

**Invisible men: social reactions to male sexual coercion -
bringing men and masculinities into community safety and
public policy**

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Invisible men: Social reactions to male sexual coercion – bringing men and masculinities into community safety and public policy

Abstract

This paper considers three social reactions to the sexual violence of men, moral panics, risk assessments and denial. The first of these responses occurs primarily in the media, risk assessments are primarily the preserve of forensic professionals. Both of these areas construct male sexual violence in such a way that ignores issues related to the gendered nature of sexual violence. This paper reviews dominant forms of knowledge in relation to sex offenders and suggests that by ignoring men and masculinities, strategies for developing community safety are flawed. The paper concludes by suggesting a wider approach to community safety that incorporates education and a critical perspective on dominant ways of being male as a key part of preventing and reducing male sexual coercion.

Key words: men, moral panics, risk assessment and community safety, sex offenders

Introduction

This paper considers social reactions to male sexual violence. Garland (2008: 9) identifies, amongst other social reactions, the following areas for consideration: moral panics, risk and denial. Moral panics are construed by commentators as disproportionate responses to an exaggerated threat to 'societal' values and ways of being (Ben-Yehuda, 2009: 2). Moral panics can be both short-lived and recurring. Popular discourses surrounding sexual violence and in particular the 'paedophile' have an enduring quality. Official statistics, policy documents and therapy programmes develop a picture of sexual offending and the management of sexual risk in the community. Risk and the construction and management of risk have received much attention in sociological literature (Lupton, 2006). However, in terms of developing strategies for community safety, it is the psychological discourse that has been most influential. Assessment and risk management are deemed to be key components in ensuring community safety. Risk assessment is predicated on knowledge derived from convicted sex offenders and the construction of risk focuses on convicted offenders; the final section of the paper widens consideration of community safety to include data that are not considered in offender-focused risk assessment. A key area for consideration is 'denial' (Garland, 2008). Cohen (2000) has written about how denial is both an individual and a social phenomenon that allows atrocities and other widespread harmful behaviour to be overlooked by individual 'bystanders' and within wider social discourse. Acts of sexual coercion are widespread and enduring harmful behaviours.

However, at the outset it is important to clarify terminologies used in this paper. Generic terms to describe the activity/ies whereby one (or more) person(s) harm(s) other people sexually are fraught with semantic and political implications. The term 'sexual abuse' may conceal the violence of many of the acts; the term 'sexual violence' may lead some readers to assume that only harm using physical forces is being referred to. For the purposes of this paper, the term 'sexual coercion' will be used; the *Oxford*

English Dictionary defines 'coercion' as 'the application of force to control the action of a voluntary agent'. Force can be applied through physical, economic/financial, emotional, and psychological means.

Two terms are generally used when referring to the person who has caused sexual harm: perpetrator and offender. A perpetrator is a person who has committed (in this instance) an act of sexual coercion. An offender is a person who has been convicted of a sexual *offence*. This paper uses both of these terms precisely and avoids potential ambiguities. The distinction between these terms is of central importance to the issues under consideration, because the suggestion is that most public policy relating to sexual harm and community safety is predicated on what is known about *offenders*. This paper suggests that this is an inadequate basis for developing public policy in relation to community safety strategies. Most acts of sexual harm are unreported; policy needs to be wide enough to respond to a wide population when it is aimed at preventing harm.

This paper considers how dominant forms of knowledge in relation to understanding male sexual coercion omit consideration of the fact that most people who sexually harm others are male. As a basis for the following discussion, the paper explores official understandings of sex crimes and sex criminals. It then considers wider sources of information concerning the prevalence and nature of acts of sexual coercion and highlights the gendered nature of the phenomenon. In considering the social reactions to male sexual coercion, the sociological areas identified above (moral panics, risk and denial) are utilized. The paper concludes with a suggestion as to how public policy responses may be broadened to incorporate a gendered perspective and to include data often ignored in the formulation of policy.

Sex crimes and sex criminals: Official accounts and official responses

Official accounts

The popular view that most sex offenders invariably re-offend has regularly been contradicted by research findings. In a recent review of both their own data and relevant literature, the Minnesota Department of Corrections (2007: 7) noted: 'Contrary to popular opinion, sex offenders do not always recidivate. In fact, research has consistently shown that recidivism rates are relatively low for sex offenders.' From their own data, they found:

After three years, seven percent of the 3,166 offenders had been rearrested for a sex offense, six percent reconvicted, and three percent reincarcerated.

By the end of the follow-up period (an average of 8.4 years for all 3,166 offenders), 12 percent had been rearrested for a sex offense, 10 percent reconvicted, and seven percent reincarcerated. (Minnesota Department of Corrections, 2007: 2)

