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Populist and vindictive constructions of sexual offending against children, pluralities of violence, and the implications for criminal and social justice

Populistyczne oraz mściwe konstrukcje przestępstwa seksualnego, większość względna przemocy i implikacje dla sprawiedliwości karnej i społecznej

Abstract: Drawing upon the "sociology of vindictiveness" (Young 2003; 2007) and Sumner's (1990; 1994) work on censure the authors examine the construal, responses and treatment of individuals who have committed a sexual offence against a child/children (ICSOAC). We seek to understand the dynamics and social processes of the exclusion of others and the way negative, sectional and bureaucratised discourses, policies and practices can "other" marginalised groups, for political expediency. We argue that to fully understand these responses we need to better understand the wider social dynamics and constructions which inform and shape societal perceptions in pursuit of an essentialised "good enemy". In line with this, we go on to outline the interaction between vindictiveness and populism in the administration of justice and situate the challenges this poses for both punishment and the rehabilitation and reintegration of individuals convicted of sexual crime.

Keywords: censure, populism, sexual offending, social justice, structural violence, symbolic violence, vindictiveness, individuals convicted of a sexual offence

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Abstrakt: Opierając się na „socjologii mściwości" (Young 2003; 2007) oraz pracy nad cenzurą Sumnera (1990; 1994), autorzy badają zagadnienie traktowania osób, które popełniły przestępstwa seksualne przeciwko dziecku/dzieciom (ICSOAC) – interpretacje tych zachowań i reakcje na nie. Autorzy chcą zrozumieć dynamikę i procesy społecznego wykluczania innych osób oraz sposób, w jaki negatywne, zbiurokratyzowane zasady, praktyki i dyskursy dla politycznej korzyści mogą marginalizowane grupy uczynić „obcymi". Zdaniem autorów, by kompleksowo zrozumieć te zagadnienia należy lepiej poznać procesy społeczne, które kształtują społeczne postrzeganie „dogodnego wroga". Autorzy badają relację między mściwością a populizmem w wymiarze sprawiedliwości oraz wskazują na wyzwania związane z karaniem, resocjalizacją i reintegracją osób skazanych za przestępstwo seksualne.

Słowa kluczowe: cenzura, populizm, przestępstwa seksualne, sprawiedliwość społeczna, strukturalna przemoc, symboliczna przemoc, mściwość, osoby skazane za przestępstwo seksualne

Introduction: Penal populism

Populism poses major challenges to prevailing neoliberal democratic political systems (Lacey, 2019). Criminological analysis has long pointed toward the role that populism and public support for harsh criminal justice policies plays within the increasingly punitive responses to deviant and criminalised behaviours (see for example Pratt 2007; Samet 2013; Côte-Lussier, Carmichael 2018; Garland 2021). The responses to deviance are of particular importance here when considering the censure applied to behaviours which challenge the entrenched views of the societal mainstream, particularly when it comes to sexual attraction and sexual offending.

Penal populism "refers to a broad set of criminal justice preferences [...] that favor 'tough' stances on crime and crime control issues" (Fenwick 2013: 217). Fenwick (2013) identifies three overlapping ways of thinking about penal populism: (i) as a programme of "tough" criminal justice responses; (ii) as a political project intended to garner popular electoral support; and (iii) as a process in which new actors and groups influence justice policy and debate. He draws attention to the fact that these forms of penal populism are not just located in Western societies; but more widely around the world; something reinforced by Samet's (2013, 2019) analyses of penal populism in Venezuela and Ruiz's (2018) work in Colombia. Fenwick also notes that while populism in its multiple forms exists throughout the world the forms taken exist in specific cultural circumstances in each nation state and are not wholly universal.

Debates in Britain and the US around the role and origins of penal populism grew out of concerns surrounding rising crime rates in the 1970s to 1990s. There has been a subsequent decline in recorded and reported crime and yet penal populism still remains a dominant force. Other forces are then in play and the pervasive influence of mass opinion upon penalty means that penal populism is not something that politicians can ignore (Sparks 2003). Pratt (2007: 9) argues that "populism in various guises is the moods, sentiments and voices of a signifi-

cant and distinct segment of the public" who feel as though they, and people like them, have been ignored and alienated with "the victim" taking on a particularly symbolic role. Jennings et al. (2017) meanwhile note that there is increasingly an air of inevitability in discussions around penal populism, whereby political elites seek to satisfy perceived demands for increased punitivity. In response, Garland (2021) notes that there has been a fundamental shift in the dynamic when it comes to addressing criminal justice with the common sense and experience of the public now trumping knowledge and evidence developed through criminological research.

