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## **Blaming and Stigmatising Female Partners of Male Child Sex Offenders**

**Dr Anna Kotova  
Associate Lecturer in  
Criminology  
University of Exeter**

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# Blaming and Stigmatising Female Partners of Male Child Sex Offenders

Anna Kotova

originally written in 2012 for an MSc in Criminology and Criminal Justice,  
Centre for Criminology, University of Oxford

*Women are overwhelmingly blamed and stigmatised for sexual offences their male partners commit against children (child sex offending). This blame rhetoric is complex and often indirect, and examples of it can be across disciplines as diverse as psychology, criminology and law. When the woman is both partner of the offender and mother of the child-victim, she is doubly blamed. This paper raises the question of why this is so, and seeks to bring to the foreground the social, political, and systemic forces underlying the blame and stigmatisation of these women. It considers the social constructions of wifeness/intimate partnership and, often, motherhood (if the woman is mother to the child-victim) that underlie the blame rhetoric. It then shows how these constructions lead to a problematically generalised and idealised view of women as self-sacrificing mothers and all-knowing wives/partners, and how this leads to an unjust position where women's lived experiences are ignored. Furthermore, this paper considers how criminology and the legal system help to perpetuate these views of women by adhering to these same idealised views and by failing to address and problematise them. The final section considers how perceptions of sex and childhood, as well as the culture of silence surrounding the experiences of sex offenders and the 'othering' that is characteristic of the modern criminal justice system, act to deepen the stigmatisation of sex offenders' female partners.*

## INTRODUCTION

Sutherland (1947: 1) defined criminology as “the study of the making of laws, the breaking of laws, and reactions to the breaking of laws”. As Lafree (2007) noted, however, criminology as a discipline has since been divided into those who focus either on criminal etiology or reactions to crime. Consequently, criminology is concerned overwhelmingly with crime, theories of crime, and those who do crime – “that criminology is a crime-ology is... so obvious and elementary that it is not even worth discussing” (Shearing 1989: 169). Shearing (1989) questions why criminologists should not also focus on wider social issues; he gives the example of a study of policing considers private policing the financial markets that affect private policing. The latter appears to be far removed from 'crime-ology', yet criminology can be read as

something broader – as a study of social order (Shearing 1989) – to incorporate such social, political and economic issues.

This broader definition can encompass the issues that have not received much attention in criminology, such as the experiences of offenders' families. There is very little criminological writing on families of offenders and their experiences of the criminal justice system. Where criminology does consider such families, it is overwhelmingly in the context of the family's role of preventing offending or re-offending (Howarth and Rock 2000). Although there is a small body of excellent literature that focuses on the impact of crime and the system's responses on offenders' families (e.g. Condry 2007; Comfort 2008), these discussions remain limited in number, largely tangential to mainstream criminology and undiscussed in general criminological texts. This is despite the fact that this research has consistently found that offenders' families often face numerous difficulties as a result of their loved ones' offending (Comfort 2008; Travis and Waul 2003; Codd 2008). These include, but are not limited to, stigma by association and the consequent loss of friendship/family relationships, distressing treatment by police and prison staff and loss of financial support (Comfort 2008; Codd 2008). Since families of offenders are often subjected to social control (sometimes indirectly, via stigmatisation and blame rather than overt criminal law accountability), their experiences should be part of the remit of criminology if criminology is to be concerned with social control.

This paper seeks to go beyond the small but fascinating field of studies that uncovers the experiences of offenders' families and consider specifically *why* female partners of male child sex offenders (who may also be mothers to the child-victims) are often blamed for the offender's crime and are widely stigmatised. We know that the society and the criminal justice system often blame and stigmatise families of offenders in general – for instance, the law holds parents accountable for the crimes of their children via parenting orders. These parents are blamed by the government for, according to the (then) Minister of State at the Home Office, John Patten, “wilfully neglect[ing]...their responsibilities” as parents (*Hansard*, vol. 49, col. 767). Many relatives of offenders lose their friends as a result of being seen as contaminated by the offenders' crime (e.g. Condry 2007; Comfort 2008). The aim of this paper is to look beyond these manifestations of blame and stigmatisation, and consider the social, legal, systemic and political forces that underlie and drive both blame and stigmatisation.

In order to debate criminal justice policies meaningfully, we need to 'dig deeper' and uncover the societal constructions and expectations that the processes of blame and stigmatisation are underpinned by. Only then can we debate the appropriateness of criminal justice responses to crime and question whether they are in fact desirable, or are merely constructed upon a shaky foundation of problematic assumptions and unfair expectations. Due to the fact that little is written about these constructions and expectations in criminology, feminist, political, psychological and legal writings must be considered in order to analyse

them. Moreover, there has to be a discussion of how the criminal justice and political systems facilitate, whether intentionally or not, the processes of blame and stigmatisation. Here, too, societal myths and constructions are crucial, since the criminal justice system does not operate within a vacuum. It is highly political and is fuelled by societal reactions, expectations and myths. The James Bulger case is a good example of how public outcry over the tragic murder of one little boy led to a dramatic punitive turn in youth justice (Greer 2003). This paper aims to uncover these complex forces by focusing on female partners of male child sex offenders.

### ***Terminology***

For the purposes of this paper, *female partner* and *woman* should be taken to mean wife, fiancé or unmarried partner of the adult male who commits a sex offence against a child. When appropriate, distinctions will be made between unmarried partners and wives of child sex offenders. *Mother* refers to the woman's status as mother of the victim-child, unless otherwise specified.

### ***Child sex offenders' wives/intimate partners***

Sex offenders are the most stigmatised and hated group of offenders – the lowest of the low (Griffin and West 2006; Quinn, Forsyth and Mullen-Quinn 2004). They are vilified and subject to increasingly stigmatising penal policies (*e.g.* sex offender registration/notification schemes in the US and UK, amongst other countries). It is illustrative that, during the prison riot at HMP Strangeways in 1990, sex offenders were attacked *en masse*.