In an earlier review of 61 studies (using data relating to 23,393 offenders) undertaken in Europe and North America between 1943–1995, Hanson and Bussiere (1998: 357) noted

that, as a group, sex offenders have a low rate of reconviction (this averaged out at 13.4% over a 4–5 year follow-up period, and with a longer period of follow-up it did not exceed 40%). Whilst Hanson and Bussiere (1998) point out that offenders may be re-offending and not being caught, they acknowledge that this is an unknown. However, Soothill and his colleagues (1998) have suggested that given the length of time of follow-up in many recidivism studies (10–20 years), it is unlikely that the re-offences of a known sex offender would remain concealed for this length of time. When the data relating to the reconviction of sex offenders for another sexual offence are considered in relation to specific types of offending, there is variation, but rates are still low. Additionally, the number of previous convictions appears to affect the rate at which offenders are subsequently reconvicted. Of particular noteworthiness is the case of men convicted for the first time. Harris and Hanson (2004: 7) using data from 10 follow-up studies of adult male sex offenders ($n = 4,724$) examined 'sexual recidivism', defined as new charges or convictions for sexual offences. They found that most sex offenders did not repeat sex offences, and that first-time sex offenders were significantly less likely to repeat sex offences than those with previous convictions for sex offences (19% versus 37% after 15 years). In order to put these reconviction rates in perspective, two years after conviction, the rate for domestic burglary in England and Wales is 72.8% and for theft the overall rate is 78.7% (Shepherd and Whiting, 2006: 17).

The other key feature of official data in relation to people that are convicted of sexual offences is that they are mostly men. Kemshall (2004: 49) reviewing literature from the 1980s to the present decade notes that 'research consistently indicates that female sex offenders make up about 0.5% of all sexual offences against children'. The numbers of female offenders who offend against adults are fewer than those who offend against children (Logan, 2008: 491–2). Therefore, it is reasonable to note that men commit the majority of sex offences. Marshall (1997, cited in Fisher and Beech, 2004: 29) estimated that by the age of 40, 1 in 90 of the men born in England and Wales in 1953 would have a conviction for a serious sexual offence. Moreover, it is likely that many of these men will know their victims. The Home Office (2007: 5) notes that 'the vast majority (at least 75 per cent) of child sex offenders are known to their victims'. Similarly Myhill and Allen (2002) found in their study of the 1998 and 2000 British Crime Survey that only 8% of women who were raped were attacked by a stranger.

Official responses

In England and Wales, between 1995 and 2005, the majority of those convicted of sexual offences received an immediate sentence of imprisonment (in 1995, 55% were so sentenced; this rose to 60% in 2005 (Davidson, 2008: 109)). Davidson (2008: 109) notes that these data (produced by the Home Office) are not broken down by offence type so it is impossible to distinguish between offenders who have assaulted adults and those who have assaulted children.

However the male sex offender is sentenced, it is likely that he may encounter some type of therapeutic programme designed to help him address his offending behaviour.

Unfortunately, central government data are not easily available to identify how many sex offenders fail to undertake this form of therapy. The Sex Offender Treatment Programme (SOTP) has been available in the prisons of England and Wales since 1991, the aims of the programme are: to reduce denial and minimization; to enhance an understanding of victims' experiences; and to develop strategies to avoid re-offending (H.M. Prison Service, 2006). The therapeutic orientation of the programme is cognitive-behavioural and it is delivered as groupwork. Since its inception, it has developed significantly, although the mode of delivery has altered very little (Beech and Fisher, 2004). Currently, there are three accredited community-based sex offender groupwork programmes in England and Wales (the West Midlands programme – C-SOG; the Thames Valley Programme – TV-SOGP; and the Northumbria programme – N-SOG). Additionally there is a separate accredited programme for Internet offenders in the community – the i-SOTP (Mann, 2009). Again, the programmes are cognitive-behavioural in their therapeutic orientation with overall aims similar to the SOTP (Beech and Fisher, 2004).

However, although the vast majority of sex offenders are men, the therapeutic programmes appear to give little recognition to issues of gender and particularly the enactment of masculinities. The following recent publications that are explicitly concerned with the management and treatment of sex offenders make no mention of 'men' or 'masculinity' or 'masculinities' or 'gender' in their indexes: Craissati (2004) and Ireland, Ireland and Birch (2009), and whilst Kemshall and McIvor (2004) clearly highlight gendered issues (they refer to 'male' or 'female' offenders), there is no recognition in discussing treatment that gender – in this case masculinity/masculinities – is something that is relevant to thinking about and facilitating personal change. Similarly, in the cognitive behavioural programmes currently in use in prison and in the community in England and Wales (for example, National Probation Service West Midlands: Sex Offender Unit, 2001; H.M. Prison Service, 2006) there is no explicit consideration of gendered (or any other) identities. Given that the programmes are about establishing behavioural and attitudinal change, this needs reconsideration; identities are a complex area that underpin attitudes and are embodied in behaviours. This would involve exploring how convicted offenders behave as *men* and could change as *men* (Cowburn, 2006).

In addition to the sentencing and 'treatment' of male sex offenders, the other policy response in relation to those convicted of sex crimes is the 'sex offender registers' and 'community notification' (Thomas, 2004). Ostensibly, sex offender registers are, in policy terms, construed as a key part of a community safety strategy (Thomas, 2004). The Sex Offender Act 1997 and the Sexual Offences Act 2003 refer to the requirements for those convicted of sexual offences to notify the police of their address and place of employment. Thomas (2008) indicates that legally there is no such thing as the 'register'. However, as Thomas acknowledges, it has entered common parlance as a key feature of governmental community safety strategy. Yet, the evidence in relation to the effectiveness of 'registers' as a part of a community safety strategy is not strong. In the UK, there is evidence of a high rate of compliance (from convicted sex offenders) with

the terms of notification, but in relation to their part in making the community safer, Thomas (2008: 229) quotes a Home Office study (Plotnikoff and Woolfson, 2000) that notes that there is no simple way of evaluating this. In a review of the operation of 'registers' in the United States, Meloy, Saleh, and Wolff (2007: 438) more openly question the value of these strategies, noting that they misrepresent risk because most sex offences are never reported to law enforcement agencies. Thus whilst sex offender registration may be popular with politicians (Thomas, 2008: 229), it is very doubtful if it contributes anything towards a wider strategy addressing community safety in relation to sexual harm.