While other forms of populism are normally built around the mobilization of social forces, penal populism can be seen in concerns with safety security of citizens and the state, as a "form of disenchantment with the efficacy of government" (Lacey 2019: 90). Penal populists invoke "the people" to drive through repressive and punitive penal reform whereby penal populism becomes a "characteristic of societies in which public opinion matters and especially of democratic societies with a commercialized and competitive mass media" (Garland 2021: 260). Garland argues that there is very rarely an evidence base applied to populist measures and that it is frequently forms a way of garnering immediate public support and political advantage in the arena of highly emotive debates around crime and justice. For Garland (2021) populist approaches seek to create and gain support for interventions intended to address a particular problem, presenting it in such a way as to appeal to a specific demographic. This necessitates the creation of "in" and out groups; a theme to which we return later. Accordingly, Samet (2019) argues that populism – particularly punitive populism – appeals because of the way that people experience the injuries caused by being wronged. For Samet (2019: 274) "populism brings this dimension of the punitive turn more sharply into focus and allow us to understand how tough-on-crime policies grow out of particular historically contingent articulations of victimhood." He argues that the idea of people suffering is particularly powerful because of the way in which it shapes the political ground where communities develop and exclusionary "us" versus "them" narratives are founded. In the case of sexual offending – particularly against children – the idealised victimhood (Christie 1986) of a child can then act as a lightning rod, channelling public sentiment.

The rise of populist sentiments and the intensity of feeling surrounding the issues of injury and feeling "wronged" – either on a personal or societal basis – often coincides with growing insecurity, fragmentation and precarity (see Young 1999, 2007, Pratt 2020). This growing insecurity, fragmentation and precarity combines with individualised responsibility for risk management in neoliberal societies so that people have an unrealistic expectation of risk management. Thus any risk of (re)offending is largely seen as unacceptable and something to be avoided altogether (Garland 2021); Persons with criminal convictions are deemed to have limited rights, while politicians, aware of the potential for crime related scandals and sensationalised stories, adopt increasingly risk averse positions. Ruiz

(2018: 37) found that symbolic and excessively punitive sanctions, "generate a feeling of tranquillity and illusion in the community", despite doing little to reduce crime and the associated insecurities it generates. Deviant "out" groups are thus created (Samet 2013) and stigmatizing moral censures are applied (Sumner 1990, 1994) while populist groups and advocates go on to demand that something is done about these out groups which are frequently portrayed as "the enemy" (Grover 2010). This is what Young (1999) framed as "the exclusive society".

Within this context we explore the role and impact that vindictive, populist discourses play in society and the challenges that they pose for criminal and social justice. We draw upon the censure theory of Sumner (1990; 1994) and Jock Young's (2003; 2007) "sociology of vindictiveness" to explore these challenges in relation to the construction and treatment of individuals convicted of a sexual offence (ICSO) against a child (ICSOAC). We then explore the ramifications of these constructions for ICSOAC. Our work here is intended as an initial foray into the field with a view to identifying important future conversations that need to be had, and research that needs to be done, to address our collective societal responses to ICSOAC in the face of the ongoing primacy of populist responses to crime and deviance. Equally, while our primary focus is upon the constructions and treatment of ICSOAC in the UK, there are wider ramifications given parallels in the populist and vindictive responses to ICSO across the Western world, particularly in the US and Western Europe, and we begin to identify some of these similarities throughout.

Before embarking on our analysis it is important to define the behaviours and actions that we are focusing on, namely that of people who commit sexual offences against children; something most commonly (and often inaccurately) referred to as "paedophilia". There are two key sources for the definition of paedophilia: (i) the Diagnostic and Statistical Manual of Mental Disorders (DSM, currently on version 5), published by the American Psychiatric Association, and (ii) the International Classification of Diseases (ICD, currently on version 11), published by the World Health Organisation. The ICD diagnoses paedophilia as "sustained, focused, and intense pattern of sexual arousal—as manifested by persistent sexual thoughts, fantasies, urges, or behaviours—involving pre-pubertal children". For a paedophilic disorder to be diagnosed, the individual must have acted on these thoughts, fantasies or urges or be markedly distressed by them (WHO 2018, section 6D32).

A distinction is made in the DSM-5 between diagnosing a "paraphilia" and diagnosing a "paraphilic disorder". While "paraphilia" refers to the sexual interest itself, a "paraphilic disorder" is diagnosed where this interest causes distress or harm to oneself or others (American Psychiatric Association 2013; Pullman, Stephen, Seto 2015). The distinction between a "paraphilia" and "paraphilic disorder" is important. It provides a space for people with a sexual interest in children to be passive holders of said interest/or a passive (non-acting) holder of a sexual interest in children. While passive, this can nonetheless cause other persons distress, in line with the societal portrayal of someone with "paedophilic disorder" as being

someone who acts on this interest and abuses children. Note, for this latter group, this is also likely in the majority of cases to cause the individual mental and emotional distress.