Families of sex offenders, likewise, report feeling a greater degree of blame and stigma than families of other offenders (Condry 2007), and describe themselves as being “lowest of the low” and “outcasts” (Condry 2007: 38). One woman reported that even prison officers pointed her out as a relative of a sex offender to dissuade families of other prisoners from befriending her (Condry 2007). Of course, since these experiences are reported by the families of sex offenders themselves, they must be looked at critically; but proven facts about treatment of sex offenders in prisons and the high level of blame aimed at wives of sex offenders (in the media and psychological literature, for example – to be discussed) indicate the truthfulness of these reports.

The forces at work in the context of families of sex offenders go beyond stigma by association; families of sex offenders in general are not only seen as 'contaminated' by the offence but are also often treated as causally responsible for it (Condry 2007). The blame and stigmatisation that child sex offenders' wives and unmarried partners face is especially intense and complex. Examples of blame can be found in psychological literature (*e.g.* Weiss et al. 1995; Justice and Justice 1979), social services (*e.g.* Ehrmin 1996) literature and the media. Some psychological literature holds the woman as, to use Condry's (2007) terminology, responsible by commission. For example, she is blamed for deliberately encouraging

the abuse and/or setting up the situation in a way that facilitates the abuse (*e.g.* Kaufman, Peck and Taguiri 1956), or is said to cause her male partner to commit sex offence by being cold and sexually fulfilling partner (*e.g.* Palm and Abrahamsen 1954). Alternatively, the woman can be held responsible by omission (Condry 2007) – that is, failing in her duty to protect the child if she also the child-victim's mother (Salter 1988). More recently, Strega *et al.* (2007), in a Canadian study of child welfare practice, found that about 50% of child welfare workers saw fathers as irrelevant to the mother or the child, and argue that this is evidence of the continuing trend for covert mother-blaming in that mothers are seen overwhelmingly as responsibility for their children's welfare. If the father/step-father abuses the child – there is a tendency to blame the mother for failing to protect the child. Since child welfare issues include not only neglect and physical abuse, but also sexual abuse, Strega *et al.*'s (2007) study is illustrative for present purposes. A good example of media blame is that of Laurie Fine, the wife of a sports coach accused of molesting young boys, who was accused (by ESPN, a TV channel) of facilitating and condoning her husband's actions (O'Brien 2012). She has since filed a lawsuit against the channel. This blame is often very subtle, since the woman is not always blamed directly for the act the man commits, but, rather, indirectly, via being held blameworthy for failing to act as a 'responsible' wife and mother is societally expected to.

The fact that examples of blame can be found across such a broad range of disciplines is indicative of what the society as a whole thinks of female partners of sex offenders. Moreover, these views of wives/female partners of child sex offenders are prevalent in criminal law and criminology. For example, in the US, 'failure to protect' statutes are used to hold the mother criminally accountable if she is deemed to have failed in preventing her child being abused, which includes sexual abuse (Fugate 2001, Miccio 1999, Stark 1999-2000). Like the psychological/social service literature, the manner in which these laws are applied treat women as blameworthy for what their male partner did in an overwhelmingly indiscriminating way. For example, the woman's own experiences of abuse are often ignored and she is held responsible for failing to protect the child even if her life was threatened (Miccio 1999).

A closer examination reveals that the blame literature contains a number of unfounded assumptions. Some psychological literature blames the woman for her partner's child sex abuse on the basis that she failed to satisfy her partner sexually, which, consequently, compelling him to commit a sex offence (*e.g.* James and Nasjleti 1983, Lustig *et al.* 1966). Groth (1979), however, found that sexual encounters with women did not step once encounters with children began. Moreover, Conte (1985) found that the 'role reversal' argument – that the woman replaces herself with her child to avoid fulfilling her role as mother and wife – was also unfounded. In fact, it was found that role-reversal often did not occur in incestuous families (Conte 1985). No-where is the complex issue of whether the female partner could, in fact, have done anything discussed - sometimes the woman does not act either because she genuine does not know or because she has no choice but to keep silent, due to abuse, for example (Cohen 2001). Since spouse

abuse is highly correlated with child abuse (*e.g.* Straus and Gelles 1990), a mother's failure to act may be a sign of her powerlessness rather than collusiveness (Cohen 2001). The matter of knowing or not knowing is also much more complex than it seems – one may both know and not know something at the same time, or may refuse to think about a vague suspicion because it is so horrific, hence failing to link something done or said to sexual abuse (Cohen 2001). These issues need to be addressed prior to attributing blame.

It may be very easy, in retrospect, to point out warning signs the woman 'should have' noticed when we already know that sexual offending has happened. Prior to this knowledge, however, it may be very hard to link physiological or psychological problems of the child victim and/or the offender to sex offending. For example, the child's genital soreness may be attributed to her not wiping herself properly (Pretorius, Chauke and Morgan 2011) rather than abuse. Bennett (2011), in her newspaper article on wives of sex offenders, discusses how difficult it may be to see warning signs in the offenders; they are not usually withdrawn loners, but enigmatic, popular men, and, as one woman quoted in the article states, problems in the bedroom are rarely linked to sexual abuse. In fact, sexual problems and tensions often arise between intimate partners, regardless of whether one of them is committing child sex offences. Yet women are still blamed, with tenuous signs being cited as 'proof' that she 'had to have known'.

These complex issues, and the marked intensity of blame and stigma faced by female partners of male child sex offenders, make them a good group to focus on in order to better understand the dynamics of familial blame. It is accepted that the analysis presented here may not be generalisable to other offenders and their families; after all, sex offending is linked to a deeply personal/intimate part of our existence – physical intimacy. However, the issues discussed here, such as constructions of motherhood and wifeness and systemic failures to address these complexities, have relevance in the context of other groups of offenders and their families. For example, constructions of motherhood may be very relevant to why the criminal justice system punishes mothers for their children's offending. As discussed in this paper, mothers are idealised as all-knowing and bearing responsibility for the welfare of the child. Such a construction of motherhood can help explain why the criminal justice system holds mothers responsible for their children's wrongdoing (see, for example, Hunter and Nixon's (2001) study of how mothers, rather than fathers, are held accountable for their teenage sons' offending in the context of eviction proceedings). This means that focusing on partners of sex offenders is a good starting point that future academic writing could build on and develop further, applying it to families of other offenders.

