoying the common and seemingly harmless interaction that adults engage in when they encounter babies. Yet friendly interaction with anyone under the age of 18, particularly a very young person, was grounds for suspicion if the adult in question had committed a sex offense against a minor. The same action assumed a loaded, perhaps sinister, meaning. Connotations surrounding "pedophiles" entered the situation, and he imagined that his action would be interpreted in light of those stereotypes.

Furthermore, here Karl was describing a particular consciousness of self -- he was aware that people in the general public did not regard him on sight as a sex offender; they saw him as a normal. He was simultaneously aware of how he was seen and how he could be seen. His self-consciousness was in part related to his awareness of the fact that discrediting information about him existed, and reflected the fact that he was not comfortable with managing this aspect of his personal identity. Thinking twice about minor and routine interactions, Karl was never at ease, but always vigilantly aware of his stigma.

This awareness included fears about possibly and inadvertently incriminating himself.

Or if there's a kid sitting next to me even with their mother, brushing up against me and I think what if I my DNA gets on their clothes and then something happened to them and then they found my DNA and then they said I did it. I mean, those things go through my head. And I'm like, "why do I have to think like that?" -- but it's because I know they have my DNA. At the same time I know I'm not doing anything that that would be a problem. Like, just, I want to make sure my trash is in the shoot and not left there. [These thoughts] pop into my head. I don't obsess over them, but they pop in and I have to be like, it's okay, you're just a person.

As a registered sex offender much information about Karl's personal identity, including his DNA and fingerprints, was on file and could be easily accessed during criminal investigations of any crime. Because of this, he was more vulnerable to false accusations and could more easily incriminate himself than someone who has never been processed by the criminal justice system.

He tried to stop himself from this train of thought, but implied that the thoughts have a life of their own ("they pop in"). In other words, the thoughts were part of his internal landscape and he had to make active efforts to resist them. The fact that he saw his own thoughts as intrusive or problematic indicated a consciousness of how his status as sex offender was affecting his inner-world. When he said he tries to tell himself that he is "just a person", he expressed the fact that he needed make efforts to see himself as normal and belonging to the social world. This was a new cognitive process, a transformation in his internal processing of experience since his conviction that indicated a dialectical relationship between his sense of self as a stigmatized other and his sense of self as a normal member of society.

Being convicted of a sex offense impacted offenders' subjectivity in such a way that many felt a pervasive sense of being exposed. They no longer had a stable, taken-for-granted sense of social identity, and had to make internal adjustments to their sense of self in light of their new label. They were alive to the generalized other's perception of sex offenders as dangerous pedophiles and some began to internalize this image, doubting their own motivations and desires. For these men, particularly Reggie and Karl, mundane experiences were fraught with anxiety and self doubt.

VI. The Impact of Stigma: Loss of Objective and Subjective Social Bonds

The civil restrictions imposed upon sex offenders as conditions of probation and parole created a sense of ontological insecurity in the daily lives of these participants; the net impact was that they felt little reprieve from the consequences of being labeled. Undermining their personal autonomy, these restrictions reinforced the individuals' status and social identity as sex offenders. Their sense of belonging to the community and their ability to uphold a "normal" social identity was thus compromised. Because of their status these men lived in various degrees of actual or imagined social isolation, fearing rejection, harassment and excommunication. Their weekly routines, if not their daily round, were circumscribed by probation requirements, and all lived within the community under special circumstances and heightened levels of social control.

Probation and parole requirements strained the financial resources of some of the needier participants, while registration statutes and problems securing employment negatively affected all of their possibilities for entering or remaining securely within the middle class. Social status was further impacted by the fact that half the sample lost

careers in which they had invested a good deal of their adult lives, and all faced formidable difficulties finding any employment at all.

These conditions and severed bonds combined with the offender's ability to see himself through the eyes of mainstream society contributed to an internalized sense of deviant selfhood. Furthermore, registration for decades following the period of probation/parole ensures that the stigma of being a labeled sex offender will pervade their lives well into the future. These men lived with a keenly felt insecurity about the future over which they could wield little control. In the following chapter, I explore the ways in which they resisted this definition of self and established strategies to assert a normal social identity.

CHAPTER SEVEN: STRATEGIES TO ESTABLISH SOCIAL BONDS

In adjusting to life as labeled sex offenders, all the participants developed strategies that enabled them to maintain a sense of social connection. Each had endured significant damage to important social bonds as a result of their conviction. Some of these consequences were largely irreparable, particularly those that involved employment. Some of the damage was experienced deeply, manifesting in experiences of anxiety and shame, and affecting their inner states and sense of self. Because connections to community are deeply tied to the experience the self, this loss could negatively impinge on a sense of socially viable selfhood. The narratives included approaches for constructing their situation and orienting themselves to their label that resisted an acceptance or integration of their outsider status, in spite of policies which seek to “exclude and banish” them (Simon, 2000). Living with stigma and managing a discredited identity, participants strove to articulate their own normalcy. Living within the community at the same time that they have been labeled outsiders, these men worked to maintain external and internal connections that could reinforce their sense of belonging. In doing so they retained a sense of their own humanity.

In this chapter I identify several motifs employed in these efforts:

(a) Participants asserted the primacy of a “real” self which they constructed as distinct from their official label as sex offenders. They ascribed otherness to this label, but not to the person they knew themselves to be. All of the participants maintained some relationships with significant people in their lives who continued to affirm this self.

(b) Significantly, all the offenders to some degree voiced mainstream opinions regarding sex offender policies. In so doing they aligned themselves with the larger

community at the same time that they differentiated themselves from legitimate outsiders; they put forth the idea of the dangerous other, and asserted the existence of this category of person. However, they did not include themselves in that category, and used it to contrast their own normality. Experiences in group therapy and encounters with other sex offenders played a critical role in forming offenders' sense of both their own belonging to the community and the need protect society from the truly dangerous.

(c) The participants critiqued sex offender policies, arguing that they are over-inclusive and ineffective. In this way they reasserted their allegiance with community values and distanced themselves from the effects of labeling by participating in construction of threatening outsiders.

(d) Additionally, in expressing frustration with unjust and irrational criminal justice policies and hopelessness about their futures, some of the men were able to construct themselves as in some ways victimized by the processes of labeling, and in so doing reaffirmed their normative identity.

I. The Real Self

For all the participants in the study the fact that family members stood by them reinforced a social identity based on a sense of worthiness of social inclusion. Family members affirmed and validated a real self separate from the stigmatizing label of sex offenders and distinct from monstrous connotations. A number of the men used their narratives to further assert an identity that was suppressed under the weight of their label as a convicted sex offender. They all expressed the sense that they are “good guys” (Tim), men who are liked and accepted by those who know them. They thus articulated their social worthiness. That is, they constructed a self deserving of inclusion, and

posited this self as their essential or true self. They invoked this idea in contrast to the stigmatized but false self represented by their label. The label and its connotations did not reflect the real person, and some argued that if others could recognize the real person in spite of these associations, they would be more at ease in the offenders' presence. Otherness was projected onto the label itself. The label was responsible for othering them, not their own personal characteristics. In asserting this real or authentic self, they created narratives which cast themselves as essentially non-deviant. For the most part they posited themselves as authentically accessible, normal, creditable, respectable and, importantly, non-dangerous.

a) Karl

Karl constructed a real self that was worthy of inclusion. This self was primarily creditable, and was expressed through his insistence that if people knew him – as opposed to his label – they would accept him and his presence in their community. Elaborating his opinions about “the angry villagers” he explained,

The frustrating thing for me is they don't know me. If they would just take a second to meet me and ask me questions that they need to ask. Ask me questions about what happened, and hear me be able to talk about it and then if they would know everything that I have gone through in order to get to where I am now, then, they probably wouldn't have had an issue with it at all.

Karl did not see his sex offense as a separate self in the way Terry did. He did, however, see his offenses as part of an explainable self. Karl maintained that if people heard his construction of the offense and knew the specific nature of his relationship with the student, they would see him as he saw himself: “just a person” and thus fully human and not monstrous. The sex offense conviction did not threaten Karl's sense of his own normalcy, and he saw himself as completely non-deviant. Yet in order for others to see

this normal and worthy self they would have to interact with him. It was through face to face interaction that Karl believed he could establish a legitimate, non-threatening social identity.

Karl continually asserted the basic creditability of his self. In order to be seen, it would need to be allowed to interact. It must be given a chance to actively work at impression management to reveal the true self. For Karl impression management was an opportunity to reveal the credibility that was spoiled by his status as sex offender.

Karl explained that the label invoked a particular type of offender that was very different from himself. The label was associated with threats to children, which Karl asserted created an unwarranted fear of him.

The people that were trying to drive me out... they didn't know me. You know, they just saw that I'm a sex offender. So they don't want me there. But it's like, you don't know me. I'm not interested in children. At all.

Again, knowledge of the circumstances around the offense could have offset the spoiling of his identity. To "know" Karl would be to understand that did not conform to the stereotype of a sex offender. He was not a pedophile. He was not a threat to their community. He was an understandable, accessible and safe person.

Karl asserted that the people who knew him, such as his employers, recognized that he was truly a valued member of the community.

And [my boss] was just, you know, astounded, because these people, they didn't know me; they didn't know how much I'd done for the [organization] in the past... But every single one of the board members wrote recommendations for me that are now in my file with my probation officer. And they all know... I had already established myself with them.

He invoked past accomplishments and contributions to emphasize the support he received from people who knew the real Karl. He asserted the legitimacy of his creditability by

referring to recommendations which are now part of his official records, or what Goffman refers to as one's "dossier" (Goffman, 1986, p. 57). In this way Karl asserted that he was *officially* worthy of inclusion in the community.

Karl distanced his self from the stigma of being a sex offender by refusing to internalize the label. Instead he constructed it as an external imposition on his identity.

It's a label put on to me by our justice system. It's not a label that I identify with. Because I don't think it's in my best interest and my well-being to label myself a sex offender. What other people choose to label me is one thing, and what I identify with I think is totally different. Because I think people respond to those labels when they take them on for themselves. And, that's not who, what I choose to identify with.

In his narrative Karl's self definition overrode his stigma. He presented his refusal to self-label as a choice he was capable of making. Resistance to the official definition of the situation was posited as an available option. Distancing himself from his ascribed deviant role, he asserted his ability to make choices about his own identity. Through this role distance he constructed a self that truly belonged in the community, even if the community itself did not recognize his social worthiness. Furthermore, he presented the idea that internalizing the deviant label would reinforce external social ostracization. In his worldview there existed a dynamic between self and others, and an identity could not simply be imposed by others – it needed to be accepted as well.

b) Reggie

Reggie found the experience of being labeled a sex offender deeply shattering to his sense of self. This manifested in what he described as "depression." His shame led to "paranoia" and "doubt". His way of overcoming the stigma of the label involved reasserting his real self, a process which he described as a returning. For instance, as we have seen, after his arrest he initially felt like he was a "monster" himself when watching

television programs on sex offenders. Over time, however, this experience became less upsetting for him.