Sexual coercion: Primarily an activity of men

Data from official sources provide a clear picture that sex offending is primarily an activity of men who know their victims. However, these data do not provide an adequate picture of the numbers of perpetrators involved in committing acts of sexual harm (Friendship et al., 2001). Percy and Mayhew (1997) on the basis of their extensive review of prevalence studies conducted in the UK, USA and Canada estimated that there are 15 times more unreported sex offenders than reported ones. Moreover, the gap between reported alleged sex crimes and convictions, in England and Wales, is huge and may indicate that the harmful behaviour of some reported perpetrators is not recognized as a criminal conviction (Cowburn, 2005: 222). Data as to the gender of alleged (reported) sexual offenders are not recorded, but given what has previously been stated, it is likely that the vast majority of these people will be male.

An additional source of data relating to the sexually coercive tendencies of some men is to be found in 'rape proclivity' studies. These studies, generally undertaken with North American male undergraduate populations ask research participants whether they would rape if they could be guaranteed that they would not be reported and convicted for the offence. Over the years 1968–1993 there has been a common finding that approximately 30% of men questioned would rape with these assurances in place (see Cowburn, 2005: 226–7).

Similarly, in a literature review of studies of sexually aggressive men in the US, from college students to convicted rapists, Sanday (2003) found that they shared the following attitudes: sexual aggression is normal; sexual relationships involve game playing; men should dominate women; women are responsible for rape; relations between the sexes are adversarial and manipulative on both sides; 'no' means 'yes'; women hope 'no' will precipitate force; being 'roughed up' is sexually arousing; women have an unconscious desire to be raped. A recent British study (Burton, Kitzinger et al., 1998) has found a range of rape-supportive attitudes in a population of young people (primarily men); from ten focus groups and a survey of 2,039 young people, the researchers found that young men thought it was acceptable to force a woman to have sex in any of the specified circumstances (if she was his wife, his long-term girlfriend, if he was 'so turned on he could not stop', if nobody would find out, if he had spent lots of money on her, if she had slept with many men). These attitudes and values are very

similar to those found by Scully (1990) in her study of convicted rapists. The issue of aggressive male heterosexuality and its manifest misogyny will be further addressed later in this paper.

Sociology of social reaction

Although the issue of male sexual aggression is wider than the population convicted of sex offences, public policy has concentrated its endeavours on this group. In order to reflect on this phenomenon, it is instructive to consider public policy in relation to sexual harm as a key form of social reaction. Garland (2008: 25–7) identifies four dimensions or dominant perspectives within a wider ‘sociology of social reaction’. These are: moral panics, denial, risk society reactions, and cultural trauma. In understanding public policy in relation to acts of sexual coercion perpetrated by men the first three are of prime importance and will be considered within this section.

Moral panics

The concepts ‘folk devil’ and ‘moral panic’ were first coined and brought together by Stan Cohen in 1972. In a much-quoted passage, Cohen (1972: 9) notes that a ‘folk devil’ may be:

A condition, episode, person or group of persons [that] . . . become defined as a threat to societal values and interests . . .

A moral panic is generated by presenting the nature of the folk devil:

. . . in a stylised and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right thinking people.

However, although these concepts were developed over thirty years ago they still retain a vital currency. In 2009, the *British Journal of Criminology* devoted a themed issue to ‘Moral Panics – 36 Years On’. Ben-Yehuda (2009: 1) comments on the enduring relevance of the concept – ‘A contemporary Google search yields a third of a million websites under the entry “moral panic” plus half that number under the title “moral panics”’.

Critcher (2003) provides a subtle and sustained analysis of moral panics in relation to AIDS, recreational drugs, violent films, child abuse and paedophilia. Generally, studies have three foci: the phenomenon causing the panic, the process of the panic and those who make panic claims about the phenomenon. The outcome of moral panic research is generally to highlight that the social response to the phenomenon was disproportionate to the (‘true’) nature of the anxiety-provoking phenomenon.

The main arena in which folk devils and moral panics are generated is the news media. They provide the material that is subsequently analysed to identify the folk devil and the ensuing moral panic. Since 1991, when Soothill and Walby (1991) published *Sex Crime in the News* there has been regular academic attention on how the media report sex crimes (Jenkins, 1998; Kitzinger, 1999, 2004; Cowburn and Dominelli, 2001; Critcher, 2002, 2003; Silverman and Wilson, 2002; Greer, 2003; Jewkes, 2006). A theme common to these studies is how the use of stereotypical images, whether it is the ‘rapist’ of the

1980s or, more recently the 'paedophile', obscures considered discussion of sexual harm and policies that may reduce sexual harm. Key features of the reportage are that a stranger, an outsider, poses sexual danger; public space is construed as dangerous whilst domestic space is described as being safe or under threat from the dangerous outsider. The additional dimension of this reportage is that it ignores the family as a site of danger, and in particular, sexual danger (Jenkins, 1998: 188; Critcher, 2003: 98, 177; Greer, 2003: 188; Jewkes, 2006: 101). The 'moral panic' in relation to the sexual predator (rapist or paedophile) effectively denies the existence of harm committed in families and the widespread harmful behaviours of men.