### ***The aims of this paper***

This paper takes, as a starting point, the aforementioned themes of blame and stigma that are visible in some examples of psychological, social service and criminological literature and practice. What arises out of the above discussion is the fascinating question of why, despite the weaknesses of the stigmatising and blaming accounts found in the aforementioned disciplines, both the society and the law continue to blame and stigmatise female partners of child sex offenders?

The purpose of this paper, as indicated above, is to help criminology answer these questions by considering the social, legal, systemic and political forces that underlie the blame and stigma sex offenders' female partners face. In doing so, criminal law, family law and psychological, political and criminological literature will be drawn upon. To successfully assess criminal justice responses to child sex offences, we need not only recognise the blaming and stigmatising of offenders' families – we also need to understand why these occur, so as to ensure that they are not based on outdated, unjust and/or problematic assumptions or social constructions. This paper does not try to suggest firm causal links between social constructions and the blame and stigma faced by partners of sex offenders, but that these constructions might influence the experiences of these women in very subtle ways.

Flavin (2001) asserts that the expanding criminological literature on women, sex and gender indicates that the era of criminology where women were unseen and unheard of is almost over. Yet, it is also correct to note that much criminological writing still fails to understand the complexities underlying female life that have been the focus of this paper (*ibid.*), such as the strong but unspoken constructions of wifehood/motherhood that operate within criminology and how they affect the criminal justice system's responses to offenders and their families.

This paper does not seek to deny that some mothers and/or female partners do facilitate sexual abuse or wilfully ignore it. Neither is it suggested that the woman bears no responsibility for the welfare of the child, if that child is hers or her partner's. What is problematic is the *universality* of the societal blame and stigma and the failure to engage in in-depth discussion of the context in which the woman acts and reacts to the offence. For example, did she *wilfully* ignore the offence or was she threatened by the offender and thus too frightened to report? If it is the latter, we need to engage with this context and discuss whether she should still be expected to report.

## **BLAME: WHY DO SOCIETY AND THE LAW BLAME THE FEMALE PARTNER OF THE MALE CHILD SEX OFFENDER?**

Women are often blamed for their male partners' child sex offending, and this blame operates on two dimensions. Firstly, the woman is blamed for being a bad or ineffective wife/partner. She is, furthermore, doubly blamed if she is both the offender's partner and the child's victim's mother or step-mother. This chapter analyses the roles of wife/intimate partner and mother as construed by society. It does not argue that the construction of motherhood and/or wifeness has unilaterally led to a particular blame-centred response, or that these constructions are inevitably wrong. What are needed, in order to understand the complexities of blame in the context of child sex offending, are analyses of these constructions. It will be argued that constructions of wifeness/partnership and motherhood mask the real experiences of women and lead to an unhelpfully generalised view of all women as wives and mothers, and leading to insufficient attention being given to whether the blame is indeed justified. Even though some wives/partners of sex offenders (who are also often mothers of the victim) may facilitate or wilfully ignore the offending, I shall argue that the expectations placed upon these women are disproportionate, driven by the aforementioned constructions. The criminal justice system, by failing to address and deconstruct these complex social views of motherhood and wifeness/partnership, plays a part in exacerbating the processes of blame and stigmatisation.

### ***Constructions of wifeness/intimate partnership***

Collective responsibility is when others, in addition to the offender, are blamed for the offence. Lickel, Schmader and Hamilton's (2003) study is useful in this discussion. They asked members of the public to answer a questionnaire about the Columbine High School shooting. The aim was to test, amongst other hypotheses, whether perceptions of entitativity – the unity or coherence of a given group of individuals – would predict the extent to which responsibility was allocated to parents and to the Trenchcoat Mafia (the shooters' peer group). It was indeed found that, for the Trenchcoat Mafia, higher ratings of entitativity predicted higher ratings of collective responsibility, and that the Trenchcoat Mafia was seen as collectively responsible for the shootings (Lickel, Schmader and Hamilton 2003). Although the perceptions of entitativity of the parents of the shooters did not predict higher ratings of collective responsibility, the public both rated parents high on entitativity as compared to other groups and also saw them as more collectively responsible than others – such as church groups or extended families. Crucial to the purposes of this paper is the finding that those closest to the offender are often seen as collectively responsible for the offence.

Denson *et al.* (2006) found that intimacy groups (which included intimate partners) were rated more highly than social or task groups, both in terms of entitativity and collective responsibility. There are, to the best of my knowledge, no studies focusing on entitativity specifically in the context of an intimate



relationship. However, these concepts can be applied to female partners of male offenders. Society assumes that a woman and her partner (be it husband or unmarried partner) are close; after all, they usually live together and share a bed. These are all widely accepted facts of family/partnership life, and media discussions focusing on wives of sex offenders are indicative of this. Society questions how women, like Dottie Sandusky, the wife of a football coach accused of sexually abusing young boys, could not have known that the men who share their beds and houses were sexually abusing children. This issue is raised in Bennett's (2001) newspaper article on wives of sex offenders and the issue of whether they could possibly have not known about their husbands' child sex offending. Society, in such cases, refuses to consider the extent to which many men go to conceal their sexual offending and that it might be, as discussed previously, much easier to point out 'signs' retrospectively than actually link them to sexual offending at the time of said offending or shortly afterwards. A more recent example is that of Laurie Fine (quoted in Kekis 2012), the wife of a basketball coach accused of molesting boys, who stated that she has been presented (by the press) as a monster who allowed her husband to sexually abuse children.

Moreover, the role of 'wife', even in the 21<sup>st</sup> century, is still construed around the house and taking care of the husband, as well as the children. Divorce law is illustrative in this case. The courts use the issue of fairness in financial provision on divorce cases (e.g. *Miller v Miller; McFarlane v McFarlane* 2006) to emphasize that the housework the wife does should be treated as equally valuable to the external employment of the husband. This is, *prima facie*, a positive development. What is problematic, however, is the fact that, in such discourses, no praise is heard for the woman working outside the house. Women's external employment is undervalued, however – in *CR v CR* (2007) it was held that the wife's career prospects were merely ordinary and thus she did not deserve compensation for sacrificing them. The possible importance, for the woman, of independence and self-development via external employment was not discussed. Instead, the combined effect of decisions such as *CR v CR* (2007) and *Miller* (2006) is to imply that women's external employment is less valuable than her housework – thus, indirectly, glorifying her role as home-keeper. This, too, reinforces the idea that the woman's domain is the house and that she knows, or is under a moral duty to know, what happens in the house and with its inhabitants. In particular when the child of the house is the victim, this construction of wifeness operates to blame her for having known about the offence and having done nothing.

