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SEXUAL PRIVACY FOR PAEDOPHILES AND CHILDREN:

A COMPLEMENTARY BACKGROUND PAPER

By Tom O'Carroll

What follows is a paper complementary to the one I delivered in the Sexual Privacy symposium. This text is based on my original plan for [the paper actually presented](#) but it became clear as I was writing that I was going to end up with far more words than I would have time to utter. Accordingly, I prepared a relatively short speech for the symposium, while this text goes into many areas quite untouched in the spoken address. Here I have also embarked on footnotes, some of which amount to essays in their own right. Had I been assembling all this material for a book no doubt the structure would have been developed accordingly and the end product would have been a little less cumbersome. I can only plead that I have done my best with the limited preparation time available to me. However, I am confident that anyone with a significant degree of interest in the subject will find the byways just as well worth exploring as the highway.

A judge in the Canadian province of British Columbia reached a constitutional ruling last year which appalled and angered lobby groups, legislators and media figures presenting themselves as concerned for the protection of children against sexual assault. Feminists went so far as to call for this male judge's dismissal, although he was a well-respected figure in legal circles, noted for his careful, thorough reasoning. Remarkably, in view of intense political pressure to reach a more popular decision, a bench of two women judges in the appeal court, with one male judge dissenting, confirmed the original decision.

This appeal court judgement, in the case of the Crown versus Robin Sharpe, supported the right to possess child pornography – an astonishing decision, one which bucked the trend around the world in the last quarter century of growing anxiety over child porn and ever more draconian measures to stamp it out. So what the hell was going on? Had these judges taken leave of their senses? Had they been abducted by paedophile aliens and robotised to do as instructed?

I know of no evidence to support such an hypothesis. A more parsimonious explanation is to be found in their concern primarily with the concepts of proportionality, privacy, and freedom of thought, belief, opinion and expression. **(1)** [bold numbers between curved brackets indicate footnotes, which can be found in a separate footnotes file; [references](#) are located in (a third file) [the original article](#).] They invoked the *Canadian*

Charter of Rights and Freedoms in support of the principle that action taken against any social evil should not itself be disproportionately harmful in relation to the level of harm caused by that evil. They reached the conclusion that although some harm could arguably be imputed to the private possession of the pornography in question, the harm caused by the police raiding the defendant's home and seizing his private possessions, thereby invading his personal privacy, was greater. Enforcing the law against mere possession of the pornography, they decided, also infringed charter rights to freedom of thought, and that this attack on a fundamental democratic right was not justified by the alleged harm caused by the possession. What's more, a similar judgement upholding the right to the private possession of child pornography was made late last year by the Appeal Court of New Zealand in the case of Gerald Moonen. **(2)** And in the United Kingdom an academic report on regulating pornography on the Internet has recommended that the private possession of child porn should not be a target of the law. **(3)**

How could this be? After all, everybody knows, don't they, that child pornography is one of the greatest, most damaging evils of our times – even "worse than homicide" as one prominent police officer has testified in Congress? **(4)** Surely this evil must justify any amount of intrusion into the lives of paedophiles such as this defendant apparently was? Surely no effort should be spared to wipe out material that could reinforce the "distorted thinking" of such people?

Rather than relying on "what everybody knows", the judge who made the primary constitutional ruling in the case, Mr Justice Shaw, had taken the trouble to consider evidence relating to alleged harms caused by the simple possession of child pornography, as opposed to its creation or dissemination. Police and other witnesses for the Crown presented points such as the possibility of paedophiles being stimulated by the material to commit offences against children, or using it in the so-called "grooming process" to show to children. The judge did not ignore such factors but he also weighed them in the balance with countervailing ones. Thus he took into account the possibility of a cathartic effect: pornography might be used as an *alternative* to sexual acts with children. Such an effect has been proposed in relation to Denmark during the few years when child pornography was openly and legally available: in that period sex offences against children were significantly lower than either before or after. **(5)** A similar phenomenon occurred during a period of liberalisation in West Germany, where from 1972 to 1980 the total number of sex crimes known to the police in the Federal Republic of Germany decreased by 11%. **(6)** Sharpe himself, whose possession of pornography was in contention, made the astute point in an interview that if child pornography led to sexual assaults, then there would have been a huge increase in assaults as a result of the allegedly much greater availability of child porn on the Internet. **(7)**

The Crown also put forward the common assertion that every child porn photo is evidence of a sex crime committed against the child or children depicted and that to allow possession of such material is to encourage people to buy it, thereby sustaining a market and hence the further production of pictures.