Denial

Stanley Cohen (2000) has extensively considered the social, political and personal nature of the denial of 'atrocities and suffering'. He identifies three forms of denial: Literal denial (nothing happened), Interpretive denial (something happened but it's not what you think), and Implicatory denial (what happened was not really bad and can be justified). A common aspect to all three forms is

. . . people, organisations, governments or whole societies are presented with information that is too disturbing, threatening or anomalous to be fully absorbed or openly acknowledged. The information is therefore somehow repressed, disavowed, pushed aside or reinterpreted. Or else the information 'registers' well enough, but its implications – cognitive, emotional or moral – are evaded, neutralised or rationalised away. (Cohen, 2000: 1)

It is clear from the information that has already been presented in this paper that sexual harm is not subject to *literal* denial in public policy or in penal practice. However, the other two forms of denial identified by Cohen offer some critical purchase: *interpretive* denial is most clearly manifested in media reportage of sex crime – something happened, but it is not what you think (i.e. that families and friends are a key source of threat), the policy and penal problem is the dangerous outsider and policies (sex offender registers) and penal practices (risk assessment and treatment programmes) will deal with this. *Implicatory* denial operates (at a policy and practice level) by ignoring the extent and the gendered nature of sexual coercion; the acts are relatively rare and committed by evil, sick or biologically overcharged people who will (statistically) inevitably be represented in any populations.

The public policy response to male sexual violence incorporates both interpretive and implicatory denial. The knowledge of the extent of the population of men who potentially pose a sexual threat 'is too disturbing, threatening or anomalous to be fully absorbed or openly acknowledged'. Public and penal policy focuses on the smaller convicted population and community safety strategies are primarily concerned with identifying the *future risk* posed by offenders who have already been convicted (and have a low recidivism rate).

Risk society reactions

The advent of the 1990s saw an increased sociological/social science preoccupation with 'risk' and 'the risk society' (Lupton, 2006). Lupton (2006: 11) has suggested that such

preoccupations were manifested in one of three approaches: 'risk society' (Beck, 1992a, 1992b; Giddens, 1990, 1991), 'cultural/symbolical' (Douglas, 1985, 1992b) and 'governmentality' (Foucault, 1977, 1984).

'Risk society' approaches highlight that the construing and calculating of risk in physical, economic and social sciences has become increasingly the province of the 'expert' – it is (only) the 'expert' who is able to identify and (most importantly) *calculate* risk of harm (Lupton, 2006: 12). Bauman (1993: 199–200) notes that 'In the concept of "risk society", "risks" enter the stage already appropriated and managed by science and technology – as their unquestionable domain'.

The construction of risk as an aspect of culture(s) is primarily found in the influential work of social anthropologist Mary Douglas (1985, 1992b). For Douglas, how a culture constructs and manages risks provides insights into how that culture is structured and what issues shape its social organization (Sparks, 2001: 168). Risk is a political vehicle used widely to legitimate the policies and practices of particular groups at specific times (Douglas, 1992b: 26 cited by Sparks, 2001: 168). A significant element in these processes for Douglas is the 'risk analysis professional' (Douglas, 1992a: 11) who operates within 'the favoured paradigm of individual rational choice'. Additionally, she notes that the development of risk 'expertise' has led to the development of specialist sub-disciplines that develop their own technical language (i.e. inaccessible to the general public) which, in its quest for 'objectivity', ignores issues such as 'intersubjectivity, consensus making . . . [and] social influences on decisions' (Douglas, 1992a: 12).

The third perspective on risk identified by Lupton (2006) – 'governmentality' – draws heavily on the work of Michel Foucault (1977, 1984). In his work on sexuality and penal systems Foucault shows how the influence of scientific (medicine and psychology) and social scientific (criminology, social work and psychology) forms of knowledge during the 19th and 20th centuries has replaced earlier forms of thought (theology) in shaping and underpinning the operation of political power. And it is through the language and perspectives of these disciplines that power is maintained, deviance is identified and populations are controlled (disciplined).

Sociological perspectives on the processes of construction and usage of risk provide a critical context in which to consider the psychological literature pertaining to risk and sex offenders. There is an immense and enduring psychological literature in relation to risk assessment and risk management in relation to sex offenders (see Bengtson and Långström (2007) and Beech and Ward (2004) for reviews of this literature). Essentially the literature is concerned with developing more accurate means of predicting the likelihood that a convicted sex offender will commit another (sexual) offence. The literature distinguishes between actuarial and clinical approaches to assessing risk (Grubin, 1999). Actuarial approaches use risk factors that have been consistently identified in a wide range of research studies of convicted sex offenders – typically these factors are: previous offences, relationship history, and criminality (Beech and Ward,

2004: 32) and are described as being *static* (i.e. they are not amenable to change). Clinical approaches rely on the judgement of the clinician dealing with the individual person who may pose a risk to others. The clinician's assessment may or may not be based on research literature, but generally includes consideration of *dynamic* factors (for example, mood, attitudes, physical circumstances – including the availability of victims) affecting the individual under assessment. However, the actuarial tendency in assessing sex offender risk is strong – Beech and Ward (2004: 33) – and the research literature continues to indicate that a pure actuarial approach is more accurate in predicting re-offending (Bengtson and Långström, 2007).