It is more difficult to show how society reacts to unmarried partners – there are no legal mechanisms regulating their financial settlements. However, the recent tendency is to treat unmarried cohabitants as if they are married; for example, in *Ghaidan v Godin-Mendoza* (2004) a homosexual cohabiting couple could be seen, for the purpose of the relevant legislation, as husband and wife. Although this was a case dealing with same-sex couples, it indicated that society is increasingly willing to look over the differences between unmarried and married couples. Moreover, the married couples' tax allowance was abolished in 1999, and s 1 (3) the Fatal Accidents Act 1976 has been amended to allow unmarried cohabitants who lived with the

deceased person to have a right to claim just the same as a spouse. There are, of course, areas where marriage is still treated differently (such as the power to allocate property on divorce), but these measures indicate that the social expectations of unmarried female partners might not be significantly different to those of wives. More research on the topic is needed, however.

Sex is, and has always been, seen as integral to marriage – s 12 of the Matrimonial Causes Act 1973 states that a marriage is voidable if it is not consummated, and adultery is one fact that can support a divorce petition. Not only that, but the role of wife or unmarried partner is partly constructed around her responsibility for fulfilling her husband's sexual needs (Condry 2007). It serves well, at this point, to remember that the marital rape exception in England was only abolished (*R v R* 1991) relatively recently – until then, it was assumed that the woman, by marrying the man, was giving permanent consent to sex. This exception operated for centuries prior to its abolition (see Hale 1736), and although formally abolished now, society continues to see it as a duty of the wife/intimate partner to satisfy the man's sexual needs, with studies showing that marital rape is less likely to be societally classified as rape because of the higher degree of intimacy expected of married partners (*e.g.* Ferro, Cermele and Saltzman 2008). This can be extended to intimate partners, too - studies have found that when a woman is raped by an intimate partner, this is less likely to be perceived as rape (Frese, Moya, Megias 2004), which indicates that sex is seen as an integral part not only of marriage, but also of unmarried intimate partnerships.

This strong association between sex and marriage/partnership makes it easy for society to link the man's sexual deviance to the woman and to blame her: surely the female partner did not fulfil his needs if he went on to sexually abuse a child? Male sex offenders' rationalisation of their sexual offending often includes numerous techniques of neutralisation (Sykes and Matza 1957), which are techniques used by offenders to neutralise, for a short while, the moral values which would otherwise prevent them from offending. Many child sex offenders, for example argue that they sexually offended because their wife/partner failed to satisfy them sexually (*e.g.* Pemberton and Wakeling 2009), thus diminishing their own responsibility or denying it entirely. These techniques are often accepted without much challenge (Salter 1998). For example, Salter (1998) recounts how one offender admitted that he was not interested in sex with his wife after his fantasies about children began. A psychologist, however, accepted that this man's sex offending was due to the fact that the offender's wife stopped having sex with him. If we consider the social construction of wifehood/partnership, it is not surprising that a considerable proportion (35%) of professionals and paraprofessionals working with sex offenders state that child sex offenders offend out of the need for company and affection (Lea, Auburn and Kibblewhite 1999). These social expectations of wives and female partners underlie and drive the blame rhetoric.

### ***Constructions of motherhood***

Studies have consistently found that children are most likely to be abused by their relatives – one study estimates that over half of abusers are parents to the child, and 20% are step- or foster parents (Russell and Trainor 1984). Most abusers are also men (DePanfilis 1986). Thus, since the woman is often also mother to the victim-child in addition to being wife/partner of the offender, her role as mother becomes crucial in understanding why she is blamed for her male partner's offence.

Society assigns the woman to be the primary caretaker of the child, and ties her into an intimate relationship with her son or daughter (Fineman 1995). Moreover, the ability to bear children is used to homogenise all women as mothers and women's individuality is denied, with femininity and motherhood being inexorably linked in the mind of the society (Eisenstein 1988). There is no such linkage between masculinity and biological fatherhood, however (Eisenstein 1988). With these constructions come all the corresponding responsibilities towards the child and the social expectations of mothers. When her child is sexually abused, society struggles to believe that the mother could not have known or was not in some way directly implicated. This is because the woman is defined entirely as mother – her role, for example, as an employee going out to work everyday is ignored, and there is no discussion of the fact that there may be times when a father has sole charge of his children (Green 1996).

At this juncture, it is important to note that I do not seek to argue that the biological aspects of motherhood are unimportant. It is undeniable that many women are mothers, and that carrying a child to term and breastfeeding it creates a profound link between mother and child. As Baroness Hale in *RE G* (2006) rightly noted, carrying a child and breastfeeding brings with it, generally, a very special bond. What this paper finds problematic is the fact that the woman is defined *entirely* in relation to her role as mother when she is also often an employee, a wage-earner, etc.

These constructions of motherhood are all the more starkly seen when the mother faces legal consequences for her male partner abusing her child or step-child – which includes sexual abuse. Though gender-neutral, the 'failure to protect' provisions introduced into US child abuse legislation are overwhelmingly used to charge mothers for failing to protect children, leading to criminal or civil consequences (Fugate 2001). Anecdotal evidence suggests that fathers are not held similarly accountable when their female partners abuse their children (Fugate 2001). The constructions of motherhood discussed previously, when they interact with the 'failure to protect' provisions, lead to cases such as *People v Peters* (1991), a case in which a mother was held liable for knowledge of abuse that occurred while she was at work. It was tacitly assumed that she was under a duty to know of, and protect her child from, the abuse – but her obligations as employee were ignored. The case of David Schwartz (see Jacobs 1998) is a good comparator; the court held that he was not similarly liable *because* he was working (travelling) at the time of abuse. Constantly discussed is the duty of the mother to protect her child from

the father's/step-father's abuse – but no-where is the issue that the man has a duty not to abuse the child given due attention (Green 1996). The assumption is simply that women, as carers and nurturers, have a heightened duty to protect (Fugate 2001).