Well, right now after two years it doesn't bother me so much because I really got back in contact with *who I am*.

It took Reggie two years to see himself as a person separate from the label, and he described this as returning to the self-image he maintained prior to conviction. Who he really was had gotten lost in the aftermath of the conviction, but that real self remained intact, there for him to get back into contact with.

For Reggie, “getting back in touch with *who I am*”, meant reasserting his sexual identity as someone attracted to (consenting) adults. As discussed in the previous chapter, his conviction led him to doubt the nature of his sexuality. He had become uncomfortable around young girls as a result of the label. But over time Reggie was able to assure himself that “who I am” is someone that is not interested in sex with children. He stated that “getting back in touch” meant “Knowing I don't like young girls. I'm not attracted to younger children at all.” He asserted a number of times that the incident with the minor for which he was accused was not part of a pattern of behavior (not a “problem”), and that “getting back in contact” with himself involved reminding himself that

I've never been in a chat room. I don't log on to my computer and look for children's porn or anything with a young child in it. Like, even when my nieces would come by, I was never like, let me give them a bath. It just wasn't in me.

He asserted that he never had a sexual interest in children or any particular curiosity about their bodies. There was no history, no recurring pattern of desire or behavior that he could identify with or incorporate into his personality. It just wasn't “in” him – it was

not part of his real self. Reminding himself of this fact allowed him to resist the self-stigmatization attendant with his label. He continued to assert:

My wife is only a year younger than me. So there's never been a thing with me with younger women. I've only dated older women, actually.

Recalling his past romantic relationships allowed him to reassure himself that the real Reggie did not fit the stereotype of a sex offender and that his sexuality was in fact directed toward female age-mates.

Reggie's probation officer helped him come to understand that he did not necessarily need to be ashamed of himself.

I used to always have my head down when I saw my probation officer and she used to ask me, why do I have my head down? And I told her that I feel embarrassed for what I did. It's very embarrassing and very hard, and she's always telling me "don't put your head down, put your head up." Once she said that it maybe put me back.

As we have seen, the weight of the negative sanction against his behavior was felt so deeply that it affected how Reggie carried his physical person. His shame was manifest in his presentation of self. It was the words of another person – one that knew what he had done -- that allowed him to begin to see himself as the same person he was before the conviction. Perhaps because his probation officer, who was aware of his actions, was able to see him as someone deserving dignity, he could begin to see himself in a more positive light through the eyes of another. Recognizing that other members of the community saw him as deserving of dignity enabled him to restructure his internalized version of himself as worthy of belonging.

Part of reclaiming his sense of his true self meant using his new experiences as opportunities to "better" himself, something which Reggie proclaimed he always strove

for. He asserted that although he did not need group therapy in order to prevent him from committing another sex offense (which he stated would never happen again), the experience was still valuable.

Honestly, I can't use this as a negative because I'm learning a lot. And there's a lot of things with this criteria that I didn't even know. Like there's a lot of things you may say online – like I used to go online and play poker. There's a lot of things you're not supposed to say online to another person, like inviting someone to your private parts, telling them to kiss this when you're having an argument. You really don't know who you're speaking to, who's on the other end.

Reggie looked to his group to educate him on appropriate conduct on the internet and conceived of any new information as useful knowledge. He claimed “there's always knowledge to know.” He absorbed the new material earnestly and modified his behavior accordingly. Using the experience to improve himself and learn more allowed Reggie to resist the negative impact of his label.

In addition, Reggie used his experiences to reinforce his role as father, and to provide his children with important life lessons.

Also, my 18 year old and 17 year old know what happened. So I also explained every time I go to my group I basically explain to them what I'm going through so they don't go down that road... basically get on the computer saying the wrong thing in a chat room. That'll get you in trouble. My 18 year old, you know, if he's in a chat room and there's a girl with a three year age difference... and he's like saying the wrong things.... It's going to get himself in trouble. So I say watch what you say online, don't click on any websites, ask a girl her age, meet her parents, don't be so fast. And they respond. We sat there and we watched, like I have them sit there and watch *Lock Up* which comes on CNBC and shows you different jails, San Quentin and Kentucky, New York, these are places you do not want to be. Then we also watch Dateline, to Catch a Predator, to show them, playing online, this is what will happen. And they take it all in. The entire time they probably won't even blink, in amazement. And I say one slip up and that's it.

Reggie took his difficult experiences as a registered sex offender who must go to weekly meetings as a potential learning experience not only for himself, but for his sons as well, and this ordeal became an opportunity for him to improve himself, assert his role as father, and provide what he considered important life lessons to his children.

c) Aaron

Aaron emphasized the consensual aspect of his offense against the 16-year old girl with whom he had the brief affair. As we saw in Chapter 4, he insisted that had he known her real age, he would not have gotten involved with her. In highlighting the fact that he did not know that she was a minor, Aaron asserted an aspect of self which was constructed around the idea of what he *would have* done had he known.

Had I known the young lady – the young girl – was sixteen years old, I would not have participated in anything. ‘Cause there’s nothing that someone of that age could do for me... Sixteen, I wouldn’t do that.

He declared that had he known the reality of the situation, he would have been able to act according to his true self. The event that took place was “a mistake” in that he wasn’t able to behave as he truly would have had he known. He acted falsely because he was operating under the conditions of false information.

Aaron asserted that the bonds he was able to maintain with family and friends were based on his real self.

People who know me know that that’s not my character. They know that that’s not who I am. A mistake happened. You know. A mistake happened. Those who know me are supportive to that.

Thus, his real self was affirmed by those around him who did not alter their view of him once they had discrediting information. In fact, they supported him in discrediting the validity of the information itself. Being a “mistake”, the offense was not indicative of his

character. He further elaborated that he had “no history” of any kind of sexual misconduct, attraction to children, or incestuous relationships and asserted “that’s not my makeup”. Not only was what he did a one time act that was based on misinformation, but he is not a person that would commit sex crimes which he considered serious.

In a manner similar to the way that Reggie distinguished a “mistake” from a “problem,” Aaron distinguished a “mistake” from “rape,” an action he asserted that his true self would never commit.

When people hear the [charge], the read R-A-P-E... You know what I’m saying? But the people that know me know that that’s not my character, that’s not me. I would not, I would not willingly put myself into a position to force myself on someone, to encourage someone to do something. *That’s not me.* If I knew that person was too young, I would not engage myself. So my people who know me, like my family, and my kids, my friends, like my true honest friends. They know this was a mistake.

Aaron articulated that who he really is is absolutely not a rapist. The friends who supported this view are “true” friends, friends who recognized and reaffirmed his true self. He believed that the friends who were “distant” were not responding to his real self. Instead, they reconstructed their image of him through the lens of his label, discrediting him and reinforcing the stigma of the sex offense conviction.

d) Raoul

For Raoul, the real self was articulated through recourse to his masculine identity which he contrasted to his status as sex offender: “I’m a sex offender, right? But you know what, before I was a sex offender I was a father, a brother, an uncle, a son.” He invoked these kinship roles to mitigate his deviant status and distance himself from the label. He was highly identified with these roles which enabled him to see himself as belonging within the larger social framework or community. The male kinship roles

stood in stark contrast to the outsider status enforced on sex offenders through public policy, cultural stereotypes and media hyperbole. Traditional masculinity provided a buttress against an internalized deviant identity and allowed him to construct a socially viable selfhood deserving of recognition.

In addition to articulating his real self in terms of his familial roles, Raoul asserted a real self based on lines he would not cross. Raoul stated that he was originally charged with rape – sexual assault. However, like Aaron, he was very clear that his violation was not legally rape. He resisted the original label his act was given.

I didn't rape nobody. But they also took my stepdaughter to the hospital and they did all kinds of exams and they came back with the results and actually they had to reduce the charge and they gave me a lewd act... Her hymen, all that internal stuff, was intact, so how could you do sexual battery rape?

The definition of the situation was very important to him, as rape represented a line that he would not cross. It was important that the listener understand that the offense was not physically invasive, and that there was a significant boundary that he did not violate. He associated this boundary with his principles.

And just my reasoning, my logic, my family orientated values that I had. Although I was out of control, I still had some principles... I still had some things that I would not do. This was one of the things that I wouldn't do was have sex with one of my kids...I wouldn't have sex with [my step-kids]...But I can honestly say that I wouldn't have tried to have sex with her or penetrate her, you know, me get nude and try to have sex with her. That's one of the things that I say I would never have done.

Sex with one of the children he cared for would violate his “family-oriented values” – what he did not do is just as important in his construction of the offense as what he did do, because it enabled him to demarcate boundaries of the self and assert an identity.

e) Terry

Terry's articulation of his real self was particularly complex, as it involved the construction of a dual existence. For Terry, relegating his sex offenses to a "completely separate life", allowed him to affirm a normative identity. The boundary he strove to demarcate between deviance and normalcy helped him carve out a legitimate social identity while disavowing the deviant behavior. His offenses existed within their own separate realm, and did not affect his interaction with people in his other, legitimate, social world ("they don't affect my relationships... or anything"). He could present a socially acceptable and "normal" self in the majority of his interactions with others.

However, at the same time that he constructed the acceptable self as the real self, he also presented this self as tenuous and contingent.

Until it hit the papers, no one, completely no one, knew about it, including family. And, uh, so you could pursue your life normally, *as if you were a normal person*.

Although he felt able to maintain the duality between the two realms, his master identity – that is, the primary social self which maintained his bond to the community – was based on concealing crucial facts. "*As if*" he were normal signifies a falsehood, a misrecognition. He did not posit his normalcy as unequivocally authentic; instead he described his ability to effectively engage in impression management and to effectively present an intended version of self. Because of his discreditable status, his performance was always dependent on his ability to keep his deviant behavior private.

As long as his secret remained hidden, his deviance did not separate him from the community, and to some extent he was able to maintain an internal sense of his own normalcy.

I considered myself a normal person. I didn't consider myself a normal person, but I considered myself someone who was acting normal, who was able to conform to society's demands.

The narrative swings back and forth between a genuine normalcy and a contingent, performative one. He could not definitively affirm the public social identity as completely separate from his deviant behavior. *Being* normal and merely *acting* normal became confused. He defined a normal person as “someone who conforms to society’s demands”, and was capable of doing so virtually all realms of his life. Yet his deviant behavior prevented him from fully identifying with the performance. He claimed dual identities, and attempted to ascribe authentic primacy to the performative one. However, his commitment to the performative one was undermined by the other life wherein he engaged in deviant acts, and he expressed a sense that the deviant behavior represented the true self that needed to be masked by the performance.