Vindictiveness and censure

To make sense of the processes which underpin these vindictive, and often contradictory, responses we turn to the work of Colin Sumner and Jock Young. Sumner (1990; 1994) has developed key ideas surrounding censure. Young (2003; 2007) meanwhile has explored crime in terms of the wider contradictory structures in society through the lens of "the sociology of vindictiveness". Their combined works build on previous elaborations of the development and role of stigma (see Goffman 1990). For Sumner (1990: 16) social censures are expressed in discourse as ideological "moral judgements". The words we use to condemn are an attempt to exert a disciplinary effect as part of a project of "moral and political hygiene" (Sumner 1990: 17). Primarily censures are "negative notions within dominant ideological formations" (Sumner 1990) and are an essential component in helping to secure "the practical networks of domination" (Sumner 1990). Censures attempt to condemn certain social practices as being profoundly "deviant" and "pathological", marking out those who are censured for their unacceptable "difference". They are an attempt to, "signify, denounce and regulate, not to explain" (Sumner 1990: 27). Secondly, censures are sectional because they involve "partisan judgements" (Sumner 1990: 16). In attempting to prevent or regulate certain social practices and exert control, "They mark off the deviant, the pathological, the dangerous and the criminal from the normal and the good" (Sumner 1990: 27). They are inherently moral labels which, "signify worth and correctness against wrong and danger" (Sumner 1990: 27) and are binary concepts dividing the social order into "good" and "bad", or "them" and "us". Thirdly censures, unlike labels, are bureaucratized because of the regularity of their appearance in discourse and recurrence as "organized slanders in what is essentially a political or moral conflict" (Sumner 1990: 17). They endure and persist over time, becoming routinized and institutionalized to the extent that they are, "recurrent in essence if not form" (Sumner 1990: 26). The specific social censures of ICSOAC are aimed at forming a hegemonic effect (Gramsci 1977; 1978) by attempting to secure consent in terms of, "justification for repressive action against the offender and for attempts to educate the recipient into the desired habits or way of life" (Sumner 1990: 27).

According to Chambliss (1974: 38), "those who control the economic and political resources of the society will inevitably see their interests and ideologies more often represented in the law than with others". In explaining why the sectional censures of the white, predominantly male bourgeoisie tend to become

the dominant censures in late modern societies, Sumner (1990) intimated that it becomes inevitable that the interests of those with greater levels of power and access to the tools of popular communication are better reflected in the censures and public sense of morality displayed in societies with greater levels of social, economic and political division. The populist "get tough" approach towards ICSOAC has ramifications for the way in which they are spoken about in shared language amongst the public. For Farmer (2017: 57) it becomes important to situate our understanding as to how the legal system works to both allocate blame for a breach of the law, and to provide meaning to specific forms of (criminalised) conduct. Sexual offences involve harmful social practices with real consequences. However, the way in which the popular censure of the "paedo", "kiddy fiddler", "pervert" or "nonce" is framed in popular discourses assumes that there are widely shared beliefs about what constitutes what is the normative age of consent for those in the transitory phase of youth. In reality no shared normative order exists. Farmer (2017: 50) suggests that when faced with a lack of a clear and shared moral order in neoliberal society, criminal law acts as a tool to censure blameworthy conduct that is perceived to threaten the social order, and to express moral disapproval as is reflected in the eyes of the dominant and powerful segments of society. Crime does not exist in isolation from wider society and nor do the censures applied to it (Young 2007). From this position, we can then begin to situate what Young (2003; 2007) has termed a "bulimic society".

In a bulimic society cultural inclusion is accompanied simultaneously by structural exclusion. Young draws upon the examples of socially excluded and marginalized groups including migrant populations and the chronically unemployed to explore the way in which we preach tolerance, and engagement with mainstream values while simultaneously excluding such groups and individuals from society. He underpins his arguments with the work of Sven Ranulf (1964) who argued that the vindictive responses that we see are formed as a result of "moral indignation" forged through envy and resentment. Ranulf located resentment within the context of restraint and self-discipline; we resent others because they do not show the same levels of restraint and self-discipline. However, this is complicated in the case of ICSOAC where there is a deep rooted and visceral anger directed at those who have committed offences against a particularly vulnerable group. This results in a process of essentialization, othering and censure. This resentment promotes further marginalization of, and violence towards, targeted groups by enabling us to "act temporarily outside of our human instincts because we are dealing with those who are acting inhumanely" (Young 2003: 400).