What is worse is that the expectations placed on the mother are so strong that her own experiences of abuse are often overlooked. Whereas outside of child abuse, the topic of intimate violence has received much recognition, with much progress being made to address victim-blame (see, for example, Women's Aid's (2009) firm stance that victims of rape and domestic violence are not responsible for the abuse), mothers of abused children – including child sex abuse - have remained in a disadvantageous position. 'Failure to protect' provisions are used to hold abused mothers and step-mothers as responsible for the abuse of their child (including sex abuse) by the father or boyfriend, on the basis that they failed in their duty to prevent the abuse. These provisions are underpinned, in part, by the idea that the mother should know of the abuse and is thus neglectful if she does nothing (Miccio 1999).

In practice, the law fails to address the traumatic effects of intimate violence – the fact that it disempowers, weakens and turns the woman's life into a battle for survival (Miccio 1999, Women's Aid 2009). Yet the 'failure to protect' provisions still operate within the 'ideal mother' domain, expecting the abused mother to potentially risk her life by reporting the child abuse (Miccio 1999, Roberts 1995). This leads to consequences such as the child being removed from the mother or the mother being charged with murder. Mothers are charged even when they have attempted to remove themselves and their children from the home, sought help from the police, but were then forced to return to the abusive husband due to his threats (Miccio 1999). Domestic violence is defined as evidence of neglect (*ibid.*) in such cases, rather than as victimisation in its own right. Illustratively, one woman was held responsible for failing to recognise and do anything about her partner's sexual abuse of her daughter – even though he had threatened the woman with a knife – and the intimate violence was itself construed as part of the woman's failure on the basis that she had failed to remove herself and the child from the situation (*ibid.*). Mothers in the US have also been held as criminally liable for aiding and abetting child abuse on the grounds that they failed to prevent the abuse (*e.g. State v Williquette* 1986). The sentence given to the mother in one such case, *State v Williquette* (1986) was, problematically, the same as that given, on the same day, to a man who directly damaged the child's intestine (*State v Danforth* 1986). The constructions of mothers as selfless and inevitably self-sacrificing are starkly illustrated in these cases, but are unverballed. Mothers simply *are* – courts do not grapple with the difficult questions of how and on what basis women are expected to risk their lives to protect their children or step-children from abuse (including sexual abuse).

This is not to say that the mother should not have any responsibility for what happens to her child – she is one of the child's caretakers, and the child is weaker, more vulnerable, and less able to protect herself

than an adult. What is problematic is that the entirety of the situation is not taken into account – and that the expectations placed on the mother are disproportionate. She is expected to use more than reasonable efforts to protect her child, and there is no discussion of how far she can be, justly, expected to go in protecting the child. This is despite *State v Walden* (1982) stating that the mother is under no duty to place herself in threat of death or serious harm. Courts continue to see abuse of the mother as a sign of the mother's failure rather than the father's attempt to control (Roberts 1995), and there are no legal objective standards when women should be held responsible and when not (Stark 1999).

***The failure of criminology to address the complexities of motherhood and wifehood, and how they are constructed in society***

There are many instances in the criminal justice system where a mother or wife/partner suffers the consequences for either her child or male partner's offending. Hunter and Nixon's (2001) illustrative study of evictions shows how women are disproportionately held accountable when "their" men (sons and/or male partners) act antisocially; the women often lose their houses, for instance, and suffer all the consequent difficulties. The implicit blame in such scenarios is clear if we consider one case, where the judge indicated that the son's antisocial behaviour was understandable because his mother was pregnant at the time and thus failed to give him attention, implicitly blaming her for his offending (Hunter and Nixon 2001). Criminology, however, does not attempt to come to terms with the complexities of these trends. Instead, life-course criminology posits the theory that men cease offending when, amongst other reasons, they get married (*e.g.* Laub and Sampson 2001). If a man gets married and continues to offend, however, this criminological discourse could be taken to imply that the woman is to blame because she somehow failed to help the man desist. The important question of *why* women are overwhelmingly held responsible is not asked, and this in turn perpetrates a vicious circle where these constructions continue to fuel problematic blaming and stigmatising practices unchallenged.

How is this relevant specifically to female partners of male sex offenders? Firstly, the focus of life-course criminology focuses on offenders rather than types of crime, and there is nothing to suggest that it does not apply to sex offenders. Due to the private/sexual nature of the offence and the social expectation that women have a duty to fulfil their partner's sexual needs and protect their children, the link between the woman and the offender becomes more prominent. It is crucial that criminology engages with these constructions of wifehood/motherhood instead of tacitly accepting them because it may be, indirectly, contributing to blame and stigma by reinforcing the message that the wife is somehow responsible if her husband continues to offend and does not desist.

In blaming women for the sexual offending of their male partners, attention is drawn away from systemic failures of the state in all its manifestations – police, health and social services, etc. (Miccio 1999). In an article on the US 'failure to protect' laws and how they operate in practice, Miccio (1991) describes the

story of Cathy G at some length, and highlighting how hospital staff and the police failed to protect Cathy G. The doctors accepted her husband's explanation that her repeated injuries were accidental, and the police refused to arrest her husband even after Cathy G repeatedly called to report his threatening behaviour. Despite these failures of the state, she was still charged with failure to protect. Undoubtedly, it is not in the interest of the state to admit to its failures; doing so is likely to damage public confidence in the system. Once blame needs to be shifted entirely away from the state, it is easiest, due to the constructions of motherhood and wifeness, to shift it onto the woman, because admitting that there was a failure to react to a report of abuse may damage public confidence in the state.

### ***Blame and Stigma***

The above discussion must be tied to the issue of stigma. Being held responsible for anything harmful leads to stigmatisation, and it is undoubted that child sex offending can be very harmful indeed – not only physically and psychologically to the victims, but also in terms of destroying the family and the sense of safety the community in general feels. It is not surprising, therefore, that by holding the female partners of child sex offenders as partially responsible for the man's child sex offence, the society and (sometimes) the law also stigmatises them. However, what we are concerned with is not this relatively straightforward stigma, but 'courtesy stigma' (Goffman 1963).

'Courtesy stigma' is defined as stigma by virtue of being associated with the fully stigmatised persona. Those who bear courtesy stigma are seen as having a spoiled identity because of their affiliation with the stigmatised (Goffmann 1963). The next section explores this notion.