In contrast, at other times in his narrative, the conforming self *was* the real self. He asserted that once the community learned of his crimes: “They didn’t see me for who I *am*. They saw me for that separate life.” Here who he *was* was really the normal law abiding citizen who participated in church activities and played on community sports teams. The deviant self is the false self. The people who “shunned” him were shunning the wrong person. They mis-identified him. Once they did so, the deviant label subsumed his prior social identity and became a master identity. However, while the community may have revised its impression of him, he maintained that was still the same person, the one who is worthy of inclusion and who belongs in society.

In explaining his history of not “always feeling normal”, Terry ascribed generalized deviant behavior to another person within him.

I had a temper and lashed out at my brother and sister, but I was always so loving, they realized that wasn’t me, that was someone else lashing out.

It is worth noting that while his “temper” may refer to unsocial, difficult, or unpleasant behavior, lashing out on occasion is not generally “deviant” in the sense that sexual misconduct and offenses are. In most circumstances lashing out verbally is not criminal. Rather, it is a less formally negatively sanctioned form of socially unacceptable behavior that is tolerated to different degrees in various social settings. Yet Terry disavowed not only his sexually deviant activities but his anger and aggression towards others. Significantly, these are impulses which, like sexual offending, have potential to damage social connections. Terry constructed the self that acts in ways that threaten social bonds as the one that is relegated to the unreal. The deviance was performed by “someone else.” The behavior that didn’t fit his sense of who he “always” was got cordoned off.

On the other hand, he iterated a real self that was “loving” and benevolently social. He continued: “Overall I’m just a very honest and caring person and a good listener and sensitive.” The true self was presented not only as not socially threatening, but as particularly mild and in possession of constructive sociable traits.

In the construction of his real self, Terry seemed to conflate normalcy and goodness. I observed that the characteristics he listed reflected a two dimensional ideal person that stood in stark contrast to the clinical picture of the typical sex offender. For example, where Terry affirmed his honesty, clinicians assert that sex offenders are manipulative and highly invested in self-serving cognitive distortions (Marshall et al., 1999, p. 59). Terry cared about others, whereas sex offenders are believed to have considerable empathy deficits (ibid., p. 62). Terry stated that he was sensitive and a good listener, but typical sex offenders are often unaware of others’ feelings and often minimize their own impact on them (ibid., p. 80). Terry’s narrative strategy was to

affirm the good self, rather than a complex self. He thus cast himself as belonging to the community by establishing an ideal identity worthy of inclusion, unthreatening, and capable of connecting to others.

II. The Dangerous Other

All the men constructed an image of the dangerous other – the type of person that is an actual and concerning threat to the community -- someone who inflicts great harm and is deserving of punishment and severe methods of social control, someone for whom the stigma of a sex offense conviction is appropriate. They constructed this other in order to demarcate themselves as safe. Through this construction they affirmed their allegiance to the dominant community by asserting the legitimacy of the community’s concern about the threat and the reasonableness of taking action to protect itself from it. The dangerous other was characterized as particularly threatening to children, and offenders upheld the mainstream sentiment that children deserve special protection. The dangerous other was characterized as well as one who commits heinous crimes – crimes for which all sex offenders bear the stigma. Finally, some participants aligned themselves as supporters of popular or populist zero-tolerance policies towards this menace, further asserting their ideological commitment to mainstream values regarding protecting children from dangerous predators.

a) protecting children

All the participants articulated some belief about the special nature of children and supported the idea that they need special protection. Child abuse is what Katherine Beckett has described as a “valence issue” – a topic which is “seen as immune from

contestation.” She points to the fact, for example, that no “pro child abuse” lobby can exist in the current cultural climate (Beckett, 1996, p. 96). The sex offenders in this study shared mainstream indignation about violations against children. They particularly expressed indignation at the idea of sexually abusing children, and in this way echoed the sentiments of the current cultural milieu in which fears about child molesters have increased. In articulating their belief in the sanctity of the child, these men distanced themselves from such truly dangerous others and asserted their rightful place within the community.

When Tim expressed his intolerance for sex offenders, he explained,

I’ve got three nephews of my own. And I got a lot of second cousins that are young.

Constructing himself as someone woven into the social fabric through kinship ties, he claimed that relations with children particularly sensitized him to the need for harsh policies regarding sex offenders. He then articulated his idea of a “truly sick” person, invoking one of his uncles.

He’s got a sick, twisted mind. Cause he had done things in his past. Some of my aunts, he had raped them when they were young.

Here he described the real dangerous other as one who engages in incest and rapes children. The “sick, twisted mind” is indicative of a true deviant.

Similarly, when Raoul asserted his status as a grandfather, he invoked his kinship relationships to affirm his alliance with mainstream community values.

Children are the future. Children are innocent. I mean, you know, I love children. I have four grandchildren now.

Not only did he express popular sentiments regarding the innocence and social importance of children, indicating that he thought and felt like most members of society,

Raoul also asserted that he particularly loved children. In this way he distanced himself from the construction of the dangerous other, while positing himself positively as a protector and care-giver.

Raoul encountered other sex offenders in group therapy from whose acts he distanced himself because of, among other things, the ages of their victims.

Because everyone in the group is a convicted felon, sex offender. Somebody might have done something that was more severe, more worse than you. Raped an 11-year-old or had sex... Even convicted sex offenders look down on each other too.

Group is an environment where sex offenders can evaluate each other and their respective crimes, and they begin to develop a hierarchy of deviance. The real deviant he pointed to was one who commits forcible intercourse on a child. Force, penetration, and the age of the victim were factors in his construction of the dangerous other. Sex offenders, he argued, do not fully accept their label, but look at each other and critically assess who is worthy of stigma and who, in contrast, is less deviant and implicitly more worthy of inclusion in normative society. Some sex offenders, he asserted, share the value system of this larger society, implying that they are more worthy of social inclusion because they in fact shared mainstream values.

Terry also maintained that children need special protection and that this should manifest itself in different forms of social control for those who offend against them.

I really do believe there should be different policies [for people who offend against minors]. I truly believe it's easier to influence a minor. They're more susceptible to what happens when they're young. It's how you think of yourself when you get older; it's how you grow up.

He explained that children are more seriously harmed from sex offenses, that the consequences of an offense on a minor is greater than one perpetrated against an adult.

Because of the degree of harm these offenders should be more severely sanctioned.

Reggie argued that in today's society children are more vulnerable to strangers.

I think now in this generation we put too much responsibility on our children. They don't even teach the concept of don't talk to strangers. I see a lot of kids on the street now, maybe eight years old, going home by themselves from school. And kids don't know, "oh, I'm a good friend of your mom's, I'll drop you off..." They see a nice fancy car, they see jewelry. And even the kids that play basketball in the park, you know, "Let me show you a move" or whatever, "put you on my basketball team; oh, you like Michael Jordan?" The kids go right up to them... So I feel [Megan's Law] is definitely a good law.

He articulated a belief that children need special protection, and that potentially dangerous adults may prey on their particular vulnerabilities and naiveté. Megan's Law was presented as a valuable policy because it was seen as offering help to unsupervised children that bear undo responsibility for judging the safety of strangers. Presumably Megan's Law would allow parents to alert their children to the presence of dangerous others in the community and the children would then be less likely to "go right up to them."

b. heinous crimes and the truly sick

In addition to casting the offender against children as the dangerous other, all participants in the study at some point enumerated the types of heinous acts and dangerous criminals who share their stigma but who, unlike themselves, really are deserving of social excommunication. In addition to citing his "sick" uncle, Tim expressed resentment about being grouped in treatment settings with those who have committed worse acts than he had.

And we have people in my group that have different sexual offense. Let's say for instance, for computer internet sting operations, rape of a minor, sexual contact with a minor, and family members in sexual contexts. And then you have man to man action with an older man and young boy. You know, giving oral pleasures and all that. I hear that kind of sick stuff.

As someone who was involved in a "sting operation" where there was no physical contact or actual victim, Tim argued that he did not belong among people who have committed these more dangerous and harmful acts. He defined the "sick stuff" as forcible rape, sexual contact with a minor, incest, and male homosexual activity.

Karl also found himself in group therapy with people he considered more legitimately threatening to society. The experience was initially difficult for him and he explicitly distanced himself from the dangerous others.

I had a hard time when I started in this group, in my group therapy. Because I was like, "wow... this is not where I belong, like, why am I am in this group?" These are rapists and pedophiles, and there were people that murdered their baby's mama and then had sex with their corpse. I remember hearing these stories, and I'm sitting here going, like, "wow, what am I doing here?" I had consensual sex with a fourteen year old and it was not even sex and then it never happened again. I've never done anything like that in my life. And now, well especially now, would never imagine doing that again. But I felt like I was not in a place where I should have been. I thought, "oh those are the sex offenders: the rapists and the pedophiles and the child pornography people. Those are the people that are the danger to society, not me."

Rape and pedophilia, child pornography and necrophilia: these are the crimes Karl identified as the real dangers, and those that perpetrate these acts are the people for whom sex offender policies should apply. He argued that his encounter with the student was far removed from those acts. Asserting that his situation was consensual, he indicated that force is a necessary element of heinousness. Asserting that his victim was fourteen, he indicated that teenagers are less vulnerable victims than younger children. Arguing that it "was not even sex", he made a qualitative distinction between intercourse and oral sex,

where intercourse constitutes a more serious violation. Reiterating that it happened once, he further distinguished between a pattern of behavior and an isolated incident, the former being more threatening to society. Because his acts involved comparatively less harm, he did not belong in the same category as the real offenders. In demarcating the true deviants he established himself as safe and worthy of social inclusion.

Invoking “the sexual predator,” Karl argued that the level of social control he was under was not necessary in his situation, but that there are people for whom that level of surveillance of appropriate. He argued that

I also didn't seek out; I'm not a predator. And I think there are predators. There are sexual predators. And I think that is something that is very different. And I think people that do go and seek out victims and victimize people and prey on people might need a little more monitoring because of the nature of what they did.

Karl reinforced the validity of the now commonly used term “*predator*”, defining it in terms of intentionality. People who plan crimes, who are on the look out for potential victims, and who “prey” on them, are the real danger. Employing vernacular that cast the offender in animalistic terms, Karl relied on stereotypical associations and popular fears to align himself with community values and delineate himself as safe.

Karl contrasted his own situation with the predator/innocent prey scenario, arguing that he was not looking for sex and the victim was not wholly innocent.