Even in the past 20 years where society has become increasingly aware of child sexual exploitation, ambivalent and contradictory responses to the societal construction of sexual desire and attraction remain evident. As Jewkes (2013) has argued, hypersexualised depictions of children and adolescents feature regularly within the mainstream media, alongside other arenas including fashion and art, with a particular focus upon the female body. For instance, in 1999 17-year-old

Britney Spears' early performances depicted her as a schoolgirl in *Hit Me Baby One More Time*. Shortly after this, in the UK in 2002, 16-year-old Charlotte Church was awarded "Rear of the Year" and we were encouraged in 2006 to follow 17-year-old Hayden Panattiere portraying a schoolgirl "Cheerleader" in the US television series Heroes. Later a reworking of St Trinians debuted in 2007 again depicting sexualised schoolgirls. More recently, Daenerys Targaeryan, one of the protagonists in the literary version of George RR Martin's Game of Thrones anthology is 13-years-old when she is introduced to the audience, and soon after is engaged in intercourse with Khal Drogo. This is glossed over in the sexualisation of the character in the HBO serialisation where the character was "aged up" to be 17 years-old. Most recently Netflix has attracted controversy after using sexualised images of children to advertise the 2020 film "Cuties" to UK and US audiences which centres around a young girl joining a dance squad. Such depictions are pervasive across the media and indicate a wider carnal obsession for young, particularly female, bodies.

Simultaneously, people who act on the desires promoted throughout mainstream societal and media discourses and commit sexual offences are subject to a "punitive and dehumanised monster narrative" (Harper 2018: 143). This reinforces the belief that ICSO are "a separate species, a breed apart" (Jewkes 2013: 124) with the worst excesses of societal vitriol reserved for those who engage in offending against minors (e.g. child sex offending and viewing or sharing images of sexually explicit images of children). Vindictiveness towards ICSOAC has been evident recently in media-based assertions over who is or is not a "deserving" or "undeserving" recipient of a COVID-19 vaccination in these times of pandemic. Cain (2021) for instance reported on the reception of British musician Paul Gadd's (better known as Gary Glitter) COVID-19 vaccination considering his previous convictions for sex offences. Gadd, is currently serving a 16-year sentence for attempted rape, indecent assault and sexual intercourse with a child. Appearing as a panellist on BBC Radio 5's *Jeremy Vine* show, presenter Nicola McLean reportedly remarked that, "I'd give him a lethal injection before I'd give him a Covid vaccine [...] I don't care if he dies of COVID. I think I would like to see him die a slow, painful death" (Cain 2021). Similarly vindictive sentiments have also been expressed in response to the release of Colin Pitchfork in the UK. In 1988, Pitchfork was found guilty of the rape and murder of two 15-year-old girls and was subsequently sentenced to life imprisonment, then in 2021 the parole board granted Pitchfork release on licence. In response to this news the sister of one of Colin Pitchfork's victims called for him to be castrated and have the word "nonce" tattooed on his forehead (Sales 2021).

We witness the simultaneous embracing of and revulsion towards attractions throughout society whereby the desirability and attractiveness of youth is celebrated on a cultural level, while those who act on such desires are structurally excluded through the application of censures and sanctions. One of the consequences of censure and vindictiveness is that it presents risk and risk management as the only paradigm available by which 'the paedophile' can be managed. In response, Lianos

and Douglas (2000) have argued that the social process of "dangerization" means that people with certain social identities are subject to strategies of exclusion and avoidance. Meanwhile, in certain Westernised societies the word "risk" has come to signify "danger" (Douglas 2003). In the context of ICSO and ICSOAC we can apply this to see how a rational assessment of probabilistic risk is ignored when the alarm bells of "danger" begin to ring, triggering this process of "dangerization" (Douglas 2003: 267) which leads people to continually assess the world around them in terms of the level of potential threat to themselves and their families. Developing this point further, Furedi (2015: 201) asserts that, "the paedophile" is presented as the face of evil in contemporary society. In the popular imagination "stranger danger" becomes an ongoing omnipresent background threat to the safety of children. This creates a culture of censoriousness whereby anyone suggesting anything other than a retributivist stance against ICSOAC is "demonized as an appeaser of the child predator" (Furedi 2015: 202).

