

CULTURAL ATTITUDES TO SEXUAL OFFENDING AND THEIR IMPACT UPON OFFENDER MANAGEMENT IN IRELAND

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INTRODUCTION

- General Points about cultural attitudes that extend beyond Ireland – the Atlantic Alliance
- Specific Points about Irish Cultural Attitudes – how impact on how we respond to sexual trauma, sexual violence and abuse

(1) LANGUAGE

- People's relations with social problems affected by the way we talk about them
- Not useful to believe that the "nature" of the problem and the identities of those who inhabit it are fixed
- More useful to think that both are still in the making, and still open to further change and development.

SOCIAL PROBLEMS AND LANGUAGE

- How a problem is “languaged” will influence what “core features” will become seen as central to how the problem is understood.
- Thinking in terms of fixed and indisputable “essences” – closes down possibilities
- How can we open up possibilities for change and for productive ways forward?
- The patterns of understanding social problems can be reconstituted if formulated in a different way (Shotter & Gergen, 1993, p. x).

SEXUAL OFFENCES REAL AND SOCIALLY CONSTITUTED

- When a problem is debated and developed in a social setting with results that have implications for social policy and for the life of a community, this problem is in part socially constituted (Hacking, 1999, p. 125)
- However, at the same time the problem is real, e.g. Child sexual abuse and sexual violence.
- Sexual abuse and sexual offenders real and socially construed, or made and molded into what we believe them to be today through discourse.

THE TERMS THAT EMERGE FROM SUCH DISCOURSE

- Do they enable or constrain?
- Objectively correct to say that many children are exploited sexually, and this of course must be of public concern
- Many other assumptions currently taken as objective fact in relation to the complex web of issues surrounding child sexual abuse may or may not be “objectively” correct, including how the identities of the abuse victims and the abuse perpetrators are essentialized as foundationally either good or bad.

(2) PROFESSIONAL DISCOURSES AND THE CREATION OF TYPES

- No longer necessary to aggregate people in large institutions to evaluate significant features of behavior; that can be done in a brief period, in a manageable space, at the will of the expert by means of psychometric testing (Rose, 1993, p. 126).
- The codification, mathematization, and standardization of human difference make the psychometric test into a mini-laboratory (p. 126)
- Increasing expectation of scientific certainty in the attempts to legislate against human risk

- What about Social Context?
- What about Historical Conditions?
- What about Double Description?
- What is important here is that changing power relations must be kept in view while the moving cast of villains are construed and elaborated.
- What would happen if we talked a different talk – why do we think “Management” of Sexual Offenders is what we should be focusing on? Whose agenda is being followed? – replace “Management” with “Rehabilitation” or “Understanding” etc

(3) CLASSIFICATION OF SEXUAL OFFENDERS

- In the Irish situation, as soon as a person is formally or informally judged to be a sex offender, he is socially classified under that heading only.
- Label has effect of obliterating the offender's entire social and personal profile (O'Malley, 1998, p. 1). – beyond redemption
- Earlier achievements and social contributions deemed irrelevant, no longer seen as an individual; he now belongs to a “type.”
- In most cases, the actual offending behavior occupies a very small portion of their lives, although the effect of their offending can of course be wide-reaching.

- When sinister motives attributed to all of a man's actions as evidence of a pathological or deviant identity, the effects may be disintegrative in nature
- Little or no effort is made to believe that offender can desist from offending and make good, or to reinforce his membership in the community of law-abiding citizens, long after he has served prison terms and fulfilled community sanctions (Garfinkel, 1956).

(4) CREATING OFFENDING IDENTITIES: STIGMA, LABELLING, SHAME

- Mead's (1934) work on labeling and Goffman's (1963) work on stigma describe how identity is constructed through a process of internalization, whereby outside opinion influences an individual's beliefs about himself or herself.
- There is ample research that individuals who subscribe to negative self-identity are more likely than those who hold a positive sense of self to live unfulfilling lives (White, 2004, p. 121).
- Abusive behavior is more likely to occur in individuals who hold a negative sense of identity (Marshall et al., 2000, pp. 48–50).

SOCIAL IDENTITY OF MEN WHO HAVE ABUSED

- Important to consider the impact of labeling, stigma, and social rejection on the identity formation of sexual offenders if the aim is to prevent and reduce offending.
- Labeled as a “sexual offender” the label becomes the most salient part of his identity (Hudson, 2005, p. 55; O’Malley, 1998, p. 1)
- The primary relevance of stigmatization is that it shuns the individual, keeping him as the outcast (Karp, 1998, p. 283; Maxwell & Morris, 1999; Soothill & Francis, 1998, pp. 288, 289).