If I was looking for a student to have sex with, because I really needed to have sex, and I really needed some deviant behavior in my life, and was looking for okay, who can I pick out of my class that I can do this with? That is a very different mindset than someone who keeps coming up to me and flirting with me and establishing a relationship. To me they're very different mentally and they're two types of individuals and those two types of crimes would be very different people.

Karl constructed these two mirror-like scenarios, with actors in the same age and relationship to each other respectively. While the alternative scenario was characterized by structural similarities to his own actual situation, the motives of the actors were different. The significance for Karl lay within the differing motives. The real dangerous other has a sexual agenda and is “looking” for a victim. However, if anyone had an agenda in Karl’s construction of the offense, it was the student. In this way, Karl demarcated the dangerous other as someone who may commit the same act, but does so consciously with possibly harmful intentions. The dangerous other he constructed was also presented as having compulsions that drive his behavior: someone who “really needed some deviant behavior in my life.” Importantly, this other is cast of as a “very different” person from Karl.

As we have seen, the concept of the “mistake” was a recurring motif for Reggie. Explaining the difference between himself and someone who his “sick,” Reggie relied on his distinction between a “mistake” and a “problem.” He argued that what he did was a mistake – he knew it was wrong and he stopped. Speaking of people in group, Reggie said

Some of them I know when they speak, use the word “mistake”. And I don’t see it as a mistake; I see it as a problem. Because a mistake is, if there’s a young girl and you may touch her in the wrong manner, then you made a mistake. But if you sit there and you log on to a computer, and you’ve been chatting for a month, two months, that’s not a mistake you’re making.

He emphasized the prolonged contact and the agency on the part of the person with a “problem”, and presented the mistake as something that more or less just happened. Explaining his notion of people with problems he described other people in his group therapy who had lengthy email or chat room exchanges with people who disclosed that

they were fourteen. He argued that this was “a problem” and that one way of determining the extent of the problem is “If a child is young enough to be your child, then I feel it’s a problem.” – and a problem signified a legitimate danger. His construction of the danger rested on the extent of the age difference between the sexual actors, and on a construction of a child. These motifs allowed Reggie to demarcate the dangerous other.

The most severe form of a problem for Reggie involved a contact crime with a biological child.

Well, a lot of guys in the group have the internet crimes. Only a couple of us, maybe three or four of us, have contact crimes. You know, one guy that was in the group, the contact crime was with his own daughter. I feel like he’s kind of sick. Because he was convicted of a crime, and then he had a violation for the same thing. Now she’s older, she’s twelve. He said they were getting ready for church, and he was like, “before we leave can you please show me your breasts.” So I feel like he really has a problem. He has a bad problem... for your daughter! Your biological daughter! ... He should have been incarcerated, no probation, not programs. Because he has a problem... He has an attraction to very young girls, to his own daughter.

He emphasized the repeated nature of the violation, the fact that it was incestuous, and the fact that the girl was so young. Repeated, incestuous contact crimes with young victims constituted a “very bad problem”. Distinguishing this type of dangerous, “sick” behavior from his own “mistake”, Reggie argued that this dangerous other is someone from whom society needs protection. He asserted that this type of person should be incarcerated, his bonds from society should be completely severed. He implied that in this case the punishment was not severe enough for the crime.

Aaron also identified incestuous transgressions as the worst type of sex crime, and, as we have seen, also distinguished them from the “mistake” he made in unknowingly having sex with a minor. Like others in the study, Aaron referred to

situations he learned about in his group as examples of people who had committed worse acts, “much worse”

They sit there and they say, “I’m here because I had sex with my niece, with my nephew, and they were eleven years old”...I’m sitting next to people that talk about they’re molesting young boys.

Aaron presented these cases in order to contrast his own act with theirs, and emphasized that he couldn’t “relate” to what they had done. He stated that he had “no identification” with their actions because they were so far removed from anything he had done or would consider doing. Articulating his inability to relate to this type of offender, Aaron affirmed his difference from people that are truly dangerous to society.

In the previous chapter we saw that Raoul invoked media images of offenders to explain his sense of stigma. He also did so to distinguish himself from active threats to the community.

I was reading on the Internet the other day that sex offenders are likely to offend like a 117 kids. I’m like, yeah right. That’s a damn lie. That’s a sick person. I know I’m not sick... because I have a conscience.

As we have seen, Raoul argued that his offense was an “isolated incident”, contrasting that with a pattern of behavior. The repeat offender, with alarmingly high numbers of victims, is not typical of sex offenders in general, nor does he have anything in common with Raoul. Such a person may exist, but he would be an exception. He asserted that they are true deviants, “sick”, but in presenting such a person, he confidently affirmed his own normalcy and mental health. Raoul knew he was not sick.

Defining sickness, Raoul invoked the concept “conscience”. He further elaborated its significance and its relationship to social danger.

Sickness is a person that repeatedly offends without regard to other people’s feelings, or consequences... A person with a sickness would do something and try

to justify it, rationalize it, by, think and want to believe that it was okay in his mind.

Here the word “repeatedly” again iterated Raoul’s significant distinction between isolated incidents and patterns of behavior. Raoul asserted his moral compass as he presented a theory about the relationship between conscience and deviance. Defining himself in opposition to the sick, he articulated his own regard for others’ feelings and the fact he does not justify the infliction of harm. An important distinction for Raoul was that between what a person *did* and how a person *felt* about what he did. While the deviant other is self-righteous, uncaring and self-justified, Raoul presented himself as recognizing his offense as a moral lapse: “I mean I know I was wrong.” He qualified this statement by comparing what he did to what a truly dangerous person might have done.

But you know what? Thank god I didn’t go further. I could have gone further, meaning having sex with her and really violating her. I mean, I did violate her, but, taking pictures of her private parts it’s a violation, okay?... But, I’ve been around guys that have actually done... If I compare it, it’s actually nothing to what they’ve done. I’m not trying to minimize, because I know I was wrong.

He expressed the belief that there are gradations of harm, and that his actions could be constructed in light of more heinous ones. That he did not have intercourse with his victim mitigated the extent of his deviance and this fact was used in the construction and delineation of the true deviant and dangerous other.

Providing another example of someone who poses a true threat to society, Raoul stated:

I was reading a case of a guy who had AIDS and raped three kids. To me, that guy, they should give him the chair. ‘Cause he just ruined three lives. And he knew he had it and he still did it.

He described someone who committed multiple crimes (part of a pattern of behavior), whose victims were children, and whose actions involved force and intercourse. In addition, that this man had AIDS meant that he potentially transmitted a deadly disease (“he passed a death sentence”), and that his actions might therefore have even greater consequences and he might have inflicted greater harm on his victims because he might have transmitted his AIDS. For Raoul, this was the dangerous other par excellence against whom he could construct his own normative identity.

Stating that “they should give him the chair,” Raoul espoused populist zero-tolerance punitive methods. In so doing, Raoul aligned himself with the mainstream in opposition to the dangerous sex offender. He reinforced this point, asserting “that for certain crimes” the death penalty “is mandated.” He believed that society should absolutely not tolerate certain heinous threats, and that in cases of true danger, the ultimate form of social exclusion is appropriate.

Also aligning himself with populist punitiveness, Tim discussed what people in his neighborhood think of sex offenders.

Some others say they should be taken out back and shot... People don't like the idea that sex offenders are walking free. And I actually agree with them... I would feel the same way.

Articulating the same intolerance towards sex offenders that he attributed to his community, Tim asserted his membership within that community. In agreeing that there are those who should not be “walking free”, he reaffirmed his own sense of deserving participate unencumbered in mundane community life like any other member.

III. Critiquing Policies

All the sex offenders interviewed articulated a need to protect society from dangerous sex offenders that truly threaten society. However, they also criticized current policies for being irrational and casting too wide a net. They qualified the meaning attached to their official social label through a critique of the labeling process. In this way they managed their outsider status by intellectually engaging with policy.

As indicated in the discussion of the dangerous other, these men took issue with the fact that a variety of offenses tended to get grouped under the same label. In addition, people outside the criminal justice system, that is, “normals,” tend to see the category as indicating simply the worst and most dangerous of those types of offenders. Thus, in articulating a need for policies to encompass more nuanced categories and punishments than currently exist, offenders still aligned themselves with those who do think there should be laws in place for sex offenders. They were able to speak as knowledgeable agents, specially privileged in this sense because of their label. They addressed the ways the current system is unfair, creates undue stress for offenders, and overly-stigmatizes those who do not conform to the stereotypical predatory menace.

Although Terry believed that he was the type of offender from whom society *does* need protection, he argued that current policies are overly inclusive. He presented his theory from the position of someone more knowledgeable than the lay person, locating himself within professional discourse through the use of facts and generalizations espoused by the “own”(Goffman, 1986, p. 19)

I am one of the people who probably should be under Megan’s Law to some extent. It goes over and above what it needs to for me and most sex offenders, I’m sure. But 99 out of 100 people who are in group therapy with me, both this group and my previous group, were sex offenders and should not have been under Megan’s Law. Ninety-nine percent did not have crimes against minors or hands-on crimes. They attempted to meet a minor or, um, watched pornography on the

Internet. Instead of actual hands on crime... It's a real fallacy, as far as I know, that people who watch pornography on the Internet or TV are going to have a hands-on crime. It just doesn't happen very often. Same thing with people who molested a family member. It just doesn't happen that the public is in danger. And they're still under Megan's Law although they shouldn't be.

Unlike those who asserted that they are in group therapy with people more dangerous than themselves, Terry argued that most of the people he meets in group do *not* present a danger to society. Although he stipulated that the degree to which he himself was monitored is extreme, he also viewed himself as in need of extra supervision and believed that it was reasonable for particular laws to apply to him. However, he argued that he is atypical. *Most* offenders have not committed acts that have caused harm or would conform to stereotypical sex crimes. Speaking with a sense of authority and positing statistics, he indicated that many offenders he encountered have not had physical contact with a victim or inflicted harm. Furthermore, he stated that their behavior is unlikely to escalate to the extent that the public needs to be concerned with them. He did not see most convicted sex offenders as a risk to the community.

For this reason he believed the current system should be re-evaluated.

The legal system I feel needs to be looked at a little more. Not that sex offenders shouldn't be singled out as someone to be monitored more carefully.

He aligned himself with the community by conceding that sex offenders present a particular kind of social problem and require greater levels of social control than other types of criminals. By identifying "monitoring" as the necessary form of social control, he indicated that punishment *as punishment* is not enough for sex offenders. Sexual criminals need to be managed within the community because of the presumed special danger they pose. Punitive measures themselves will not prevent crimes. In this way he suggested that sexual offenders present a special class of criminal.