However, actuarial approaches are not without their critics: Silver and Miller (2002: 138) suggest that the main concern of an actuarial approach is the efficient management of resources, and that by focusing on aggregate populations identified on the basis of data from criminal justice systems they contribute to stigmatizing further populations that are already marginalized. Myers (2007) also highlights concerns of social exclusion and marginalized populations in relation to children who sexually harm others. Moreover, Beech and Ward (2004: 32) summarize a range of weaknesses with a pure actuarial approach, including its inability to deal with the unusual and contingent dynamic factors, and they note that the approach is based on official recidivism data only – this they consider may underestimate recidivism rates and therefore levels of risk; they do not address the issue that such dependence may create a limited/partial picture of the sources of potential risk in the community.

A key feature of much of the psychological literature in risk and risk assessment is its esoteric and inaccessible (to the lay reader) language. The terminologies are derived from medical, psychological and statistical vocabularies and together create a discourse that embodies what may be considered to be an 'expert' knowledge. Even the names of some of the instruments (Static – 99; Static – 2002; the Risk Matrix – 2002 – cited in Bengtson and Långström, 2007: 138) imply an abstracted technical world with processes and procedures only to be understood by technical 'experts'. These are characteristics of 'risk' that have been identified in sociological theory – particularly in the work of Beck and Douglas. Mythen and Walklate (2006: 1) note, 'In theoretical terms, risk has conventionally been approached as an objective entity, to be mastered by calculation, assessment and probability'. Bauman (1993: 200–8) highlights how risk discourses, through technologized approaches to knowledge create a self-perpetuating highly technical form of knowledge as the only valid way to approach, understand, assess and manage risk. This has the effect of prioritizing certain forms of intellectual activity (calculative and mathematical) and certain subjects for inquiry:

Technology's miraculous powers are intimately related to the stratagem of close focusing: a 'problem' to become a 'task', is first cut out from the tangle of its multiple connections with other realities, while the realities with which it is connected are left out of account and melt into the indifferent 'backdrop' of action. (Bauman, 1993: 194)

In the present context, ‘technologizing’ risk assessment has allowed the significant and multiple connections with the wider unconvicted populations of men to be severed. Thus redefining the risk of sexual harm as something discrete (defined by criminal conviction) that can be assessed and managed by experts using calculations and esoteric technical language.

On seeing the invisible men: From denial to acknowledgement

Stanley Cohen (2000: 279) suggests that societal denial is to be found in ‘the gap between knowledge and acknowledgement, the split between what you know and what you do’. *Acknowledgement* – of the nature and extent of atrocity and harm inflicted by identified groups on others – is of key importance. Using the work of Chomsky, Cohen (2000: 286, emphasis in original) suggests that ‘the intellectual responsibility of the writer as a moral agent is . . . to try to find out and tell the truth *as best one can* about *matters of human significance* to the *right audience* – that is, an audience that *can do something about them*’. He goes on to suggest that the ‘right audience’ is one that is concerned with developing ‘the best policy to help alleviate suffering and distress’ (p. 286).

This paper highlights that acts of sexual coercion are perpetrated by a wide range of people, mostly men or boys, many of whom never come into contact with the criminal justice system. Thus, a policy to alleviate the ‘suffering and distress’ caused by sexual coercion requires more than a focus on the convicted offender. The UK government has identified the following aims for its ‘Action plan on sexual violence and abuse’: to maximize prevention of sexual violence and abuse, to increase access to support and health services for victims of sexual violence and abuse, to improve the criminal justice response to sexual violence (H.M. Government, 2007: ii). Similarly, in its consultation paper the UK government (H.M. Government, 2009: 12) identifies three sub-categories necessary as part of a strategy focusing on the prevention of sexual violence – these are ‘Primary prevention methods, for example education to change attitudes and perceptions. Secondary prevention identifying those particularly at risk . . . Tertiary prevention, reducing the harm already caused together with rehabilitative programmes for perpetrators’. Richard Laws, an internationally prominent clinician and academic in the field of ‘sexual deviance’ has provided a fuller exposition of a tripartite ‘public health approach’ (Laws, 2008). He suggests it is necessary to (a) prevent harmful behaviour from starting; (b) quickly address early signs of coercive/harmful behaviour developing; and (c) provide treatment programmes for people who have been convicted and are in the criminal justice system (Laws, 2008: 612). The strength of this model is that it *acknowledges* and addresses sexual harm (and the potential to harm sexually) that is outside the jurisdiction of the criminal justice system. The remainder of this paper will outline Laws’ model and highlight how it could be adapted to take into consideration issues raised earlier.

The public health approach has three distinct levels of intervention:

1. Primary; 2. Secondary; and 3. Tertiary. The primary level has the aim of preventing

sexual harm from ever starting. The focus and nature of intervention is prevention not treatment at this level. Using a public health approach the focus is on 'educating adults generally about sexual abuse, its magnitude, individuals at risk for abusing and being abused, and ways to intervene or confront abusers, if necessary' (Laws, 2008: 612). The secondary level relates to children and young people who have come to the notice of health agencies because of problematic sexual behaviour (for example 'inappropriate sexual talk, exhibitionism, masturbation, use of pornography, sexual precocity, antisocial attitudes or beliefs, or outright sexual aggression' (Laws, 2008: 612)) that may lead to them committing harmful acts. In such cases preventative treatment may be indicated. The tertiary level is concerned with people who are in the criminal justice system because they have been convicted of sexual offences. They are clearly identified as candidates for risk assessment and treatment programmes.