### **COURTESY STIGMA: THE SYSTEMIC, SOCIAL AND POLITICAL FORCES UNDERLYING THE STIGMATISATION OF FEMALE PARTNERS OF MALE SEX OFFENDERS**

This section considers the issue of courtesy stigma (Goffman 1963); the process of stigmatising female partners of male offenders not by holding them partially responsible, but via seeing their identities as 'spoiled' by virtue of their relationship/affiliation with the child sex offender. It considers how the construction of childhood, child sexuality and sexual offending, as well as the more recent trends towards risk discourse within crime responses in general and specifically within sex offender policies, contributes to enhanced 'courtesy stigma' for families of sex offenders. It also discusses how the 'culture of silence' surrounding sex offenders provides fertile ground for 'courtesy stigmatisation' to flourish.

Goffman's (1963) concept of 'courtesy stigma' was chosen as the theoretical concept upon which to build a discussion of stigmatising wives of sex offenders for two reasons. Firstly, because it has been an influential concept within criminology. It has been widely used in academic writings, ranging from those

focusing about offenders' families (e.g. Condry 2007) to works analysing the experiences of families of people with mental illnesses (e.g. Angermeyer, Schulze and Dietrich 2003). Secondly, it is a highly persuasive concept which rings true with the reported experiences of female partners of sex offenders. Even when not implicated in the offence themselves, partners of sex offenders are highly stigmatised and seen as 'contaminated' simply by virtue of being related to the sex offender (e.g. Condry 2007).

How are these issues relevant to the issue of blaming and stigmatising female partners of child sex offenders? They are relevant because the ways in which society and law view and react to offending and offenders have a direct impact on how much the offenders' families are stigmatised. As Condry (2010) describes, the stigma and other negative consequences experienced by offenders' families are mediated by the social reaction to the actual criminal offence and the offender. Thus, the more the criminal justice system views sex offenders as uniformly dangerous and predatory and children-victims as vulnerable and innocent, the more intense the 'courtesy stigma' felt by offenders' families. In turn, because of the constructions of marriage/intimate partnership discussed above – constructions accepted even by the women themselves – this 'courtesy stigma' is especially strongly felt by female partners of male child sexual offenders. After all, *they* are the ones who are sexually linked to their partner – and are also often mothers or step-mothers to the victim.

Braithwaite (1989) has argued that the family of the offender can be instrumental in carrying society's shaming message to the offender in order to make him understand the wrong he has done because the offender is morally and emotionally interested in the family's opinion: in effect, the family is best placed to appeal to the offender's sense of right and wrong. Braithwaite (1989) explains that there are two kinds of shaming; reintegrative, the sort that allows the offender be embraced back into the community, and disintegrative, the shame that seeks to push the shamed away from the community. The shaming and stigmatisation discussed in this chapter, however, is very much of the latter kind; the offender's partner is seen as contaminated, a person who, like the offender, should be pushed aside rather. As Condry (2007) found, families of offenders are shamed disintegratively. Braithwaite's (1989) scenario of a murderer's family not being subject to overt gossip and disintegrative stigma, thus, is overly idealistic (Condry 2007).

### ***Children and Sex***

The role of children in society has changed since the 20<sup>th</sup> century. Childhood has evolved with the changing economic status of children. Whereas in the 19<sup>th</sup> century the law largely saw the child as a wage-earner and defined children as economic units (wage-earners), the more recent trend in law is to see children as 'priceless' social units, as valuable for emotional and sentimental reasons (Tilly 2008, Hayes and Carpenter 2011). The courts today, when awarding damages for a child's death or injury, focus on the value of the child's life to him or herself, and on the parents' satisfaction at raising a healthy, creative child

(Tilly 2008). This vision of childhood contributes to the image of child sex offending as a taboo subject, because the context has become highly emotional, with the victim being seen as precious, priceless and valuable for non-economic reasons.

This has contributed to the connection between child and sex becoming more emotive and sensationalist. Sexuality is seen as something dangerous and adult, something children need to be protected from and stripped of (Hayes and Carpenter 2011). With the role of children having become less about their earning and capacity, and more about their innocence and the joy they bring to their parents, the topics of child sex offending has become even more controversial and emotional – as evidenced by the media coverage of sex scandals like that of Sandusky. The way society views children and sex has become increasingly separated – innocence v corruption, child v adult.

The relationship between children and sex, however, has remained very much ambivalent. On the one hand, sex between adults and children, in the society's opinion, is universally exploitative, a power play (Hayes and Carpenter 2011). For example, movies with graphic sexual content, like *Shame*, get rated 18 (unsuitable for minors), whereas movies containing equally graphic violence are often rated PG-13. In fact, there is now a web-site called Parent Port, which was set up to protect children from unsuitable advertising, video games, films, and other materials. Parents can use it to report anything they see as unsuitable for children. The above evidence suggests that childhood is socially seen as something ideal/typical, with children being perceived as innocent and in need of protection from topics of sex and sexuality.

On the other hand, society continues to sexualise children via the media and the goods and services that are marketed towards children. For example, there was a scandal over Primark selling padded bras for pre-pubescent girls (reported in Kirkup 2012). Child pageants in the US feature girls as young as 3 and 4 in revealing clothes and wearing bright, adult-style make-up, as the reality show 'Toddlers and Tiaras' revealed. Magazines feature very young models in glamorous clothes, made-up, and wearing high heels to appear as if they are adult women. A child model called Thylane Blondeau is one such example (Talent Management 2012).

With the changing and evolving constructions of childhood, society has drawn more stringent guidelines as what acceptable and what is not. An age of consent, currently set at 16 in England and Wales, is of course necessary – even if it may be an arbitrary age, with some 15-year olds being more mature and/or experienced than some 16-year olds. An age has to be set, difficult as it may be – it is impossible to test each child to see whether he or she is mature enough to consent to sex. Having an age of consent, however, means that an 18-year old (an adult) who has sex with a 15 ½ year old can potentially face



serious legal consequences – and, consequently, will face the full force of the stigma associated with child sex offenders, just as a 30-year old who abuses a 3-year old.