These arguments fail, in the view of the appeal court of British Columbia, and for good reason. By no means all images prosecuted as child pornography depict a crime in

progress. A great many depict mere nudity, such as scenes on the beach at a naturist resort in which youngsters are depicted at play, without the faintest suggestion in the image of sexual activity or any adult involvement. A survey of images in commercial child porn magazines that were available in the 1970s and early 80s by Schuijjer and Rossen shows that only 14% depicted children engaged in sexual conduct with adults. Most of the material, 61%, showed children either nude at play or posing erotically. **(8)**

Attempts are often falsely made by anti-pornography campaigners to link such images of mere nudity with violent child abuse and equally false suggestions that the problem is becoming ever more severe, as in the case of an expensively-produced Dutch police propaganda film in 1994. **(9)** Equally unsubstantiated is the often made claim that child porn is used to show to children in the course of seducing them. Researchers and law enforcement officials are well aware that if any materials are used in this way they are likely to depict adults, not children, but we hear little suggestion that this provides a basis for banning adult pornography from private possession. **(10)**

Intrusion into the privacy of individuals' collections is frequently justified by dark, but false, suggestions that children are widely abused in a sadistic way in pornography. This is sometimes achieved by distortion, as in the US case of James Smith. He had been acquitted in relation to taking some nude photos of teenage girls but was convicted over several photos in which the girls were shown in horseplay, pretending to whip one another with a mink tail. They were fully clothed and laughing; it was clear the whole thing was in fun. Nevertheless, the prosecution's characterisation of the mink tail as a "whip-like device" stuck and Smith was sentenced to five years. He was branded as having committed "sadistic and masochistic" abuse, a description and a sentence positively inviting the thought that he had been a torturer. **(11)**

Insofar as it dealt with, amongst much else, a text called *Sam Paloc's Flogging, Fun and Fortitude*, which was among the items seized from Robin Sharpe's porn collection, the Canadian judgement did not ignore the possibility that child pornography might have a sado-masochistic element.

Sometimes, although the available evidence suggests very rarely, a consumer of child pornography may have sadistic fantasies. This may possibly – just possibly – be so in the case of the singer Garry Glitter, who was said in court last year to have spent up to 12 hours at a stretch logged onto the Internet during his trawls for child porn and that there were a number of bondage images in his collection. **(12)** Such lengthy labours suggest that Mr Glitter actually found it rather difficult to find what he was looking for, contrary to the media myth that child porn of all kinds is rife on the net.

We also do well to bear in mind that although Garry Glitter was a glamorous figure for many youngsters and had plenty of opportunity to spend time in their company, it was not suggested in court that his apparent interest in sadistic fantasy had caused him to act out such fantasies in real life. On the contrary it was his *private* world, the world purely of his own thoughts that was engaged. The most sinister thing suggested about him was that he got a young girl to call him daddy and dress in a school uniform, in a case of underage sex in which he was found not guilty. And despite the dark innuendoes appearing in the media, there was no indication from his trial that children had actually

suffered in front of the cameras in order to produce the images he amassed. Rather, what we had from the judge was a hint that violence depicted in one particular image, singled out by him as the most objectionable in Glitter's collection of 4,000, may have been staged rather than actually inflicted.

Even if the pictures had told a real horror story, however, we would be hard put to blame the private viewer of such material for creating a market in it. Such traffic as there is in child pornography takes place mostly in the Usenet newsgroups. Illegal images are invariably posted anonymously or with a phoney "from" address – for obvious reasons. This means that it is impossible to make money on these activities. From time to time someone may naively hope to do so, lured by claims in the media that it is a profitable business. These commercial attempts have always been stopped very quickly: If the potential customers can find the producer then so can the police. The notion that there is a vast child porn industry, organised by some ruthless mafia, is simply a myth.