Laws offers a *framework* for considering 'sexual abuse as a public health issue'; it is derived from the work of McMahon and Puett (1999) with the Centers for Disease Control and Prevention (CDC), a US governmental organization who assembled a group of 'federal and state agencies concerned with health issues, clinicians, former abusers, and victims of abuse' (Laws, 2008: 620). The task of the group was 'to determine how to raise awareness of child sexual abuse as a public health problem, and to suggest how the federal government might respond to it' (Laws, 2008: 620–1). Three work-groups formed and considered the following issues: research, surveillance and evaluation; public awareness and education; and public policy.

The work-group that considered *Research, Surveillance and Evaluation* (Laws, 2008: 621) highlighted four areas of importance – a national database on reported and unreported sexual abuse; the identification of risk factors and the matching of treatment type with type of offender; research on sexual behaviours (including fantasies) to determine the 'parameters of normative sexual behaviors'; and the encouraging of universities to offer courses on sexual abuse. The group that considered *Public Awareness and Education* made five recommendations (Laws, 2008: 621): the rapid dissemination of research findings to the public and to policy makers; the creation of a public health agency that deals only with sexual abuse; a public education campaign about the nature of sexual abuse; developing a consensus among experts in relation to the prevention and the treatment of sexual abuse – this should inform community groups; the targeting of education toward medical, mental health professionals, the public and the media. The final group considered the *Public Policy Process* and made recommendations (Laws, 2008: 621–2) relating to: elevating the issue of sexual abuse on the public health agenda; a nationwide study; encouraging collaboration between agencies working with sexual abuse; encouraging the establishment of a foundation to support prevention and research activities; increasing governmental expenditure on research in this area; enhancing career opportunities for people working in this area; and developing the political activism of adult survivors and their families.

Whilst it is heartening to see high profile attempts to move issues of community safety

and sexual harm beyond the narrow remit of forensic discourse and expertise it is noteworthy that this initiative largely remains within the province of 'health' *expertise* and *experts* and as such there is no explicit consideration of the fact that it is mostly men who are perpetrating acts of sexual harm. To return to the tripartite model proposed by Laws, a significant public policy initiative is needed at, what Laws (2008: 613) calls the level of 'primary prevention'. The aim at this level is to prevent sexual harm from happening. This requires consideration of a wide range of issues including but not restricted to health matters.

This paper has indicated in a number of ways that a dominant way of being a man is problematic for substantial groups in the population. The rape proclivity studies cited earlier, the Zero Tolerance study (Burton, Kitzinger et al., 1998) that examined attitudes of young people to sex and violence in intimate relationships and the work of Sanday (2003) raise serious questions about the behaviours and attitudes of a large group of men. The challenge for public policy is how to address these attitudes and behaviours and the social structures that support them. Whilst some of the policy initiatives could occur within a health framework, the other area of policy that is keenly relevant is education. In 1994, Mac an Ghail, in a study of secondary school masculinities, identified the complex, but dominant influences of 'compulsory heterosexuality, misogyny, and homophobia' (1994: 9). Neal (2005) identifies similar influences in relation to Black men, and Kehler (2007) in relation to Canadian young men. Clearly there is a challenge to develop male (hetero) sexuality that is not rooted in or associated with misogyny – such a close relationship between misogyny and heterosexuality may underpin some harmful (hetero) sexual relationships and behaviours.

Thus, in conclusion, a public policy strategy aimed at preventing sexual harm needs to incorporate a social critique of the behaviour of men that includes the identification of ' . . . cultural and social mechanisms by which violence against women becomes a socio-cultural script for masculine identity' (Sanday, 2003: 342). It should additionally identify pro-social and sexually positive ways of being male and as Laws suggests (2008: 612) it should educate the public about the nature and magnitude of sexual harm.

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References

- Bauman, Z. (1993) *Postmodern Ethics*. Oxford: Blackwell.
- Beck, U. (1992a) 'From Industrial Society to Risk Society: Questions of Survival, Social Structure and Ecological Enlightenment', *Theory, Culture & Society* 9(1): 97–123.
- Beck, U. (1992b) *Risk Society: Towards a New Modernity*, trans. M. Ritter. London: Sage
- Beech, A. R. and Fisher, D. D. (2004) 'Treatment of Sex Offenders in the UK in Prison and

