

Interrelated Problems of Silencing Voices and Sexual Crime: Convict Criminology Insights for Reducing Victimization

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INTRODUCTION

In western society few topics are as difficult to discuss and emotionally charged as human sexuality. Many people have significant personal issues with sexual identity, performance, and confusion about what is appropriate and legal. Given these widespread and diverse sexuality issues, it is not surprising that there are also substantial problems regarding common public understanding and interpretation of sexual violence and crime. This poses subsequent challenges concerning policy development. Indeed, over the past decade there has been a widespread focus on sexual crimes. Incidents of extreme sexual violence receive considerable media attention. Members of the public are disturbed and become fearful, and politicians feel the need to intervene. New restrictive laws and policies have been created with worthy intentions of protecting citizenry.

We believe that despite the best intentions, there are major interconnected problems that significantly impair progress in reducing actual sexual violence. The purpose of this paper is to identify and briefly discuss these problems. A common thread that tightly weaves these problems together is the silencing of voices, thus we advocate for theoretical and practical approaches that welcome and legitimately consider all perspectives. Therefore, in this paper we outline four specific issues related to sexual violence and suggest how Convict Criminology (CC) may help in addressing each of these challenges.

A central feature of CC is legitimizing and empowering voices, including the voices of prisoners. CC is a critical approach that promotes social justice and advocates for prisoners and their families (Richards and Ross, 2001; Ross and Richards, 2003; Jones *et al.*, 2009). A CC Perspective suggests that people should not be labeled by their mistakes or past events, as if nothing else matters. CC mentors and supports all ex-convict graduate students and professors that request assistance. Through collaboration, a new perspective on criminology, criminal justice and corrections may be developed (see Richards and Ross, 2001; Ross and Richards, 2003). Thus, we believe that CC may be valuable in addressing the major problems that impair progress in effectively addressing sexual violence. Before we proceed further let us be clear that we are fully against sexual violence and our concern is how communities can better *effectively* reduce this form of violence.

NORMALIZING SEXUALITY DISCOURSES AND SILENCING VOICES

Critical perspectives in the social sciences recognize that common knowledge about sexuality is constructed through social discourses that normalize. Historically, western religion has been instrumental and authoritative in determining which sexual practices are acceptable and which are not. During the 20th Century, scientific and medical discourses, built from positivist assumptions about knowledge, gained more influence and power governing sexuality and sexual practices (Foucault, 1978). Suffice it to say that sexual behaviors and practices are assigned meaning, and regulated by powerful social institutions and processes. Voices that are consistent with existing sexual scripts (see Simon and Gagnon, 2003), largely constructed historically from religion and science, are empowered, while opposing voices are silenced. At the same time, sexuality has been constructed with severe negative connotations.

According to many, sexuality and sexual practices should not be openly discussed. Compared to other topics, sex has been constructed as being substantially dangerous, adversarial and problematic. This is a major problem and it fuels the subsequent problems we identify here. If people in society cannot openly and safely discuss sexuality and sexual practices – similar to discussion of other topics – then how can various sexual issues and problems in that society be effectively resolved?

Despite scripts that allow a relatively narrow range of acceptable sexual behaviors, social scientists recognize that sexual interests and practices are extremely diverse across people and cultures (Popovic, 2006). CC can be helpful by being supportive of the recognition of sexual diversity, and by joining with other critical perspectives when such opportunities occur to legitimize and empower all voices specifically with respect to sexuality.

More effective solutions are always more likely to be realized when more, rather than fewer, voices and perspectives are recognized and considered. In contrast to popular accounts that normalize, critical accounts recognize that problematic sexuality, including violence, is less about labels that are assigned to specific sexual practices, and more about complex ethical issues related to mutual consent and safety.

ENTRENCHED MYTHS OF SEXUAL OFFENDERS AND TREATMENT

When authoritative institutions and discourses restrict alternative voices and perspectives, it is easy for myths and stereotypes to be constructed and reified. Perhaps nowhere has this occurred more substantively than with issues involving sex offenders. Quinn *et al.* (2004) thoroughly documented the development and promotion of pervasive myths concerning sexual offenders and their treatment (e.g. sex offenders are the same, nearly all will re-offend, sex offender treatment is ineffective). Unfortunately, many law enforcement personnel and correctional therapists believe these myths, which are promoted through media and serve powerful political interests.

In contrast to popular myths that portray offenders as ‘predators’ that are unresponsive to treatment, the vast scholarly literature on this topic convincingly shows that sex offenders are a heterogeneous group with diverse motivations, needs and issues (*ibid*). It has been known for many years that most sex offenders are not strangers to their victims, but tend to be members of families and communities.

Large meta-analyses challenge myths about high sex offender recidivism rates. For example, Alexander (1999) found that across 79 studies (representing nearly 11,000 sex offenders), the re-arrest rate for sex offenders was 7.2 percent, compared to a 17.6 percent for untreated offenders. The federal Center for Sex Offender Management (CSOM, 2001) reported that sex offender recidivism rates are lower than those of other classifications of offenders. After reviewing scholarly literature on treatment efficacy, Marshall *et al.* (2006, p. 176) stated that “the evidence indicates that sex offenders can be effectively treated”.