Karl, Raoul, Tim and Aaron all expressed frustration with grouping sex offenders under three categories and one general label. Karl believed “it should be on a case by case basis”. Raoul argued that the stigma of the label itself is a reason to fine-tune the existing system.

They need to like, put categories. They need to make some type of system, coding system for the offenders and put them in perspective, because it does effect anybody that’s labeled a sex offender. When he’s trying to find a job, it becomes very, very difficult. Not only, as it is you’re already a convicted felon. But then you have the sex offender label on top of that which makes it even worse.

Raoul iterated the problems created by the double stigmatization which sex offenders face, and specifically focused on the ways it prevents reintegration into the community through employment. Were people who do not conform to the public’s view of sex offenders to be given a different label than those are truly dangerous, deserving people in Raoul’s position would be in a better position to re-enter society.

Aaron argued that in his case the “statutory” nature of the “rape” charge gets subsumed under the stigma attached to rape, and that he suffered from the effects of that label. He expressed frustration that the levels assigned to sex offenders do not come with “fine print” addressed to the public explaining “mitigating circumstances”. Aaron argued that this “cookie-cutter approach” needed to be “looked into” and reflected that this may only happen when someone in power gets caught in a similar situation to his.

In addition to critiques about the way offenders are categorized and labeled, some participants maintained that even if sentences are appropriate, the social control measures that are used can be counter-productive. Terry in particular believed that the stress caused by certain punishments renders offenders more likely to recidivate. House arrest is one example.

It's pretty much three hours out a week. That is extremely difficult. Because myself and many sex offenders are very people-friendly, people-oriented people, like social environments, that sort of thing.

He argued that house arrest punishes and curtails offenders' socially acceptable, normative aspects of self. Here he championed sex offenders as good people and pro-social. Aligning his normative identity with the less threatening sides of other sex offenders, Terry challenged the underlying intent to exclude them. His critique of the isolating aspect of the punishment included an assertion about the extent to which he and others like him are worthy of inclusion. To the extent that he agreed with the community that sex offenses need to be prevented, he supported some of the goals of current policies. However, he objected to the exclusionary means because of general pro-social traits that should not be restrained.

Furthermore, he argued that house arrest creates a situation wherein some offenders may be more driven to commit another crime. He addressed this concern at length:

Why house arrest is punishment: I've never figured that out. Because almost all sex offenders that I know, myself included, um, were isolated or lonely when they committed their crime; it was a contributing factor in their crime. And putting people on house arrest where they can't have interaction with people seems counterproductive. But the reason they do it, I've been told, is to keep you away from society to protect society.

The monitoring situation does in itself exacerbates the problem, because like I said before, most of the sex offenders a contributing factor was their loneliness or aloneness and monitoring and a lot of the other things that are in place force you to be isolated and apart from humanity. Which you know just cause you to commit another crime. So their solution is causing the problem, or increasing the problem.

The exclusion itself, meant to protect society, could result in further harm by further isolating people who Terry implied offend out of loneliness. In order to critique the

policies, he constructed a theory of motivation and invoked knowledge about sex offenders to make his point. Agreeing with society that there is a “problem”, he described the contributing factors as ones which could potentially be socially addressed. However, he argued the nature of policies aimed at sex offenders in general, and house arrest in particular, segregate the offender in such a counter productive way that the contributing factors are exacerbated.

Echoing some of researchers’ critiques presented in Chapter 2, Terry additionally argued that the community notification aspect of Megan’s Law is unnecessary as in many cases it would not be effective in preventing crimes.

I don’t think my neighbors need to know about me... I don’t think people at work needed to know either. Like I said, it was a separate life and sex offenders try to keep it away from the people they interact with every day. True sex offenders like myself don’t know their victims, so the people in the neighborhood have no reason to know because you deal with them every day and you’re not going to commit a crime against friends, family, neighbors.

Terry relied on his knowledge of “true sex offenders” to critique existing policies for not effecting their putative aims. He was not arguing against the need for sex offender policies, but pointing to the fact that they are essentially flawed. He stated that the policies do not seem to be based on an awareness of the situations within which offenses take place; nor do they address the real relationships of the social actors in most situations of sexual offense. Terry maintained that his neighbors and friends were never at risk and for this reason did not need to know about his deviant behavior.

His sense of the community had altered in recent years with the attention that the passing of Megan’s Law has given to the “problem” of sex offenders.

There’s a fear in the public, growing concern and fanaticism, against, you know, sex offenders. It’s somewhat warranted, but it’s really gone beyond the bounds of normalcy.

His description of the “fear” and “fanaticism” indicated a menacing level of concern, an excess of focus. Abnormality was here presented not as the behavior of the offender, but as the community’s focus on the issue. Experiencing himself outside the community, he did not participate in its fanaticism but rather felt himself to be the object of it and a potential target.

Raoul also complained that sex offender policies place people under undue stress and social control and that this has a number of social consequences.

I just think they need to come up with some kind of system that could alleviate the stress on sex offenders because sex offenders do go through a lot. Especially when they’re getting released from prison, they make the whole neighborhood aware, you have to go to programs, they check on you. You have to register. It’s a lot of stuff. Sometimes, if you’re not strong minded, you’ll do something stupid just to end up back in prison because in prison you don’t have to deal with all that, you don’t have to deal with the people. Because people always stereotype and people always label you. And there are some mean people out here.

Here Raoul made a number of points. For one, like Terry, he claimed that the policies which apply strictly to sex offenders (as opposed other kinds of released criminals), such as registration, notification, treatment, specific probation demands and types of surveillance, create a stress that is constantly experienced. The pressure of the conditions impact the internal sense of self, particularly in that the self is marked and othered. Like Terry, Raoul asserted that these differing conditions may place the subject in a position that exacerbates the situations and makes an individual more, not less, likely to commit a crime. In this way Raoul articulated his opinion that the policies are counter-productive to their stated purpose – preventing recidivism. By “strong minded” perhaps Raoul meant maintaining an inner sense of self that is not stigmatized, and is capable of resisting the connotations of the label. Furthermore, it is worth noting that in the context

of critiquing policies, Raoul reiterated that the label “sex offender” is all encompassing, implying that stigmatization in and of itself creates stress on the individual that could lead to recidivism.

Reggie argued that the “twenty year registry is too steep” in most cases and that the current policies “need to be looked into”. His own experience, as well as those of others whom he had encountered in group – most of whom, as we have seen, have been convicted for non-contact crimes – indicated to him that “some of the guidelines and laws are kind of strong.” When he elaborated, he recalled the cases of people in group who were convicted of statutory violations with their girlfriends. He mentioned a person who “might have been 20, they had a loving relationship, but the age difference, fifteen, sixteen years old” – indicating that the “loving relationship” and the relative proximity in age should be considered mitigating factors. These more typical situations were seen as less of a violation of social and sexual mores and should not be regarded as serious offenses. Another scenario offered as an example of a case that was punished too severely concerned interaction on the internet:

You know, there was another guy. He had wrote a love letter, and explicit love song, put it on the internet. But he didn’t put a parental advisory on it, so one of the girls that downloaded it was fourteen, and she wrote on the fan blog about “how much I love you and how much just experiencing your song...,” and the parent got a hold of it and now he’s a registered sex offender!

When Reggie relayed this story he was clearly outraged by a sense of injustice. The person who posted explicit lyrics on the internet should not be grouped in the same category as the man who fondled his own daughter’s breasts.

Reggie also felt that the specific punishment and Megan’s Law was unnecessary in his case because of his certainty that he would never make the same mistake again.

(“This is something I’ll never do again, so it’s something they don’t have to worry about me.”). That is, Megan’s Law is meant to prevent further offenses, and in many cases, such as Reggie’s there would be no recurrence.

Reggie asserted that the current climate surrounding sex offender laws and the over-zealous legislation of the last decade create an environment of mistrust that effects innocent people. He stated that the laws place the community “in a state of paranoia” and told the story of a couple he and his wife knew from church that sponsored a number of children’s activities.

There’s a family that’s really high in the church in my area, and since I was a child, they’ve always got their inner city children. They’ve got their basketball programs, football programs. But since now, it’s like the main thing even, they make movies and everything on sex offenders, they’re look at as, “well, I’m not sending my child to camp with them, because I don’t know what’s going on...”

Although this couple had never been officially accused or convicted of any misconduct, members of the community viewed their interest in children with mistrust. Reggie felt that this was “not right” and stated that he would feel confident sending his children to their programs, because “they do a lot of good.” He argued that this type of “paranoia” was a negative consequence of the general public’s heightened concern about sex offenders.

IV. Frustrations with Unjust or Irrational Policies

While critiquing the current policies affecting sex offenders and discussing life under the constraints of these policies, a number of the men at some point expressed a sense of powerlessness, constructing themselves as passive objects within an unjust system. It can be argued that in so doing they positioned themselves as members of the

community who have been unfairly treated and subtly reinforces a righteous sense of a normal real self. That is, they were basically regular people. The irrationality of the system places unfair burdens on an otherwise normative identity. Expressing their powerlessness against the system, they reaffirmed that identity because clearly the policies did not reflect their real self. In addition, powerlessness (and hopelessness) can be seen as ways of adjusting to or coping with the stigmatizing label. It provided a means by which the person could distance himself from the labeling process. If the process is out of their hands, then it is not a reflection of their selves or their actions.

Tim's narrative included many descriptions of life's unfairness. Suffering a host of illnesses and watching his mother die as a result of what he considered malpractice, Tim presented a world view wherein he had little control over significant events in his biography. By constructing himself as a victim of irrational sex offender policies he aligned himself with the powerless little guy who can't beat the system, who is always getting screwed. He saw the policies on sex offenders as another instance of this. He threw up his hands against his excommunication, and aligned himself with the "average guy". When he critiqued the system, he emphasized the unpredictability of the laws.

Because they keep changing the laws every single day and it keeps affecting us every day. Been putting stress on me and other people that attend this program. And they don't know what the law covers on their behalf and our behalf and so forth. They keep changing it every day and we don't know what's going to happen tomorrow. One day it's five years, and the ten year registry and the twenty year registration and now it's going to be a lifetime registration no matter what level you are and it's ridiculous.

Tim attributed his personal stress to the fact that the rules which applied to him were continually being changed for reasons that had nothing to do with his behavior or his individual conduct. Rather, these decisions were made in the legislature and passed

down to him through powerful agents in the system. He characterized the agents in the system at the level with whom he interacted as confused and unhelpful (“My lawyer is a joke”) and who themselves were barely abreast of new policies.