- Probation Settings', pp. 137–63 in H. Kemshall and G. McIvor (eds) *Managing Sex Offender Risk*. London: Jessica Kingsley.
- Beech, A. R. and Ward, T. (2004) 'The Integration of Etiology and Risk in Sexual Offenders: A Theoretical Framework', *Aggression and Violent Behavior* 10(1): 31–63.
- Ben-Yehuda, N. (2009) 'Foreword: Moral Panics – 36 Years On', *British Journal of Criminology* 49(1): 1–3.
- Bengtson, S. and Långström, N. (2007) 'Unguided Clinical and Actuarial Assessment of Re-offending Risk: A Direct Comparison with Sex Offenders in Denmark', *Sex Abuse* 19(2): 135–53.
- Burton, S., Kitzinger, J., with Kelly, L. and Regan, L. (1998) *Young People's Attitudes towards Violence, Sex and Relationships: A Survey and Focus Group Study*. Edinburgh: Zero Tolerance Charitable Trust.
- Cohen, S. (1972) *Moral Panics: The Social Construction of Deviance*. Oxford: Martin Robertson.
- Cohen, S. (2000) *States of Denial: Knowing about Atrocities and Suffering*. Cambridge: Polity Press.
- Cowburn, M. (2005) 'Hegemony and Discourse: Reconstruing the Male Sex Offender and Sexual Coercion by Men', *Sexualities, Evolution and Gender* 7(3): 215–31.
- Cowburn, M. (2006) 'Constructive Work with Male Sex Offenders: Male Forms of Life, Language Games and Change', pp. 159–76 in N. Parton, P. O'Byrne, K. Gorman and M. Gregory (eds) *Constructive Probation Work*. London: Jessica Kingsley.
- Cowburn, M. and Dominelli, L. (2001) 'Masking Hegemonic Masculinity: Reconstructing the Paedophile as the Dangerous Stranger', *British Journal of Social Work* 31(3): 399–414.
- Craissati, J. (2004) *Managing High Risk Sex Offenders in the Community: A Psychological Approach*. Hove: Brunner-Routledge.
- Critcher, C. (2002) 'Media, Government and Moral Panic: The Politics of Paedophilia in Britain 2000–1', *Journalism Studies* 3(4): 512–35.
- Critcher, C. (2003) *Moral Panics and the Media*. Maidenhead: Open University Press.
- Davidson, J. C. (2008) *Child Sexual Abuse: Media Representation and Government Reactions*. London: Routledge.
- Douglas, M. (1985) *Risk Acceptability According to the Social Sciences*. New York: Russell Sage Foundation.
- Douglas, M. (1992a) 'Risk and Blame', pp. 3–21 in M. Douglas (ed.) *Risk and Blame: Essays in Cultural Theory*. London: Routledge.
- Douglas, M. (1992b) 'Risk and Justice', pp. 22–37 in M. Douglas (ed.) *Risk and Blame: Essays in Cultural Theory*. London: Routledge.
- Fisher, D. D. and Beech, A. R. (2004) 'Adult Male Sex Offenders', pp. 25–47 in H. Kemshall and G. McIvor (eds) *Managing Sex Offender Risk*. London: Jessica Kingsley.
- Foucault, M. (1977) *Discipline and Punish: The Birth of the Prison*. London: Allen Lane.
- Foucault, M. (1984) *The History of Sexuality: An Introduction*, Vol. I, trans. R. Hurley. London: Peregrine.

- Friendship, C., Thornton, D., Erikson, M. and Beech, A. R. (2001) 'Reconviction: A Critique and Comparison of Two Main Data Sources in England and Wales', *Legal and Criminological Psychology* 6: 121–9.
- Garland, D. (2008) 'On the Concept of Moral Panic', *Crime, Media, Culture* 4(1): 9–30.
- Giddens, A. (1990) *The Consequences of Modernity*. Cambridge: Polity Press.
- Giddens, A. (1991) *Modernity and Self-Identity: Self and Society in the Late Modern Age*. Cambridge: Polity Press.
- Greer, C. (2003) *Sex Crime and the Media: Sex Offending and the Press in a Divided Society*. Cullompton: Willan.
- Grubin, D. (1999) 'Actuarial and Clinical Assessment of Risk in Sex Offenders', *Journal of Interpersonal Violence* 14(3): 331–43.
- Hanson, R. K. and Bussiere, M. T. (1998) 'Predicting Relapse: A Meta-Analysis of Sexual Offender Recidivism Studies', *Journal of Counselling and Clinical Psychology* 66(2): 348–62.
- Harris, A. J. R. and Hanson, R. K. (2004) *Sex Offender Recidivism: A Simple Question*. West Ottawa, Ontario: Public Safety and Emergency Preparedness Canada.
- H.M. Government (2007) *Summary of Cross Government Action Plan on Sexual Violence and Abuse*. London: H.M. Government.
- H.M. Government (2009) *Together We Can End Violence against Women and Girls: A Consultation Paper*. London: Home Office.
- H.M. Prison Service (2006) *Core Sex Offender Treatment Programme – Treatment Manual*. London: H.M. Prison Service (unpublished).
- Home Office [in cooperation with Barnardos, NSPCC, the Lucy Faithfull Foundation, and Stop it Now! UK & Ireland] (2007) *Keeping Children Safe from Sex Offenders: How Sex Offenders Are Managed*. London: COI (Central Office of Information) on behalf of the Home Office.
- Ireland, J. L., Ireland, C. A. and Birch, P. (eds) (2009) *Violent and Sexual Offenders: Assessment, Treatment and Management*. Cullompton: Willan.
- Jenkins, P. (1998) *Moral Panic: Changing Concepts of the Child Molester in Modern America*. New Haven and London: Yale University Press.
- Jewkes, Y. (2006) *Media and Crime*. London: SAGE.
- Kehler, M. D. (2007) 'Hallway Fears and High School Friendships: The Complications of Young Men (Re)Negotiating Heterosexualized Identities', *Discourse: Studies in the Cultural Politics of Education* 28(2): 259–77.
- Kemshall, H. (2004) 'Female Sex Offenders', pp. 49–64 in H. Kemshall and G. McIvor (eds) *Managing Sex Offender Risk*. London: Jessica Kingsley.
- Kemshall, H. and McIvor, G. (eds) (2004) *Managing Sex Offender Risk*. London: Jessica Kingsley.
- Kitzinger, J. (1999) 'The Ultimate Neighbour from Hell: Media Framing of Paedophiles', pp. 207–21 in B. Franklin (ed.) *Social Policy, the Media and Misrepresentation*. London: Routledge.
- Kitzinger, J. (2004) *Framing Abuse: Media Influence and Public Understanding of Sexual Violence Against Children*. London: Pluto Press.
- Laws, D. R. (2008) 'The Public Health Approach: A Way Forward?', pp. 611–28 in D. R.