Efforts to protect children from the possible harm of being involved in child porn are most sensibly directed at the primary production, not the possession of such photos and films. Most of the material circulating actually consists of old pictures copied again and again. Trying to destroy the material that already exists can never do any good – on the contrary, it will stimulate the production of new material. If people who want child porn cannot get it anywhere they may try to produce it themselves. Any attempt to remove child porn from the Internet will thus lead to an *increase* in the primary production of pornographic pictures, which is where the actual harm (if any) is done. **(13)**

In the British Columbia case, the judges expressed concern over the vagueness and catch-all nature of the child porn law. This feature, which they discussed under the rubric of "overbreadth", is all but ubiquitous in countries which have introduced such legislation, leaving vast scope for overzealous enforcement. The Canadian judges were confronted with the detailed facts of just one man's case, relating merely to his possession of child porn, and their main concern was with the disproportionate impact on privacy stemming from the law against private possession. However, as we shall see, the overbreadth of which the judges complained has also been massively responsible for catching others in the net who do no harm to children, especially ordinary parents and also artists, whose own privacy – and that of their children – has at times been disastrously invaded by the impact of laws designed with a blanket bombing strategy that causes massive collateral damage.

Ruined careers, marriages, friendships and finances are all casualties suffered as a result of law enforcement officials pushing their agendas forward at all costs. We might feel this is simply a price the guilty have to pay in order to protect children, but the examples are legion where the price is in fact paid by entirely innocent people. Often they are quite ordinary parents caught up in a legal net of which they may not even have been aware, or which they naively thought was supposed to catch "bad guys" not nice folks like themselves. This phenomenon came to public attention in the UK only when a famous person, the TV newsreader Julia Somerville and her partner, the eminent architect Jeremy Dixon, were investigated after Dixon had taken photos of Somerville's seven-year-old daughter taking a bath and the photolab where they were developed informed the police – not necessarily because the photolab managers saw anything sinister in the photos but certainly because they would not have wished as a business to

be involved with anything that might fall foul of a vague, catch-all law.

The fate of these celebrities was bad enough. An entire front page of Britain's biggest-selling tabloid daily was devoted to implying that Dixon was a pervert. **(14)** But what was also disclosed in the wake of the publicity over this high-profile case was that many ordinary parents were getting caught up in an even worse nightmare – worse because, unlike well-known figures, they could not count on a huge welling up of massive public support, based on sympathetic disbelief in the allegations. **(15)** And frequently the casualties have been artists whose work has patently not harmed any children. The prospect of censoring such people, of suppressing their visual ideas and creativity, has rightly set alarm bells ringing among jurists and others concerned not just with the individual's right to free expression but – much more importantly – with the free flow of ideas that is essential to the flowering of an open, pluralistic, democratic society.

Among these artists, for instance, is the painter, art historian and photographer Graham Ovenden, a leading figure of the English Ruralist School, whose work has been widely exhibited and featured in such arenas as TV documentaries. His house was raided by Scotland Yard's Obscene Publications Squad in 1993 when much of his work was seized. Ovenden, whose photos include images of nude children, was never in the end charged with any offence: the pictures had been taken with the permission of parents and subjects alike. Nevertheless, that did not stop Scotland Yard from informing the media that Ovenden and two other artists were part of an international "paedophile ring". **(16)** One of the other artists was professional child photographer Ron Oliver, who was also never charged. Nevertheless, his business was brought to a complete halt when among the property seized was his entire client file of 20,000 negatives, his computer, business records and client directories. **(17)** In America, the artist Jock Sturges encountered similar problems **(18)** and a single image of a naked little girl called Rosie by the late Robert Mapplethorpe was enough to bring the law crashing down on the head of the gallery owner who had exhibited it. **(19)** Significantly, the now grown-up Rosie has professed herself perfectly happy with the image.