I had conflicting probation papers. Cause my lawyer got a piece of paper from the probation officer giving me a set of rules. Then I get one from probation and they’re completely different... such as telling me I have a curfew. I have to be in by 9PM. And the other one says I have no curfew, only on Halloween, which I understand... I went to my PO. He took it to his boss, the head honcho of probation, and we sat down and discussed it.

Tim also critiqued current policies for being inconsistently implemented.

But you know, one of the guys who’s in my group therapy session has an identical case to mine and he’s got access to the internet. He’s got his own computer and laptop. His case is identical to mine. Same judge, same lawyer, same district, same DA. He’s got an identical case, but he’s got a computer, the access, and I don’t.

Because he saw no logic to the way sex offenders are punished and managed, it was not easy for him to view himself as an agent with the ability to rationally make changes through his own actions. It was within this construction that he indicates that it is not he who is deviant, but the system.

Portraying sex offenders as regular people, Tim presented the system as persecutory. As we have seen, he was particularly upset by the experiences of a someone in his group who was targeted by a local politician. Tim used this story to illustrate his conviction that sex offenders are powerless against a larger system.

I don’t think anyone should be above the law. And this Borough President, councilman, came to his house with all the probation officers and lined them up to measure exactly how far it was from his bedroom to the nearest school. They lined him up and they measured it with a tape measure. It was supposed to be like a thousand feet and he was like nine hundred and eighty five feet. And they said he was too close to the school. Fifteen feet. What do you want the guy to do? Move upstairs to the roof, to make it an even thousand? I mean, this guy should not be

above the law. This guy went there and he wanted this guy gone and he didn't care what it took.

He served 12 years in jail, and he was doing lifetime probation and lifetime registry. What more do you want him to do? And this guy, he was a very nice guy. I was with him for the first year that I was out and talking to him and from what I understand from him, he was very nice, very pleasant to talk to. And they just totally turned his life upside down. I mean, I don't think that's right.

Tim recounted this story at relatively length, and referred to it a few times. The injustice clearly made an impression on him. Tim characterized the sex offender in question as a regular guy – a particularly nice guy, i.e., worthy of social inclusion. This man was the victim of an over-zealous display of political power. Asking, “What more do you want him to do?” Tim expressed the frustration and unfairness of the system and helplessness of the sex offender who cannot prove his worthiness because of laws which preclude such a possibility.

Aaron and Reggie voiced similar frustrations with these types of inconsistencies, and expressed a sense that they themselves were unfairly punished. Reggie expressed confused outrage over the fact that the man who attempted to molest his own daughter was only a Level I like Reggie himself. He stated: “He's a Level I like me, and his level is too low. I mean he really needs to be watched.” In addition, Reggie felt that it was frustrating that the laws vary from state to state and that there is little consistency:

Each state you have to re-register. In certain states, like Florida, even Level I they put them right out there.

Aaron also felt that it was unfair that the laws varied from state to state, and was dismayed at the fact that because the age of consent varies in some states, had his encounter with the 16 year old girl taken place elsewhere it would not even have been defined as a crime.

Like Tim, Karl was exasperated with ever-changing laws.

It's frustrating. I also feel totally powerless over it. I mean, you never know. I was reporting every other week to probation and now I have to report every week and it's not because of me or anything I did.

In Karl's narrative, the changing laws contributed to a sense of chronic uncertainty, an inability to feel secure about the future and his daily life. However, this powerlessness helped him dis-identifying with the label because the laws did not reflect his actions. The social control apparatus was the agent, and he is the object of the system.

Karl argued that because he was on probation and a labeled sex offender, he had no power to address the system on its own terms.

And I'm on probation and I don't have any rights in that way. And, even if I wanted to try to get the rights, I would have to have a lot of money to get a lawyer to be able to do that, and I don't have that money to put into that. So I don't even feel like there's any way for me to even stand up for myself in that sense.

He stated that the system disallows the voices of offenders to act as active participants in the framing of policies which affect them. The injustice is in part economic, as he and others in similar situations lacked the necessary financial resources to advocate for themselves. Thus Karl felt like his hands were tied, that there was nothing he could do to improve his situation.

Furthermore, like others, Karl observed that because punishment is not administered on "a case-by-case basis", there was logic or justification in the ways policies were implemented.

There's this one guy in our group he walks around with his ankle bracelet all the time. And he's one of the most well-adjusted guys in the group, and it's just something that he has to walk around with. And we live in that kind of society where people are afraid.

As discussed in the above section on critiquing policies, the punishments meted out and the applied methods of social control did not seem to reflect the real danger posed by any individual in question. Rather, Karl attributed punishment to a general fear pervading society. That is, he argued the system expresses the irrational emotional sentiments of the society, rather than its actual needs for punishment and social control. Referencing the public's fear, Karl invoked the idea of a society that is vulnerable to policy-makers who posit heavy-handed solutions to social problems.

Raoul also expressed exasperation with the criminal justice system:

Okay, I did it to myself, but when does it end? When does the closure come? Nine years in prison for taking two photographs! I worked in the law library and had guys tell me they spent a weekend with 13 year olds. They screwed them through the ears and they had less time than me. And I tell them, "you just better get out of my face with that, you got 8 counts, and you had sex, you had sex, and you're over here and they gave you five years for 8 counts and you're over here crying. And I got 8 years for two photographs and I'm eating it. Get out of here man." Sometimes I don't know how they dispense the justice. I really don't know how they do it.

Here we see the anger he felt when he compared others' sentences to his own. Looking at crimes on a continuum of harm wherein the real dangerous other is defined, Raoul was enraged at the length of his sentence and expressed powerlessness in the face of irrational justice. The policies placed him in a position of not being able to find "closure" – i.e., move on and pursue a life free from stigmatization and social control. His sense of frustration was fueled by the way the system overly punishes sex offenders in comparison to other types of crimes.

But I know something has to change, because you have sex offenders. But what about people that kill and are released from prison? What about people that commit armed robberies? You're telling me somebody who does a lewd act, for example somebody that solicits a prostitute, that's a sex offense. And somebody that does armed robbery, so the guy that's soliciting a prostitute is labeled a sex

offender, that right there is going to destroy him for life. Now, the armed robber, it's not emphasized that much.

Raoul invoked a hierarchy of harm and presented it as resonating with general common sense notions about fairness. He contrasted it with criminal justice policies which administer over-zealous punishments to many people labeled sex offenders who are not harmful, and less severe punishments to people who have committed more serious acts.

V. Reestablishing Humanity

These men strove to carve out narrative space wherein they could assert their own humanity and resist the label "monster." Such a label marked them as outsiders, stripping them of a sense of social belonging and undercutting their essential humanity. Through articulating an authentic self, participants asserted that their actions were understandable and their human essence was not affected by the label. They were still the same people they were before they committed the offense. These men repeatedly asserted that they were primarily attracted to adults and were not pedophiles – from whom society should protect itself. Invoking the same stereotypes and connotations associated with their label allowed them to reestablish their own humanity in contrast to this image.

In spite of the fact that being labeled as sex offenders severed many of their significant social bonds, none fully and unequivocally saw themselves as monstrous. Even Terry, who very much felt that he was someone from whom society should be protected, articulated an idea of a real self that was in some ways normal. Sharing society's values about sex offenses enabled offenders to maintain their own socially viable sense of self and helped them adjust to the conditions of being labeled. But, more

than just easing an adjustment to a difficult situation, these strategies allowed offenders to view themselves as fully human and worthy of social inclusion.

CHAPTER EIGHT: FROM THE PERSONAL TO THE POLITICAL: IMPLICATIONS FOR PUBLIC POLICY

Although the offenders presented in this study were neither child murderers nor serial pedophiles, they lived with the stigma associated with the dangerous monster represented in the label “child molester.” These are the men who are considered the scourge of society and social pariahs par exemplar, legally and socially marked as irredeemable outsiders. In this analysis I explored how that status is managed and how viable social identity is maintained.

In constructing their offenses, many of the men in this study included elements of rationalization in their narratives. As we have seen, all sexualized their victims and few invoked the concept of abuse. Some presented their behaviors as events over which they either had little control either because of a sexual momentum within the relationship (Karl and Tim) or because of compulsive illness (Terry). Their stories were primarily vehicles for asserting their basic social and sexual normalcy, and in presenting their versions of self, participants also presented a self that was woven into the fabric of their community prior to their conviction. Their sense of self was established and maintained through important bonds in their community, including work-related roles. Most significantly, close family members were a source of support that was kept intact after their convictions, and played an important role in affirming normative identity.

All the men experienced a host of negative consequences as a result of being labeled sex offenders. These were similar to findings reported by other researchers, such as low self esteem, difficulty finding employment, and fears about neighbors’ reactions (Levenson et al., 2007; Meloy, 2006; Tewksbury & Lees, 2006). The analysis presented

in this study supports the body of research which demonstrates that current policies negatively impact sex offenders in such a way that their ties to the community are damaged. The loss of these bonds, particularly in regards to employment, further alienate these offenders from society and thus place communities at greater, not lesser, risk.

Significantly, four of the participants served jail time (Raoul, Aaron, Reggie, and Terry). The specific conditions of probation implicated the social control apparatus into the lives of all these men in such a way that their daily routines and sense of autonomy were compromised. In this way, their status as outsider was continually reinforced. All lost means of income and were placed in financially vulnerable positions that would continue to affect their economic stability and ability to lead “normative” middle class lives. The loss of career was particularly painful for three participants who had longstanding professional identities. And all of these men will have considerable difficulty re-entering the work force in a profitable or meaningful way. The imposition of the social control apparatus lead to a pervasive feeling of stress and anxiety, or ontological insecurity. They lived with an internal sense of social isolation wherein rejection and harassment loomed as a possibility. As researchers such as Marshall et al (1999) and some of the offenders in this study have noted, increased social alienation and personal isolation can play a role in offenders’ likelihood to recidivate. Marking individuals as outsiders may lower their stakes in conformity and create extreme stress that might lead to anti-social and inappropriate ways of releasing tension and seeking intimacy, such as sex offending.

To manage their stigmatized identities, participants worked to construct the idea of a real self that was normal and worthy of social inclusion. In asserting this self, they

espoused mainstream ideas about the problem of sex offenders in the community and relied on stereotypes of the dangerous monster to demarcate their own normalcy. These men also voiced opinions about public policy, and all critiqued current legislation for being overly inclusive and stigmatizing those whose offenses are less dangerous than others. It is also worth noting that all the participants voiced the hope that by participating in this research they would be able to help other sex offenders living with similar obstacles. For example, Raoul was pursuing studies that he hoped would enable him to act as an advocate for offenders, and Karl stated that when he was no longer living under the conditions of probation he might consider taking up some form of activism. These men felt that they had been wronged by the criminal justice system, that the public at large is misguided in its support of many policies nor does it understand the population of people being convicted of sex offenses.