The emotional intensity of responses to ICSOAC is thought by Garland (2008: 17) to be connected to, "unconscious guilt about negligent parenting and widespread ambivalence about the sexualisation of modern culture." Another explanation as to why ICSOAC are treated with particular vitriol has been suggested by John Pratt (2020: 152) who has argued that children have become imbued with "greater emotional value in the absence of […] other personal relationships" while children have simultaneously become scarcer. The growing precarity and breakdown in traditional bonds within neoliberal society between people and work, place, and each other has combined with growing fear and distrust of strangers. This means that any deemed to be a stranger or outsider within a community or society runs the is at risk of suspicion and becoming the target of ill thought through responses to the challenges a community faces. This can lead to considerable unease: something that populist groups and politicians are often adept at identifying with such breakdowns manifest themselves in a variety of ways including, for example, the "Brexit" vote in the UK. In this instance economic migrants and outside political actors were cast as convenient, politically expedient enemies with a view to uniting people around the Vote Leave cause (see Mahoney and Kearon 2018). In a similar vein sexual offending against children can then "be one of the few ways in which it is now possible to mobilise communities and bring temporary cohesion" (Pratt 2020: 154). In such a context the perceived failure of the state to provide security in the face of unrealistic societal expectations mean that these censures are increasingly applied and acted upon. However, there are further negative unintended consequences which are bound with notions of risk avoidance. For Furedi (2015: 209), the perpetual moral crusade has, "helped to create a world where many adults regard intergenerational relations as an inconvenience from which they would rather be exempt". Anecdotally, this may prevent people from volunteering in young persons' sports and social clubs for fear of being perceived as being a "closet paedophile".

Language as symbolic violence

The language which we use can amount to symbolic violence whereby "social interaction, language and symbols itself reproduces structures of domination and hierarchy" (Morgan, Björkert 2006: 445). Morgan and Björkert (2006) argue that symbolic violence is characterised by processes and mechanisms through which symbolic interactions, behaviour and modes of conducts sustain and nurture structured inequalities in our everyday lives and interpersonal attitudes (Bourdieu 1992; 2002). This is evident in responses to ICSOAC, which amount to stigmatisation, censure and condemnation. It is important to consider the language people use to denote already stigmatised individuals; negative labelling (of groups) has a strong, negative effect on people's emotional reactions to an individual belonging, or perceived as belonging, to that group (Angermeyer, Matschinger 2003). This feeds a vicious circle of fear, hatred and anger and constructs a barrier to understanding and empathy. Derogatory labels and continual societal condemnation and censures mean that that a ICSOAC is subject to ongoing experiences of symbolic and structural violence which carry significant ramifications and reinforce the marginalisation and exclusion of anyone targeted.

To this end while we are all too aware of the wider language and stigmatizing discourses applied to ICSOAC the authors of this paper have consciously sought to ensure that the language used embodies principles of social justice, thus working towards the elimination of systems of oppression, inequality, or exploitation (Vera, Speight 2003). In practical terms, one of the ways in which this occurs is through critiquing the censure and vindictiveness behind commonly accepted terms, and through the *considered* use of language. As such, with the exception of the examples used to outline some of the stigmatizing portrayals of ICSOAC in wider society, language/labels such as "sex offender" have been purposefully avoided here, in favour of person-first language. This was on the considered premise that there could be a "ripple effect" (Jacobs, Sevier, Teo 1998) in terms of language choice of the researchers being mirrored by those who come into contact with this work.

Moving beyond the confines of this article, the desirability for promoting de-stigmatising language, and moving away from homogenous clustering of ICSOAC, is well founded in the literature. Arguably, any kind of mass labelling of a deemed "collective", means that *individuals* struggle in overcoming their prescribed "master status" (Becker 1963), namely the most dominant status which overrides all other statuses. Willis (2018: 738) states that "whether intentional or not, labelling persons who have sexually offended by what they have done communicates the expectation they will do so again". This can undermine the agency of the individual and is an affront to the strengths-based nature of current treatment programmes – Kaizen and Horizon – which work on the principle of clients being "intent to change" (Carter, Mann 2016; Ramsay, Carter, Walton 2020). In this way, programme deve

lopers recognise that people often want to be the best versions of themselves but need the skills to live a safe and healthy life (Walton et al. 2017).

As noted earlier the populist nature of debates around crime, deviance and victimisation mean that, whilst there has been a steady movement since the 1970s to move away from stigmatising or labelling language, particularly in relation to disabilities and health conditions, "the use of person-first language has been slower to come in the world of criminal justice but has gained increasing traction" (Cox 2020: 3). The term "offender", in some more progressive contexts has been replaced with offerings of more neutral descriptors such as "formerly incarcerated person" (Law, Roth 2015). These linguistic shifts are long overdue, and the impact of such changes are readily apparent. Recognising an individual for who they are – a person first and foremost – and then the social identities *they* identify with after, aligns with the literature on the relational context of desistance (Weaver 2012; Weaver, McNeill 2015). Recognition of being a "normal guy", a "good provider", and the "provider man" (Weaver 2012), has founded utility whereas usage of terms such as "sex offender" undo efforts to work towards change. For some, however, the political, social and psychological impacts of using the label "sex offender" are less well known and thus not necessarily a consideration in everyday vernacular, however, it often is used to scald and stigmatise. This, combined with the political expedience of maintaining such distinctions in a populist landscape, is to a small extent why the use of the "sex offender" label and associated censures remains widespread, and further reinforces the negative mainstream public perception people with sexual convictions have (Lowe, Willis 2020). Individuals who know and work with ICSOAC have a moral duty of care to use and promote language which sees the person first and simultaneously counter toxic dominant and overly risk-centric discourses surrounding sexual crime. Such discourses often centre around "blame" and the related oppositional notions of "innocence"/"good" and "guilt"/"evil" which inform "populist notions of the victim/offender divide by reinforcing the sanctity of childhood and the profanity of the offender" (McAlinden 2014: 189).