Rosie was lucky. Not because she was unharmed by the photographer, but because she passed through her childhood before she could be harmed by today's intrusive laws and law enforcement. She was lucky she was not the daughter of an Ohio couple photographed sunbathing with two of her cousins in the family backyard and running around nude in the house. In January 1986 her parents were arrested. She was taken into custody by state child protection workers, placed in a foster home for nearly seven months and allowed to see her parents only on an approved visit schedule supervised by a social worker. She was severely frightened and disturbed by her treatment at the hands of the state. Charges against her parents were dropped four years later – after the girl turned 18. **(20)** As the British group Feminists Against Censorship have written in a similar context "In cases like this, the so-called protection of the police doesn't *stop* child abuse; it *is* child abuse." **(21)**

Kathryn Myers, daughter of American industrialist Louis Myers, also came to grief after quite openly sending film for processing at an ordinary commercial outlet. So did her own little daughter, Victoria. Kathryn was put on trial for illegal use of a minor in "nudity-oriented material" in relation to pictures of Victoria, aged seven, and her

playmate. A protracted issue at the trial the following year was who had actually taken the pictures. Victoria was steadfast in saying she and her friend had taken the pictures of each other when they were playing a game of being babies, crawling around with no clothes on. The prosecution aggressively cross-questioned her, trying to imply she was lying in order to protect her mother.

Myers was found not guilty. But she nonetheless went through hell by being barred from going to her daughter's school during the lengthy proceedings and refused any voluntary work with children. Even worse, Victoria, now just eight years old, was also stigmatised. She was taunted at school and was no longer invited to play at other people's homes. She had been barred from her mother's custody before the verdict, a time when she refused to speak to anyone, communicating only in written notes. "This is how the system abuses families and children," Kathryn Myers said of the ordeal," then sits back, looks at you and says, "Oh, we're just trying to protect the kids." **(22)**

I have dwelt so far on the privacy-invasion aspects of ill-defined, over-broad laws on child pornography and I hope I have said enough to demonstrate why we can be confident that the British Columbia judges had not taken leave of their senses. The most clear-cut, readily persuasive examples of the dangers of such laws are to be found in areas where we have already looked – the all-too-frequently distressing, traumatic impact of such laws on perfectly ordinary parents and their children and also on creative, artistic people, often high-minded individuals who patently represent no danger to children whatever.

What those judges also understood, however, is something deeper and more subtly important. They understood that even when law enforcement is apparently successful in targeting paedophiles rather than so-called normal people, the intention behind such targeting is a dangerous one for society. The wording of the various laws against child porn, in Canada and elsewhere, generally has nothing to say about paedophiles. The laws speak only of the protection of children, not the thoughts and desires of potential offenders.

Law enforcement officers, however, speak a different language, a language shared with politicians and the media in the last quarter century, during which the child porn laws have been developed. It is the language of demonisation, in which the word "paedophilia" has popularly come to symbolise pure, undiluted evil, with the implication that nothing must be allowed to stand in the way of a ruthless war against its extirpation. It is a language in which police, politicians and journalists have colluded to link unreasonably a particular sexual orientation with high levels of harm. Children are far more likely to be killed and violently abused by their own parents than to suffer at the hands of a paedophile. But paedophilia and such horrors have been linked at every opportunity in the public imagination.

Like the child porn laws, the recent landmark paper by Rind, Tromovitch and Bauserman made no mention of paedophilia. But this meta-analysis based on 59 studies of college students showing the effects on those who had been involved as children in sexual encounters with adults provides an important corrective to the view that such encounters are always gravely traumatic. A careful statistical analysis showed that many problems which the original researchers had uncritically assumed to be caused by

sexual abuse could be more plausibly attributed to generally inadequate family environments, with which they were much more strongly correlated. This meta-analysis gives the lie to claims that sexual offending is uniquely damaging. **(23)**