This paper does not seek to take a position as to whether these constructions of childhood and sex are right or wrong. What is being argued, for the purpose of this discussion, is that the social construction of childhood as ideal/typical – that is, innocent, pure and in need of protection – serves to create an even stronger taboo against exposure of those under 16 to matters of sex. Those adults who do sexually abuse children are thus seen as breaching this strong taboo and as having corrupted something pure and innocent. More than that, they are presented as monstrous – as one article title puts it, “More Dangerous than Hitmen” (Nhan, Polzer, Ferguson 2012). Mass media, in fact, sometimes uses words like “pervert” and “monster” (Coles 2012) to describe child sex offenders. This, in turn, enhances the courtesy stigma experienced by their intimate partners.

### ***Sex offenders as 'risky' and 'dangerous': the case of sex offender registration/notification schemes***

The way the law views the offenders themselves is also relevant to 'courtesy stigma' in the manner described above. Perceived almost universally as evil and likely to re-offend, the criminal justice system takes its recent fascination with risk and applies it to sex offenders in a way that, problematically, serves to stigmatise them and their families even further.

The criminal justice system, in general, is concerned with risk. Risk assessment is prevalent at all stages of the criminal process, from policing to parole. Examples include the ASSET tool used in England and Wales to assess whether a young offender is at risk of re-offending and bail being granted or not granted on the basis of the risk of offending while on bail and/or not presenting himself in court (*e.g.* Hucklesby 1997).

Sex offenders are no different. If anything, issues of risk are all the more stark in relation to this group of offenders, with the need for sex offender registration provisions being overtly supported by allegedly high recidivism rates of sex offenders (Sample and Bray 2006). The classification of offenders for registration/notification purposes is based, in many US states, on three-tier risk classification.

Psychological and criminological literature, as well as judicial statements, often present sex offenders as especially risky in terms of reoffending. For example, Langevin *et al.* (2004) argue that 4/5 of sex offenders reoffend. In *McKune v Lile* (2002), it was estimated that sex offenders have 80% reoffending rates. Yet these numbers are very problematic. Langevin *et al.* (2004) use court appearances rather than charges, and include non-sex crimes as well as re-appearance for an alleged sex crime (Griffin and West 2006).

Worryingly, even practitioners who work with sex offenders believe in high recidivism rates (Engle, McFalls and Gallagher 2007). In fact, one large-scale study of almost 30,000 sex offenders in Canada, North America and UK found a 14% recidivism rate over 4- and 6- year periods (Hanson and Morton-Bourgon

2004). Yet the public, the courts, and practitioners still deem sex offenders to be more risky and dangerous than the evidence suggests they may be.

With problematic notions of the riskiness of sexual offenders, the wider stigmatising effects of the registration regime are ignored. It is not surprising that, in light of the riskiness discoursed set about above, a substantial proportion of the public polled had no sympathy for the negative impact of registration on sex offenders (Katz Schiavone and Juglic 2008). Research, however, indicates that registrants face a considerable number of serious stigma-related issues; for example, loss of jobs, loss of relationships (intimate, familiar, friendly), a strong sense of shame and loneliness (*e.g.* Schiavone and Jeglic 2009). Registration schemes therefore serve to further demonise sex offenders (LaFond 1998).

Once again, families of offenders in general, and intimate partners in particular, find themselves suffering from the stigmatising effects of the registration regime. Shana Rowan, for example, the writer of a blog called *I Love a Sex Offender*, recalls how her car has been damaged as a result of her fiancé being on the sex offender registry and her neighbours refuse to talk to her fiancé (Lane 2012). Levenson and Tewksbury found that many relatives of sex offenders suffer experience threats and harassment (2009). There is, of course, the dilemma of balancing the public's right to know against the offenders' reintegration and their, as well as their families', right to privacy (Zevitz and Farkas 2000), but we must recognise and discuss how and why sex offenders face such stigmatising criminal justice responses and how/why their families often share in the stigma. We need to question the view that all sex offenders are equally risky and dangerous and develop a more nuanced approach that will take into account the differing riskiness of sex offenders so as to minimise the burden of registration on the offender and his partner.

### ***The wall of silence as exacerbating stigma***

There is little talk within the criminal justice system and policy realm about the impact of sex offender registration and notification schemes on the offender (and his family) – impact such as difficulties in finding work, having to move house, and so forth. Despite some good work on the issue (*e.g.* Katz Schiavone and Jeglic 2008, Levenson and Tewksbury 2009), there is no widespread recognition or discussion of the problematic aspects of sex offender registration and other punitive criminal justice responses. For example, Plotnikoff and Woolfson's (2000) research paper on sex offenders in England and Wales, commissioned by the Home Office, did not even mention collateral consequences of registration on the offender or his family. It is reasonable, therefore, to state that lived experiences of registered sex offenders and their families are undiscussed – hidden behind a wall of silence, to use Hallsworth and Young's (2008) metaphor.

Hallsworth and Young (2008), in their thought-provoking work on crime and silence, rightly argue that silencing is partially about preventing the gathering of attention to silenced speaker (and, I wish to add, to

the issue the speaker wishes to raise) and the practical consequences that discussion of the speaker and his issue(s) could lead to. What underlies the culture of silence, I thus argue, is the fear that speaking up about the effects of registration and other punitive responses to sex offenders will lead to, at the very least, the necessity of addressing the issue head-on. This 'wall' is further reinforced by the fears of families of sex offenders – fear of 'courtesy stigma', loss of homes, jobs, friends, etc.

The issue of sex offenders, however, is not politically popular. Sex offenders, being widely thought of as 'lowest of the low', are not politically popular. It is not in the interests of the state to address their difficulties. Walls of silence do not simply appear – they are erected (Hallsworth and Young 2008), and I argue that the state should be seen as one builder of this wall. This role of the state is more complex than a simple, intentional conspiracy to vilify and stigmatise sex offenders. Rather, the issue is intensely intricate; constructions of sex, children and sex with children discussed above interact with the forces of politics. Thus, governments wish to be politically popular and shy away from going against popular social conceptions of sex offenders, sex and children – and thus, whether intentionally or not, shy away from talking about problems faced by sex offenders and their families. As Deems (1996) rightly argues in his discussion of sex offender registration laws, when an issue is so emotionally charged, few politicians would be willing to risk alienating their voters by voting against the registration legislation or talking about the problems it leads to. The so-called 'Megan's Law' passed through the US Senate with only a symbolic (*i.e.* empty) debate (Gray 1994). But registration laws and the consequent problems they cause raise complex constitutional issues (Deems 1996) – which are widely ignored within the criminal justice policy. These include the question whether sex offender notification laws violate the rule against double jeopardy or constitute cruel and unusual punishment (Deems 1996). Sure enough, these questions have been raised in courts, when these laws have been challenged. Yet within political discourse, these issues are ignored. Even less is written about the rights of the families of these offenders – their rights to privacy, their rights to protection from harassment, etc.