Until recently the use of terms such as "individual convicted of a sexual offence" were used among small circles of academics and practitioners who work closely with individuals who have committed an offence. However, this terminology is slowly becoming mandated, for example, the editorial board of the journal *Sexual Abuse* has called for person-centred language in the description of people engaged in sexual harm (Willis, Letourneau 2018). Indeed, there is now the following statement on the journal's website:

> Authors are encouraged to be thoughtful about the connotations of language used in their manuscripts to describe persons or groups. Person-first language […] is generally preferred because it is often more accurate and less pejorative than terms like 'sex offender'. Terms like 'sex offender' imply an ongoing tendency to commit sex offenses, which is inaccurate for many persons who have been convicted for sex offenses given current sexual

recidivism base rates. Similarly, the term suggests a homogeneous group defined and stigmatized on the basis of criminal behaviors that may have taken place infrequently or many years in the past.

This is an important step in signalling to society and the wider academic and practitioner community the importance of language and labels. However, as we have seen, one of the greatest barriers to a parity in language between those who are convicted of sexual crime and those of non-sexual crime is a disparity in reporting in mainstream media outlets, that serve to perpetuate the dehumanising narrative that "sex offenders" are not human beings (Blagden et al. 2017). This narrative (and their own actions in committing a sexual offence) create high levels of shame and stigma in individuals (Blagden et al. 2011), creating a barrier to reintegration post-release from prison (Malinen, Willis, Johnston 2014).

The presence of barriers to reintegration is particularly problematic, especially in considering that the established narrative is that for re-entry to be successful, a sustained, positive change – or what Stone (2016: 957) refers to as "identity re-construction" – is required. This is a narrative perpetuated in prison with the onus being placed upon problematising aspects of identity (linked to their offending behaviour) being "in need of repair". This problematisation of identity, even for intended rehabilitative purposes can be counter-intuitive, especially considering the treatment of such individuals even after having gone through the formalised processes deemed necessary to reduce their risk of recidivism in the future. Moreover, even where it is possible to overcome these barriers, symbolic violence only presents one hurdle, with structural violence providing additional significant challenges to be overcome.

Structural violence

Structural violence describes social structures – economic, political, legal, religious and cultural – that stop individuals and collectives (groups and societies) from reaching their potential (Galtung 1969). For Galtung (1993), violence is the avoidable impairment of fundamental human needs, which lowers the degree to which an individual can meet their needs. Structural violence is often embedded in longstanding ubiquitous social structures and normalised via stable institutions and regularity of experience (Gilligan 1997) so that as they appear banal and "ordinary" in our ways of understanding the world. Disparate access to resources, political power, education, health care, and legal standing are just a few examples. The idea of structural violence is closely linked to social injustice and the social machinery of oppression (Farmer 2004). For men with sexual convictions, structural barriers to re-entry include a lack of access to appropriate housing and barriers to employment which can be understood as forms of structural violence. Winters et al. (2017)

report that participants self-reported gaining social support, finding hobbies and practicing religion to be important to remain crime-free in the community. However, legislative barriers such as punitive licence conditions are often obstacles men with sexual convictions face in the community (Bennett 2008; Mann et al. 2019), and thus an affront to the desistance process. Indeed, in the USA, Megan's Law which was introduced in 1996 requires every US state to develop processes to inform communities when a ICSO is to be released from prison (Pratt 2007). As Pratt notes, upon signing the law into effect, then President Bill Clinton stated that parental rights to protect their child override all others the fact that most ICSO against a child are often known to, if not related to, the child (Jewkes 2013). Thus, populist positioning and the further embedding of public censure mean that a ICSO's is continually stigmatisation and censured in the community, preventing opportunities for anonymity or to start a new desistant life.