In presenting the narratives of these six men, I have constructed a story based on my own analysis of their texts and have emphasized themes which emerged from my readings of them. These themes reflect my interest in the management of deviant identity, and in my reading these narratives are essentially stories about the importance of belonging. With the exception of Terry, all the men in the study earnestly presented a version of self that was eminently human and worthy of inclusion within the social fabric. They believed in their own humanity and put forth narratives that asserted this normal, and thus includable, self.

Others might read these same narratives and find different meanings embedded in them. Some would hear these voices as defensive and would argue that they are inherently dishonest. However, as I stated in Chapter 3, I believe that all narratives

contain self-serving elements. What I have tried to do in this analysis is explore the nature of that service – the ways in which narrative serves the self, and how that self is constructed. I have found that what was most important in these stories was reclaiming that basic humanity and asserting the right to belong.

None of the participants in this study represent the monster which victims' rights and policy advocates are so afraid of. Rather, they are representative of the 60% of sex offenders on probation and parole, men who have committed relatively minor transgression which are far removed from the sensationalized stories of child murderers presented in the media. These more typical offenders do not represent the object of the child protection rhetoric that dominates public debate about these policies. Even Terry, who was a stranger to his victims and thus more representative of aspects of the dangerous other, generally preferred to offend against adult women and did not represent a specific threat to children. In fact, the pedophile is notably absent from my sample. I can speculate that perhaps someone with these proclivities would not be interested in participating in the study, perhaps because they would not believe their story would be heard without judgment and condemnation. While too small a group to be a representative sample, the inclusion of a serial offender, an internet offender with no actual victim, an interfamilial offender, a teacher who offended against his student, and two men involved in consensual affairs with teens, provides an opportunity to hear the voices of typical offenders⁷.

⁷ It is difficult to state how many sex offenders have been convicted of statutory charges: because people under the age of consent are considered children ("minors") offenses against minors may or may not have involved consent. Additionally, in many states, including New York, "statutory" rape is subsumed under "rape" and consensual sex with a 16 year old would be classed as "third degree rape." It is also worth noting that

Although this project is limited by the absence of fact-checking or any reliance of official records, and the only thing I knew about participants was what they chose to report, the stories these men told about the nature of their offenses are consistent with other researchers' findings. It is important to recognize that few studies of offenders in the community differentiate their samples by types of offense, and all minors, including teenagers, are legally considered children. Thus "child molester" includes someone who engaged in sexual activity with a teenager. For instance, in Meloy's sample of 29 interview respondents, 41 percent were on probation for offenses against "children" and an additional 17 percent were on probation for what were considered "statutory" charges (Meloy, 2006 pp.73-74). She stated that "most of the men who were interviewed stated that their victims were 'willing' partners in the sex act but that the victim's biological age (in relation to their own) prohibited legal sexual consent" (ibid., p. 74). 25 percent of her sample included men with "convictions for 'hands off' offenses such as possession of child pornography, public indecency, and Internet solicitation of a minor" (ibid.). Although a larger sample, these offenses appear to be similar to those reported by the men I interviewed. As in my study, Meloy's sample did not include a serial pedophile, or that the monster accused of brutally heinous acts. Yet this character continues to loom large in public perceptions about sex crimes and continues to influence policy decisions. We need to ask, Are men like those I interviewed the types of men against whom current policies were directed?

In Chapter 4 I observed that in listening to these men's stories, I was aware of the presence of various counter-narratives – other possible versions of "truth" which exist

presumably many "statutory" charges are pled down to non-sexual misdemeanors, such as endangering the welfare of minor.

within the landscape of discourses about sexual offenses. One version that was notably absent from the texts includes the victims' perspectives. As we saw in their narratives, wrong-doing and harm were not always neatly distinguishable. For instance, Aaron felt deceived by his victim who had control of the situation; Karl argued his victim was not harmed; Tim did not in fact have an actual person as a victim. In constructing their offenses, these men brought meaning to the situation that complicated and undermined the clear-cut offender/victim paradigm. All the participants' accounts included constructions of their victims who were to varying degrees sexualized. Terry described the women he offended against as highly "feminine;" Raoul described becoming aware of the sexuality of young teens in his household, and emphasized that his victims had "planted the seed" by showing him pictures of her friend; in Tim's account, the person on the other end of the chat-room exchanges showed great interest in sexual banter; Karl described his student as particularly sexually precocious; Reggie highlighted the mature physical appearance of the girl he became involved with; and Aaron met the girl he had an affair with in a sexualized situation in which she presented as an exotic dancer. With the exception of Terry, they all presented their victims as playing a key role in the unfolding of events that led to the offense; Karl, Tim, Aaron, and Reggie all presented their victims as having independent sexual agency.

All the offenders invoked the age of consent as a reason that makes sexual activity with young people wrong, and drew on the idea that young people are not mature enough to make decisions. In addition Karl, Terry and Raoul specifically speculated about the harm their actions caused their victims. Karl stated that his victim was precocious and probably not damaged by the experience. In addition, he reflected on peers' accounts of

positive experiences with adults they had had when they were teens. Although he implied that some adult/young person sexual interactions may be damaging to the youth, he asserted that it was on a case-by-case basis and not as harmful as people necessarily assume. Terry articulated that it is known that sexual molestation causes harm to victims, but that some people are less affected by it. He also said that violating minors was worse. Neither Karl nor Terry espoused the view that sexual violation is always and clearly harmful and articulated a belief that not all victims are equal. Raoul specifically invoked the concept of abuse of power from someone in a custodial position, and was the only person that used the word violation. He stated that abusing trust is inherently wrong. Although on the other hand he presented the fact that his “victim” was not angry at him as evidence that she was not harmed. Thus, the extent to which someone is harmed by being the victim of a sexual transgression is contingent on aspects of the situation and characteristics of the social actors.

Empathy for “victims” is considered key to therapy and is part of criminological and psychological discourses about the sex offender. These discourses invariably construct the “victim” as a “victim”, that is, someone who has been harmed, and posit all sex offenses legally defined as crimes as inherently abusive. Many researchers report that the consequences of sexual abuse can be “devastating” (Meloy, 2006, p. 19; Schultz, 2005, p. 12) and do not question these assertions. Although samples of offenders in qualitative studies include a range of types of offenses, most researchers employ the blanket term “sex offender” to describe their sample, reinforcing the idea that all offenders commit acts that have “devastating” (ibid) impacts on victims. In spite of universally reported low recidivism rates, researchers present their work as informing

public policy about a grave social problem. For these researchers, aspects of the accounts presented in this study might read like examples of the cognitive distortions, minimizations of harm, and rape myths routinely employed by sex offenders (Marshall et al., 1999; Scully, 1994; Terry, 2006)

These discourses cumulatively posit an explanation of the situations in which sexual transgression occurs and reject the validity of offenders' stories that do not conform to it. Adopting labeling theory perspective allows us to look beyond the question of what "really" happened. We can see that "victim" and "offender" (or "perpetrator") are entwined labels. Once someone is labeled a sex offender, the person they offended against is labeled a victim. Dominant discourses which cast the offender as dishonest and minimizing harm are immediately invoked as part of the definition of the situation. In listening to the stories told by these six men, we are able to hear *their* definition of the situation, and the way they made meaning out of their status as sex offenders. These stories resist the generalized and dominant view in several ways, the most basic having to do with the fact that they privilege the offenders' position and perspective.

In some of these stories it is easier to see the situation from their point of view than in others. For instance, Reggie and Aaron, who were involved with teenage girls, presented narratives that are already familiar to us. We are accustomed to seeing sexualized images of young people in popular culture, and in many movies and TV shows young people are sexually active, and sexually desiring subjects. Research suggests that half of all teens are sexually active (Levine, 2002, p. xxv), and an adult male who is attracted to adolescent girls is not necessarily considered sexually deviant

(ibid, pp. 28-29).⁸ Listening to Reggie and Aaron’s narratives it is not difficult to believe in the veracity of their version of events, and to question the appropriateness of the punishments meted against them. Some of the stories presented in this research lead us to ask, Are people who engage in consensual sex with teenagers sexually deviant or normative males in a culture that eroticizes teen sexuality?

The criminal justice system includes legal processes that are designed to help actors determine the “facts” of the case – what really happened. This generally occurs as part of a trial; however, the majority of cases are plea bargained and do not go to trial. This leaves the definition of the situation to attorneys. Relying on dominant discourses about sex offenders, the accused is likely to be seen as embodying a form of the monstrous, and as someone whose actions caused great harm. To reiterate, the object of the present study is not to privilege the accounts of offenders in these negotiations for the definition of the situation. Rather, by focusing on offenders’ accounts, I have shown how stigmatized individuals give meaning to their deviant identity. In so doing I have presented stories wherein the offender is not that monster, and the damaging nature of the legal transgression is equivocal. These voices must be given some valid space in both individual level negotiations and debates about public policy. Otherwise the situation is wholly determined by connotations associated with the label. For instance, it is significant that in reporting on the statutory violations included in her sample, Meloy places the word “willing” in quotes, automatically undermining the potential legitimacy of teen actors’ agency in the situation (Meloy, 2006, p. 74).

⁸ There is even a motif in popular culture that depicts the sexually predatory teenage girl seeking to destroy the lives of adult men (*Poison Ivy*, etc.).

In Chapter 2 I reviewed some of the research that is critical of registration/notification policies. We saw that these “Megan’s Laws” were passed in response to brutally horrific and violent events in which children were murdered by strangers. Such stories do not reflect the circumstances in which typical sexual violations occur, nor is there any reason to believe that these cases are the “tip of the iceberg”. The offenders who are daily subject to these policies have committed a range of offenses that vary in the degree to which they constitute abuse, and research has shown that these offenders, generally, pose little, if any, risk of reoffending. This certainly appears to be the case with the sample in this study. Like the general population of sex offenders on probation/parole, five of the six men I interviewed demonstrated little likelihood that they would reoffend. Yet public policy concerning sex offenses is based on the assumption that heinous crimes are frequent and that perpetrators of sex offenses have high rates of recidivism. These are the presumptions behind registration/notification policies which manage the offender within the community regardless of whether or not he has served his sentence. In addition, research indicates that registration/community notification has little if any effect on reducing recidivism. It has not been shown that the public shaming and exposure of offenders, nor the bureaucratized tracking of their status in the community has any of the policies’ intended effects, while research does indicate that the policies create a number of negative and (presumably) unintended consequences for the offenders.