The existing scholarly literature is extremely valuable in countering pervasive myths about sexual offenders and the efficacy of psychotherapy. Scientific knowledge on this topic is important and, unfortunately, is often silenced due to political interests. Critical perspectives that help humanize all people in the justice system are further silenced and devalued. It can be easy, even among academics and professionals, to reduce sexual offenders, like other prisoners, from complex human beings to collections of risk factors, psychological test scores and various statistics. CC encourages collaboration among various community groups, along with the telling and listening of the stories of the criminalized. Stories provide emotional impact and remind

us that offenders are human beings capable of changing behavior. Offender storytelling can be healing and is underutilized, both as a research and treatment method within rehabilitation (see Williams, 2006, 2009).

CURRENT POLICY IS MOVING FASTER IN THE WRONG DIRECTION

It is foolish to formulate social policies with the intention of protecting citizens, while failing to consider diverse needs and perspectives, including within academic institutions, in the process. However, this seems to be the case with respect to the quick development of more restrictive and punitive policies that regulate sex offenders. Griffin and Stitt (2010) discussed significant problems of recent legislation based on “memorial crime control”, wherein strict, punitive policies are enacted based on a single or very few horrific cases (e.g. *Megan’s Law*, *Jessica’s Law*). These cases are truly tragic, yet it is inappropriate and unethical to over-generalize based on pervasive sex offender myths and extreme cases, and create legislation influencing thousands of offenders. This reflects gross injustice and will not protect citizens.

Recent research has shown that sex offender policies that restrict residency from close proximity to parks and schools have no effect in reducing recidivism (e.g. Duwe *et al.*, 2008; Maguire and Singer, 2010). Despite being ineffective in reducing sexual crimes, such restrictive policies are significant in terms of financial cost to communities. Sex offenders experience negative treatment because of their status, which then restrict successful reintegration into community (Robbers, 2009).

Furthermore, a recent study found that sex offender registration and notification laws may have a harmful effect on family members of sexual offenders (Levenson and Tewksbury, 2009). Levenson and Tewksbury discovered that family members of sex offenders were significantly more likely to experience threats and harassment from neighbors. The majority of children of sex offenders in the study reported being treated differently at school, and had experienced ridicule, teasing, depression, anxiety, fear or anger. In these cases, more injustice seems to be heaped upon injustice.

Academic voices that utilize traditional research methods, including those we have cited, are valuable and important. The voices of citizens are also valuable and important. So, too, of course, are the voices of victims and their families. Additionally, the voices of sex offenders and their families,

which have been devalued and silenced in community dialogue concerning important policy issues, are also both legitimate and important. What important insights might sex offenders and their families have based on their real-world experiences that could be helpful in developing effective policies? Once again, drawing on the CC Perspective we emphasize that successfully reducing sexual violence is more likely to occur by finding solutions created from listening to and considering all voices and methods of knowing.

THE PRISON SYSTEM AND VIOLENCE BETWEEN PRISONERS

While the prison system has an official classification of prisoners (Richards and Ross, 2003), there is also a convict subculture. Similar to life on the outside, sexuality and gender issues are interwoven into the convict subculture. Transgendered and homosexual individuals, particularly in male prisons, may be targeted for violence from other prisoners. Fear, prejudice and discrimination that are widespread outside of prisons concerning sexuality permeate prison walls. Violence and injustice are often the result.

The prison is a system of institutionalized abuse and violence where sex offenders are relatively powerless. The convict subculture, like mainstream society, places sexual offenders at the bottom of the totem pole. Institutional abuse and discrimination toward sex offenders is rampant in the prison system. These prisoners are commonly regarded as less than human, aberrations and irredeemable subjects. Prisoners convicted of sex offenses are commonly targets for severe violence from prisoners and prison staff.

Persons convicted of sex offenses may serve long sentences both in prison and the community. As prisoners on probation and parole they are subjected to electronic monitoring, along with restrictions on where they might reside, work, walk and interact with socially. Historically, they have been subjects for surgical or chemical castration, and various forms of sovereign violence at the hands of medical and social work professionals (Spencer, 2009). According to Spencer (2009, p. 225), sex offenders are believed to be “so depraved that normal cognitive-behavioral programs are unable to curb these individuals’ insatiable desire to commit sex crimes”. While the commission of sexual crime is completely unacceptable and must be reasonably addressed, it appears that myths and moral panic may be widening the scope of what constitutes sexual

offenses (see Popovic, 2007). More people are becoming unfairly labeled, incarcerated and their lives ruined.

We have emphasized herein that all people deserve to be listened to, and to be treated humanely and fairly. Sex offenders are often not treated humanely and fairly in prisons and the community. They are also not given adequate support and opportunities to improve their lives. CC can continue to promote fairness, support and positive collaboration, both inside and outside of correctional institutions. The need for people in various roles and social spaces, including prisoners, public citizens, policymakers, professionals and academics, to welcome and apply critical thinking and reflection to sexuality, generally, and sexual crime issues, specifically, cannot be overestimated.

CONCLUSION

In this paper, we have identified and briefly discussed major interrelated problems that we believe prevent widespread progress in reducing sexual violence. Sadly, good intentions seem to contribute to the development of these problems as new cases of injustice and violence continue to be perpetrated in the process. We hope that CC and other important critical perspectives can gain support, and can be applied to help resolve these issues. If so, it is likely that sexual violence can be addressed more fairly and effectively, and thus be reduced.

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