Meanwhile, in the UK, men convicted of sexual offences residing in the community are typically subject to licence conditions (which include no association restrictions) and registration to the Violent and Sex Offender Register (ViSOR) under the Sexual Offences Act 2003 (Notification Requirements) (England and Wales) Regulations 2012. These stipulations arise from the dominance of the community (or public) protection model (C/PPM) for responding to violent and sexual offenders in England and Wales and has strong associations with "risk penology" (Kemshall, Maguire 2001) and populist concerns around how to protect the community from unseen and hidden risks. Echoing Furedi's (2015) argument regarding the pervasive risk-oriented discourses surrounding ICSOAC, within the C/PPM, the containment and management of risk supersedes rehabilitation, which has attracted criticism from prevention advocates. Laws (2000) criticises the C/PPM approach for excluding the public in responding to people who have committed a crime, providing an ineffective public education of sexual crime (and its drivers), focusing too heavily on incapacitation, and for doing little work on prevention and to reduce offending. Work in the field of *prevention* of sexual crime offers some "solutions", with work being conducted by the German Dunkelfeld Project (Beier 2019) and in the UK through the Lucy Faithfull Foundation (Bailey, Squire, Thornhill 2018) and by the Safer Living Foundation (Aurora Project) (Hocken 2018). "Prevention is better than a cure" (Allardyce 2019: 19) as a mantra for the field aligns itself with understandings of desistance (including, protective and risk factors for offending) (Göbbels, Ward, Willis 2012). Whilst prevention work can be controversial for some (Blagden and Winder 2019), it offers holistic support for those who need it and is a direct contrast to the punitive and vindictive approach offered by mainstream society.

The dominance of the C/PPM means that there are often limited employment prospects for individuals with convictions (Cherney, Fitzgerald 2016). This is exacerbated for men convicted of sexual crime, whereby there are "considerable barriers to gaining employment for sex offenders, and few opportunities", underpinned by a visceral disdain for offenders of sexual crime (Brown, Spencer,

Deakin 2007: 41; Tovey, Winder, Blagden forthcoming), resulting in a resigned helplessness that finding work would be unachievable with a sexual conviction (Farmer McAlinden, Maruna 2015). The exclusion of men with sexual convictions from organisations such as Timpsons, who are renowned for having an "inclusive recruitment strategy" (Pandeli, O'Regan 2019: 1) serves to further stigmatise such excluded individuals. Further compounding this are work restrictions and punitive licence restrictions which are regarded as obstacles to desistance (Padfield, Maruna 2006; Bennett 2008). These can have "long term negative consequences" including a fostering of low self-esteem and feeling of worthlessness which could lead to future offending (Robbers 2009: 22). This is important as employment and meaningful relationships comprise of a "respectability package" (Giordano, Cernkovich, Rudolph 2002) and have a cumulative effect upon an individual's prospects for desistance (Johnson, Giordano 2020). Desistance theorists including Farrall (2002), Bottoms et al. (2004), and Maruna and Farrall (2004) have found that adopting pro-social roles, and exhibiting pro-social behaviour, can itself lead to a shift in an individual's identity. Work and relationships are then central to subsuming pro-social roles and desisting identities, and thus structural barriers to acquiring such are perverse upon any promotion of desistance.

Presently, neoliberalism's view of social inclusion is narrow and limited to the advancement of human capital through enhancing labour force skills to foster economic development, thereby enabling the economy to respond to global competition (Gidley et al. 2010). Put simply, "neoliberalism confines itself to a selective view on how the individual can achieve personal prosperity and fulfilment" (Mikelatou, Arvanitis 2018: 502). Such narrow conceptions of inclusion and inclusivity impede the most vulnerable in societies, particularly those falling outside the confines of protected characteristics as understood by The Equality Act 2010 (c.15). The possession of a criminal record is not a protected characteristic in the Act. As such, "the problem remains that 'moral censure' applies to criminal records whereas it does not for other characteristics such as age, disability, gender or sexual orientation which are protected characteristics" (Henley 2014). This is problematic in and of itself, given that "*full* access to employment, housing, financial services and greater civic participation are critical to a positive identity-shift" (Henley 2014, emphasis added). Civic participation in particular lends itself to the creation of both bonding and bridging social capital. "Bonding" social capital is good for "getting by". In comparison, "bridging social capital can generate broader identities and reciprocity, whereas bonding social capital bolsters our narrower selves" (Putnam 2000: 23). Fostering both forms of social capital for all through greater integration into communities, including individuals with convictions, not least promises profound health and wellbeing impacts (Putnam 2000).