Interestingly, none of the participants in this study argued that registration/notification should be completely repealed. They all supported a need for special civil policies aimed at managing sex offenders in the community, and shared assumptions

about the dangerousness of some types of offenders. None questioned the justice or logic of civil management of portions of the population. Instead, they advocated for modifying the implementation of the laws. They argued that policymakers need to refine the risk levels and the methods of categorizing offenders so that people like themselves would not be unnecessarily over-controlled. They did not question the stereotypes of the predatory monster and shared in mainstream views about how to handle this dangerous other.

My policy recommendations are more radical than theirs. There is little evidence to suggest a need for any type of registration/notification policy at all. We know that most sex offenders are first time offenders (like five out of the six men I interviewed). The base rate of recidivism is so low that the assumption that this population of offenders needs special management is unfounded and illogical. Again, registration/notification laws have not been shown to be effective at reducing sexual offenses; they make burdensome demands on local law enforcement; they reinforce stigma and could possibly have a counter-productive effect on recidivism. This means that registration/notification policies not only have little ability to protect society from repeat offenders, but they make put communities at risk by alienating individuals who were not going to recidivate in the first place. As stated earlier, Megan's Law is "little more than a symbolic gesture." (Meloy, 2006 p. 113). Furthermore, by imposing civil social controls on individuals who have already been punished by the criminal justice system through incarceration, parole or probation, this type of policy extols emotionally-driven populist punitiveness at the expense of a democracy that upholds civil liberties and freedom of citizens. In so doing, these policies amplify stigma, damage important social bonds, and make communities less safe.

Given that it is unlikely that these laws will be completely repealed, I would support some of the modifications posed by the participants in this study, although I would go farther than they in some respects. In order to completely eliminate the additional stigma endured by being labeled a sexual offender, it is worth considering categorizing as non-sexually related misdemeanors the sanctions against some “statutory” offenses. That is, for first time offenders who have been involved in consensual acts with teenagers, such as Karl, Reggie, and Aaron, arrest and probation are severe enough sanctions that such offenders are unlikely to make the same “mistake” again. The label “sex offender” only deepens and broadens their sense of stigma and pushes them to the margins of society. In addition, in revising risk levels of offenders, I would pose a new category for “zero risk” individuals which would not include any registration/notification sanctions. This would mean that many first time sex offenders, with minor sex related violations, such as Tim and Raoul’s transgressions, while convicted of sex-related charges, would not be subject to sanctions that endure beyond their criminal justice sentence.

A number of researchers have suggested more integrative methods of social control that include rehabilitative measures designed to reintegrate the offender into the community. Whereas Megan’s Law aims to definitively exclude the offender from full membership in the group, restorative justice aims to bring him back into the fold through techniques designed to modify the individual. While in some ways preferable to the punitive methods currently employed, this paradigm still casts all offenders as sexual deviants who are in need of transformation. In adopting these policies it is equally

important to consider narrowing the net so that fewer individuals are labeled in the first place.

Philip Jenkins argues that the moral panic around sex offenders that began in the early 90s is here to stay. He states contemporary concern about child abuse has a “durable quality” that is linked to many structural and cultural facets of modern life (Jenkins, 1998, p. 232). These include “the institutionalization of the child-protection movement” (ibid., p. 233), the politically infeasible option of appearing “soft on child molestation” (ibid.); the expansion of the therapeutic healthcare industry (ibid.), and the growing victims’ rights movement (ibid., p. 234). In addition, the 2006 Federal Adam Walsh Act, which provides for a federal registry of sex offenders, is currently expanding its jurisdiction over increasing types of crimes and establishing new and stricter penalties.

However, it is important to note that Jenkins’ book was written in 1998, three years before the September 11 attacks on New York and Washington in 2001. These events have perhaps heralded a new era of fear and panic that is no longer so strongly directed against the sex offender and instead is focused on the terrorist or foreigner. In spite of the federal expansion of the Adam Walsh Act, there may be a possible waning of the intense moral panic around sex offenders which can be seen in recent newspaper and magazine articles that criticize policies on sex offenders as being too stringently applied to minor offenses (Harlem, 2009), as well as those that are critical of the unintended consequences of residency restriction laws (which have lead to the creation of a veritable “shanty-town” in Miami) (Cave, 2009; Skipp & Campo-Flores, 2009) in addition journalists have begun to turn critical attention to the rising costs of civil commitment policies that place enormous financial burden on states. Perhaps the wave is abating and

we are on the cusp of an era in which the recommendations I have presented can be seriously considered.

In constructing their identity, the offenders needed to address problematic aspects of self which had been “spoiled” by their label. They told stories in which their humanness was repeatedly asserted. The consequences of social policy on the individuals involved is an element of the situation which is often neglected, particularly when those individuals are considered highly deviant and are defined as dangerous. Identifying and managing “social problems” are areas of civic contests wherein multiple interest groups participate. Because of the high degree of stigma assigned to “sex offenders,” their voices are generally excluded from these discourses in spite of the serious impact they have on these individuals. Perhaps this study will help make room for their voices and this social problem will become less of a valence issue, and more of one in which the complexities of situations are acknowledged.

PARTICIPANTS NEEDED FOR LIFE HISTORY PROJECT

EARN \$80

Researcher is looking for participants in a project designed to explore issues of identity among individuals with negative labels such as “sex offender”. The purpose of the research is to better understand how people cope and make sense of their lives after being labeled.

If you have ever been convicted of a child molestation charge and you are eligible to participate in this life history/case study project.

Participation is entirely voluntary and anonymous.

Each participant will be asked to complete **two interviews** (approximately 1 ½ hours each). After EACH interview (no more than 1 and ½ hours), participants will receive a payment of \$40.

If interested, please contact Social Research Group at 347-385-2938.

(You will get a voicemail box. Please state you are interested in the life history project and only leave you're **a first name** and number where you can be reached. If you leave a last name on the voicemail, you will not be contacted.)

APPENDIX B: Oral Consent Agreement

Information Page

My name is Diana from the Social Research Group at the Sociology Ph.D. Program at the Graduate Center of the City University of New York (CUNY), and Principal Investigator of this project. This is a research study of individuals who have been labeled sex offenders by the criminal justice system and who have offended against minors. The study is expected to help understand how individuals living with highly charged negative social labels make sense of their experience. I would like permission to interview you about your experiences and to discuss your life history over the course of two separate sessions.

I am asking you to participate in two interviews that will each take up to an hour and a half. After completing both interviews, I will pay you \$80 for your time and cooperation (\$40 after each interview).

With your permission, I would like to audio-tape this interview so I can record the details accurately. The tapes will only be heard by me and my advisors. All information gathered will be kept strictly confidential. I am only asking for your first name, and none of the information recorded will be identified with you other than by code. Tapes will be stored in a locked file cabinet, to which only I will have access. You are under no obligation to participate in this study or to discuss anything that you do not wish to. At any time you can refuse to answer any questions or end the interviews. **Please do not tell me anything regarding any criminal activity not on public record.**

The risk involved in this study, is that discussing personal details of your life may cause some distress. Additionally, although I have little information with which to identify you, you are strongly cautioned against disclosing anything which may lead me to believe you intend to harm a child. Should that occur, I will present what information I do have to any relevant authorities.

The benefits of your participation is that the research will contribute to a more fair and complex picture of the experience of people labeled sex offenders and may help inform policies that affect sex offenders in the future. There will be approximately 10 participants taking part in this study.

I may publish results of the study, but names of people, or any identifying characteristics, will not be used in any of the publications. You may see the results of the study posted at <http://socialresearchproject.blogspot.com> in 2009.

If you have any questions about this research, you can contact me at (347) 385-2938 or dcrnyc@gmail.com. You may also contact my advisor through the sociology department at the Graduate Center at (212) 817-8770. If you have questions about your rights as a participant in this study, you can contact, IRB Administrator, The Graduate Center/City University of New York, (212) 817-7525, kpowell@gc.cuny.edu.

If you agree to participate, please state your first name or pseudonym and that you understand the conditions of this project.

I will give you a copy of this form.

APPENDIX C: Interview Questions

SAMPLE INTERVIEW QUESTIONS FOR IRB

I. GENERAL BACKGROUND

1. First, I'd like to know a little about what you are doing now:

- What do you do for a living?
- How long have you been doing this?
- How did you get started?
- What do you like/dislike about it, etc.

2. Before moving on to your personal life, I'd like to hear a little more about your criminal record: (Please, only discuss criminal behavior that is already on your official record)

- How many sex offense convictions do you have?
- Roughly when were these and how much time did you serve?
- Do you have anything else on your criminal record?

3. Let's talk about some of your experiences growing up:

- How large was your family?
- Are your parents still alive? What do they do?
- How did you fit in with your family when you were growing up?
- Were you closer with one of your parents? What do you remember about those relationships?
- How much do you see or speak with them now?
- How has your conviction for a sex offense effected the way you get along with them?

4. Your own family:

- Are you married or in a long term relationship? For how long?
- Have you been married before?
- How many children do you have and what are their ages?
- Do you live with any of them?
- What is your relationship with your children like?
- Have you been convicted of offending against any of them?

II. SEXUAL HISTORY

I want to begin to talk about your sexual history, but also want to remind you hear that you do not have to answer any question that makes you uncomfortable.

1. Do you remember when you first began feeling like a sexual person?

- What does that mean exactly?
- What were your first encounters like?
- As you look back, what significant events, either positive or negative, stand out?

- What, if any, were your experiences with sex education?
- How did your parents handle sexuality when you were growing up?

2. What were your romantic relationships like?

- Can you talk about where you were and what you were doing in your life when you began your first “serious” relationship?
- How would you describe a “good” relationship?
- To what extent have your relationships met these expectations?

III. SEX OFFENSE CHARGES

1. Lets talk about the first time you were convicted of a sex offense:

- Can you tell me more about what was going on in your life at the time?
- Was it something you had been thinking about for a while?
- What lead up to your being caught?

2. At the time, how did people around you react?

- Do you remember having to tell people in your life what had happened?
- How did you explain it?

3. Can you talk about any psychiatric or psychotherapy treatment you’ve undergone as a result of this conviction?

- Have you been diagnosed with any psychological disorders?
- Can you explain your understanding of these diagnoses?
- Have you been in psychotherapy before?
 - What were your experiences in therapy like? Would you categorize them as positive or negative? What did you think of your therapist? What was your impression of the goals of therapy?

4. How have these charges effected your personal relationships and family life?

5. How have they effected your work life?

6. Do you consider yourself a “sex offender”?

- Why or why not?

IV. PUBLIC POLICY

1. Laws about sex offenders have been in the news a lot lately; I’d like to hear your opinion on them:

- What do you think of “Megan’s Law”?
- Do you think you’re neighbor’s need to know about you? Why or why not?
- If you could talk to a policy-maker about community notification, what would you say?
- What other policies have affected you or would you care to address?

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