- Laws and W. T. O'Donohue (eds) *Sexual Deviance: Theory, Assessment, and Treatment*. New York: Guilford Press.
- Logan, C. (2008) 'Sexual Deviance in Females: Psychopathology and Theory', pp. 486–507 in D. R. Laws and W. T. O'Donohue (eds) *Sexual Deviance: Theory, Assessment, and Treatment*. New York: Guilford Press.
- Lupton, D. (2006) 'Sociology and Risk', pp. 11–24 in G. Mythen and S. Walklate (eds) *Beyond the Risk Society: Critical Reflections on Risk and Human Security*. Maidenhead: Open University Press.
- Mac an Ghail, M. (1994) *The Making of Men: Masculinities, Sexualities, and Schooling*. Buckingham: Open University Press.
- McMahon, P. M. and Puett, R. C. (1999) 'Child Sexual Abuse as a Public Health Problem: Recommendations of an Expert Panel', *Sexual Abuse: A Journal of Research and Treatment* 11: 257–66.
- Mann, R. (2009) Personal communication. Offending Behaviour Programmes Unit, H.M. Prison Service, England & Wales.
- Marshall, P. (1997) *The Prevalence of Convictions for Sexual Offending in England and Wales*. Research Findings No. 55. London: Home Office Research and Statistics Directorate.
- Meloy, M., Saleh, Y. and Wolff, N. (2007) 'Sex Offender Laws in America: Can Panic Driven Legislation Ever Create Safer Societies?', *Criminal Justice Studies* 20(4): 423–43.
- Minnesota Department of Corrections (2007) *Sex Offender Recidivism in Minnesota: April 2007*. Minnesota: Minnesota Department of Corrections.
- Myers, S. (2007) '(De)Constructing the Risk Categories in the AIM Assessment Model for Children with Sexually Harmful Behaviour', *Children & Society* 21: 365–77.
- Myhill, A. and Allen, J. (2002) *Rape and Sexual Assault of Women: The Extent and Nature of the Problem. Findings from the British Crime Survey*. London: Home Office Research and Statistics Directorate.
- Mythen, G. and Walklate, S. (2006) 'Introduction: Thinking beyond the Risk Society', pp. 1–10 in G. Mythen and S. Walklate (eds) *Beyond the Risk Society: Critical Reflections on Risk and Human Security*. Maidenhead: Open University Press.
- National Probation Service West Midlands: Sex Offender Unit (2001) *Community Sex Offender Groupwork Programme: Manual*, v1.03.01 edn. Birmingham: National Probation Service West Midlands.
- Neal, M. A. (2005) *New Black Man*. London: Routledge.
- Percy, A. and Mayhew, P. (1997) 'Estimating Sexual Victimization in a National Crime Survey: A New Approach', *Studies on Crime and Crime Prevention* 6(2): 355–62.
- Plotnikoff, J. and Woolfson, R. (2000) 'Where Are They Now? An Evaluation of Sex Offender Registration in England and Wales', Police Research Series Paper 126. London: Home Office, Policing and Reducing Crime Unit.
- Sanday, P. R. (2003) 'Rape-Free versus Rape-Prone: How Culture Makes a Difference', pp. 337–62 in C. B. Travis (ed.) *Evolution, Gender, and Rape*. Cambridge, MA: The MIT Press.
- Scully, D. (1990) *Understanding Sexual Violence: A Study of Convicted Rapists*.

- Cambridge, MA and London: Unwin Hyman. Shepherd, A. and Whiting, E. (2006) *Re-offending of Adults: Results from the 2003 Cohort (Report 20/06)*. London: Home Office.
- Silver, E. and Miller, L. L. (2002) 'A Cautionary Note on the Use of Actuarial Risk Assessment Tools for Social Control', *Crime and Delinquency* 48(1): 138–61.
- Silverman, J. and Wilson, D. (2002) *Innocence Betrayed: Paedophilia, the Media and Society*. Cambridge: Polity Press.
- Soothill, K. and Walby, S. (1991) *Sex Crime in the News*. London: Routledge.
- Soothill, K., Francis, B. and Ackerley, E. (1998) 'Paedophilia and Paedophiles', *New Law Journal* 12 June: 882–3.
- Sparks, R. (2001) 'Degrees of Estrangement: The Cultural Theory of Risk and Comparative Penology', *Theoretical Criminology* 5(2): 159–76.
- Thomas, T. (2004) 'Sex Offender Registers and Monitoring', pp. 225–48 in H. Kemshall and G. McIvor (eds) *Managing Sex Offender Risk*. London: Jessica Kingsley.
- Thomas, T. (2008) 'The Sex Offender "Register": A Case Study in Function Creep', *Howard Journal of Criminal Justice* 47(3): 227–37.