The value of social connection is well accounted for in the strength-based rehabilitation framework the Good Lives Model for offender rehabilitation, forming two primary goods in the model – friendship and community (Ward, Stewart 2003; Ward, Marshall 2004; Ward, Gannon 2006). Conversely, social isolation is

a known risk factor for sexual offending (Ward, Keenan, Hudson 2000; Marshall 2010). Therefore, criminal justice agencies, and society more broadly, should seek to strengthen an individual's pro-social resources and activities. However, echoing Douglas' (2003) dangerization thesis, licence conditions can often impinge upon the formation of relationships and signal that individuals with sexual convictions – regardless of risk level – are dangerous and risky (Digard 2014). For men with sexual convictions seeking to "knife off" (Maruna, Roy 2007) from previous crimi-nogenic environments and companions, pro-social connection can emerge from employment (Brown, Spencer and Deakin 2007), and for example from a religious/ spiritual community (Winder, Blagden and Livesely 2018, Blagden, Winder and Livesly 2020). Presently, however, "there is a tension in the legislative and policy approach to ICSO with government legislation, such as sex offender registration and a range of preventative orders, appearing to have resulted in higher levels of restriction placed on sex offenders" (Brown, Spencer, Deakin 2007: 32). This can lead to issues with finding "appropriate" housing for men with sexual convictions (Saunders 2020), and even when housed problems can arise if, for example, a neighbour has a baby which can jeopardise the tenure for the ex-prisoner if they have a "no contact with under 16s" licence condition. This issue can also arise and be problematic when attending places of worship (Dum et al. 2020). As such, licence conditions can be detrimental in preventing individuals forming communities of place and/or identity, and ultimately censure individuals with sexual convictions.

Conclusions and responses

Throughout this article we have sought to problematise and critique the con-struction of individuals convicted of a sexual offence against a child within contemporary, populist society. We have underpinned our critique with Colin Sumner's (1990; 1994) work on censure, and Jock Young's (2003; 2007) theorisation of the "sociology of vindictiveness" to draw attention to the derogatory, stigmati-sing portrayals of ICSOAC. Our intention has been to outline the contradictory bulimic responses toward sexual attraction to minors, and the wider ramifications of the censures applied. Developing our analysis, we have drawn attention to the symbolic and structural violence that ICSOAC are routinely subjected to and their banal, invisible and "ordinary" manifestations. Following this we have considered some tentative, socially "just" alternatives intended to foster a conversation around how we can better support the desistance narratives of those who have committed such offences.

   The challenge for us going forward is to engage with society in a manner which retains the condemnation of acts committed by adults against children, but to create an environment whereby ICSO, and particularly ICSOAC, have the

opportunity to seek help, reintegrate, and go on to make a positive contribution to society without the negative label of their offending becoming their master status. To assist in creating space for this, the next step is to try and work towards engendering a less censorious and vindictive culture and for criminal justice practitioners and academics to try and influence the media to use the more helpful and productive terms alluded to above. Following Garland (2021) this strategy can be part of a wider process of reinserting criminological expertise back into the conversation and engaging with the public. At first glance this may seem fanciful if not utopian – trying to influence a tabloid newspaper to avoid sensationalist headlines concerning ICSO is easier said than done; sensationalism and sound-bites sell. However, both criminal justice practitioners and academics appear on TV programmes to pass informed comment on issues relating to "sex offenders" and can "manage upwards" by choosing their words carefully when speaking to newspapers. Gradually, perhaps in intergenerational terms, words like "paedo" may become obsolete even in tabloid newspapers because the level of cultural norming has moved on in the same way as the word "coloured" is no longer considered appropriate when newspapers cover issues relating to persons from Black, Asian and Minority Ethnic communities. Language is a form of social practice which can be controlled and is an important starting point to change ideologies and the way in which we deal with ICSO in society.

Concerningly, anecdotal *evidence* suggests that there is a greater need for an exploration and understanding of the wider consequences of the condemnation and censure of ICSO, including those who may be reticent to working/volunteering with children and young people. Going forward, to overcome symbolic violence and structural barriers at macro, meso, micro levels we need to (i) encourage person focused language in education, employment and social/leisure settings; (ii) challenge populist terms/narratives perpetuated by politicians and the mainstream media, encouraging those in positions of power to engage with a more progressive and inclusive agenda; (iii) provide meaningful support to communities, and families/friends of ICSO; (iv) promote strengths-based, holistic responses to sexual offending, and the prevention of; and (v) advocate for policy changes which foster inclusivity, and mitigate against exclusionary practices. The first of these points has been picked up by one of the authors (see Winder et al. 2021) who has made some initial progress here in developing the use of appropriate person-focused language when working with people with convictions, together with more detailed exposition of harms of not using person-centred language. Looking to the future, there are difficult but important conversations to be had at an academic, practitioner and societal level; as Saunders (2020: 18) states, "the solutions to reduce sexual reoffending...rests, unpopular and unpalatable as this may seem, not solely with the individual...but with the institutions of the state, practitioners in the criminal justice system, employers, and the wider community".

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