MANAGING OFFENDING IDENTITIES

- Hudson (2005, p. 55) interviewed 32 male sex offenders in prisons in England, 22 of them convicted child sexual offenders.
- The interviewees in her study expressed concern that the very public identification of themselves as sexual offenders made it difficult to establish any other identity; hence, for them, concealing their offenses and managing their identity became their primary concern.
- She found evidence to suggest that men were preoccupied with “managing” offending identities and felt they were seen only as sexual offenders, not men with other and additional histories and life stories (p. 167).

(5) MEDIA

- The 2000 *News of the World* “name and shame” campaign – reduce identity of the individual, contribute to community fear, spilled into Ireland.
- The media campaign provoked widespread hysteria and vigilante activity culminating in demonstrations outside of people’s homes, forcing several families to flee, one man to disappear, and two alleged child sexual offenders to commit suicide (Ashenden, 2002, p . 208).
- Multiple experiences in Ireland

- Far from protecting the community and increasing community safety, such strategies increase fear and isolate offenders from their communities (Winick, 1998, p . 539).
- Work against the rehabilitative ideal and drive many sexual offenders underground (Soothill & Francis, 1998, pp. 288, 289).
- Many offenders hunted down from location to location and in some cases from jurisdiction to jurisdiction.

(6) CHILD SEXUAL ABUSE: CULTURAL NARRATIVES

- Kincaid (1998, p. 5) maintains that no member of society is ever outside of the stories of sexual abuse being told but lives within them, playing his or her own unique part in the creation of the dominant “story” of child sexual abuse.
- Two assumptions: first, the stories being told of child sexual abuse are serving a function for adults in general, and second, the stories being told of child sexual abuse keep the subject alive by allowing it to be simultaneously welcomed and disowned.

KINCAID, 1998

- Western culture has “enthusiastically sexualized the child while denying just as enthusiastically that it was doing any such thing” (Kincaid, 1998, p. 13).
- A society that regards children as erotic, but also regards an erotic response to children as criminally unimaginable, has a problem on its hands (p. 20).
- The extent of the abuse of children is still denied because the complexities involved in the interplay of childhood, sexuality, and adulthood are also denied, while attention is focused on the “monster,” who is seen as “other” (p. 20).

- Ultimately, a better understanding of the complexities of adult and child sexuality will lead to greater protection for children (Kincaid, 1998, p. 22) and less marginalizing of men.
- Many children suffer in the current situation: children who are sexually abused and those who are denied a nurturing relationship with men. Perpetrators of abuse suffer, too, when they are sentenced to live their lives as “evil monsters” by an unforgiving adult public (Kincaid, 1998, p. 22)

(7) CHILD SEXUAL ABUSE: THE CRIME / WELFARE DICHOTOMY: FRESH APPROACH NEEDED

- Continued emphasis on inter-agency work in report after report
- Failure to embrace important feature of child abuse: the welfare / crime dichotomy
- Families fear loss of control
- Social workers concerned about effects of criminal justice process over welfare of children
- Gardai concerned about securing prosecution – privileged over welfare concerns
- Conundrum – needs addressing (Garda Inspectorate, (2010) *Responding to Child Sexual Abuse*).

(8) SEXUAL ABUSE AND THE CATHOLIC CHURCH

- Focus of intense interest
- Taking attention from abuse within families and other forms of sexual violence
- Scapegoating
- Witch-hunt?
- Commissions Of Investigation – desensitizing effect
- Double standards re reporting, what is expected

- (9) Historical Cases: Filled with dilemmas [if victim does not want to report/ take a case etc]
- (10) Lack of Community ownership /engagement with Problem of Sexual Violence – outrage/ punishment / incarcerate
- (11) Shortage of Restorative Initiatives
- (12) Shortage of Compassion

SOME DEVELOPMENTS

- SORAM Pilot Projects (5) – Sex Offender Risk Assessment and Management Committees [Gardai and Probation Service]
- Department of Justice Equality and Law Reform: Management of Sex Offenders Document (2009)
- Probation Service: Risk Instruments [RM2000 Risk Assessment Tool; Stable and Acute, 2007]
- Childrens First Bill (2012)

CONCLUDING QUESTIONS

- Is Management and Risk Assessment the only game in town?
- Is that the most profitable use of therapeutic time?
- What vested interests are in play?

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