Failing to address these problems, however, ensures that their voices and experiences are kept behind a wall of silence. Silence, however, also generates stigma. It allows punitive schemes to continue operating and for mistaken assumptions about re-offence rates of sex offenders to continue being cited in court. This in turn has an effect on the stigma experienced by offenders' families, since, together with the offender's experiences, their difficulties are hidden away and undiscussed. This in turn leaves them seen as merely evil, dangerous monsters rather than people who committed a serious criminal offence *and* are experiencing a wide range of difficulties because of the criminal justice system's response to that offence. As a result, they are stigmatised further – and their families suffer from increased 'courtesy stigma'.

## ***'Othering'***

There is a tendency, within the modern criminal justice, to categorise people into *us* and *them*, with *them* being “cast as outsiders” (Cook 2006: 169). Measures introduced to tackle antisocial behaviour (ASB) are a good example to draw upon. As Cook (2006) rightly notes, young people, within ASB discourse, are seen as 'others', as separate from the adult community. Evidence of this is the fact that ordinary, everyday childish behaviour – such as throwing a cucumber – has been indirectly criminalised. Thus, addressing ASB has developed into a process of silencing and marginalising youths (Hill and Wright 2003); for example, but using dispersal powers to drive groups of young people away from safe central areas.

Prostitutes constitute another group that falls within the remit of 'othering' (Cook 2006). The media describes them as “human scavengers, polluting our streets” (Birmingham Evening Mail, quoted in Kantola and Squires 2004: 81). Again, it is the CJS rather than welfare policies that are seen as the answer, with many ASBOs and policing practices being aimed at prostitutes. These constructions of 'otherness' - of youths, prostitutes, drug addicts, immigrants – individualise problems and imply that there is a need to deter, regulate and control the “others” (Cook 2006). There is little interest, within this process of 'othering', in helping these groups address any problems and issues they might be facing, such as poverty, unemployment, lack of meaningful activities in the case of young people. The process of 'othering' also applies to sex offenders and their families. It must be accepted, of course, that 'othering' is a widespread phenomenon that affects many offenders and minority groups, not just sex offenders. However, I argue that it is very much pertinent to sex offenders and their families. Overwhelmingly seen as dangerous predators, sex offenders are the first to be sifted off from 'my back yard' - and their families with them. Many US states have provisions that prohibit the sex offender from living within designated distances from schools and other child-centered places – and sometimes these distances are so large that offenders are effectively banned from entire cities (Levenson 2006). Not only are they problematic in that many child sex offenders abuse children they know as opposed to grabbing children off the street (Levenson 2006), but their sheer scope and the lack of engagement with the effects they have on sex offenders, their families, and the communities where the offenders are forced to relocate, must be questioned. The 'othering' process here is clear. The priority is to control and manage sex offenders, irrespective of the effects the measures introduced to control and manage them may have on the sex offenders themselves and their families.

'Othering' is one other force underlying the stigmatisation of sex offender's female partners. If the offender is forced to move, the woman he is in a relationship with – if that relationship continues after the man's conviction - is likely to feel compelled to move with him and feel highly stigmatised herself by being subsequently forced to relocate. Usually, of course, the offender will have to relocate to disadvantaged and/or rural areas and become isolated (Levenson 2006) – which will only exacerbate his stigmatisation. If his partner moves with him, she too will become isolated, driven away from her friends, family, possibly

her job. In fact, over 30% of family members of registered sex offenders reported having to move because their landlord or neighbour found out about the offender (Levenson and Tewksbury 2009). It is unclear whether they moved with the offender – more research is needed in this area – but it is safe to assume that many partners who have maintained a relation with the offender will indeed move with him. The implications for 'courtesy stigma' are clear, therefore; the 'othering' of sex offenders and the practical effects this has indirectly stigmatising his partner even further.

## CONCLUSION

This paper has attempted to enhance criminology by taking the fact of blame and stigmatisation of female partners of child sex offenders and exploring why this occurs. By considering examples from range of literature, as well as case law drawn from criminal and family law, this paper has sought to show that partners of sex offenders are blamed for being bad wives and mothers. Firstly, this is because of how wifehood/partnership and motherhood are construed in society, and secondly, because of a vicious circle of ignore-and-blame. The society, as well as criminal and civil law - especially 'failure to protect' statutes – have failed to grapple with or challenge the complex constructions of motherhood and wifehood. As a result, female partners of male child sex offenders are blamed – and consequently stigmatised. Criminology, too, has done little to debate such constructions – in fact, life-course criminology could be taken to imply that families in general, and women in particular, are somehow responsible for the offender's desistance.

In addition, this paper has discussed how women are stigmatised because of the social constructions of childhood and sex. Once again, the criminal justice system has failed to address the complexities of these issues. Moreover, in its increasingly vehement attachment to risk analysis and risk measurement, the criminal justice system has inadvertently introduced increasingly stigmatic policies to address sex offending. All of this has had an impact on families of sex offenders, particularly on their female partners.

It is my hope that criminological work in the field of families of offenders in general, and in particular the processes that underlie the blame and stigma they experience, will develop further. This work could seek to problematise, challenge and assess social constructions of motherhood, wifehood, sex and childhood and how they impact policies aimed at tackling sex offending. More generally, I also believe that addressing these issues sheds much light onto us as a society – and forces us to grapple with very complex issues. Frank, difficult discussions can make for exciting criminology that takes into account the lived reality of people's lives. Let us, as criminologists, be the ones to hold up a mirror to the society in general, and the criminal justice system in particular, by deconstructing social

expectations and constructions. Criminology would become richer and stronger for exploring and interrogating these complex social issues.

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