Sometimes the claim is made that the demonised paedophiles who commit sexual offences against children are especially demonic in the persistence with which they offend, but this too is demonstrably a myth. Hanson and Bussiere, corrections researchers in the Canadian Solicitor General's office, have brought together and re-analysed the data from every available study on sexual offender recidivism, from anywhere in the world in the last 50 years, a total of 61 studies, totalling some 23,300 cases. Their meta-analysis has been published by the American Psychological Association. Most of the data comes from the last 15 years and the overall figure for sexual offence recidivism by sexual offenders is found to be 13.4%. This is low in comparison with offenders in general, and firmly refutes claims that sexual offending is necessarily some kind of addiction or compulsion. One particularly interesting finding is that in general sexual offenders against children re-offend less than violent sexual offenders (e.g. rapists). **(24) (25)**

The British Columbia appeal judgement reproduces a fascinating exchange in the cross-examination of one of the Crown's main witnesses, Dr Peter Ian Collins, a forensic psychiatrist attached to the Toronto police service. Dr Collins put forward the current conventional wisdom about the dangers of paedophilia, including ideas about the so-called "cognitive distortion" to which paedophiles are allegedly subject. I suspect he may have been surprised to find himself at the wrong end of some very sceptical questioning on this. Certainly his answers were less than convincing to the judge who chose to highlight them, revealing, as they appear to, a measure of discomfort and lack of sure-footedness on Dr Collins' part. His own prescriptive, authoritarian certainty that the thinking of paedophiles is "distorted", is dramatically revealed as lacking any solid foundation when confronted with questions touching upon the wide variety of thinking to be found in cultures other than our own. One example.

Q: What I mean is could something be a cognitive distortion in one society yet not be a cognitive distortion in another society?

A: I don't know. I'm not -- I couldn't answer that. **(26)**

Perhaps I can answer for him. In the late, largely unlamented Soviet Union, dissidents who opposed the communist system were thought to suffer from "cognitive distortion". The psychiatric establishment along with anybody else who knew what was good for them held that people must be mad if they wished to oppose the great social advances made by Stalin and his successors. Dissidents were accordingly detained in mental institutions and subjected to treatment programmes designed to correct their "cognitive distortions". **(27)**

But of course, in the democratic societies of the Western world we would not be guilty of such hegemonic excesses, now would we? We believe in freedom of thought, do we not? Sadly, one needs to look no further than the British Columbia case to hear a Crown prosecution police officer, Detective N M Wolff, describing as prosecutable pornography journals which primarily seek to set out a reasoned alternative view of

sexual relations between adults and young people, such as the Bulletin of the North American Man-Boy Love Association. Even the journal *Paidika*, entirely academic in nature and with many famous contributors from such fields as anthropology, history and psychology, was clearly just child pornography to this detective, just a means of reinforcing paedophiles' "cognitive distortion". We should bear in mind, too, that this detective was not some out-of-control maverick cop, but a witness chosen as an expert to represent the Crown.

What we see here is a determined attempt at thought control by means of censorship. But this is only one aspect of a sustained, ever more systematic and totalitarian attack not just on the privacy of paedophiles' homes but on the deeper privacy of their hearts and minds.

Throughout the Western world, and increasingly beyond, we find barriers being set up between adults and children. In the name of protecting innocence we are enforcing emotional and physical separation of age classes in a sort of generational apartheid that sees fathers afraid to hug their children too affectionately and teachers' unions advising that teachers should keep a minimum gap of one metre between themselves and their pupils. The barriers are invisible but strong, enforced by a climate of fear – people are becoming terrified of being identified as a paedophile. The bogus recovered memory phenomenon has even seen parents denounced by their children, in a scary echo of the Stalin era.

And what is a paedophile? As sex researchers you might think he or she is a person who is exclusively or to a significant degree sexually attracted to pre-pubertal children. But as observers of the social and political scene you would have to conclude that a paedophile is a monster who attacks and defiles innocence. **(28)** On this definition there can be no such thing as an innocent or non-practising paedophile. **(29)** A paedophile thus cannot be an affectionate person, nor can a child be fond of him once he is unmasked like some alien abductor in a horror movie. There can be no legitimate *private* thoughts and *private* fantasies where such a monster is concerned. And no method can be too invasive or coercive in zapping this alien's neural circuitry.

This monster figure is the end product of an identification and labelling process that began intellectually with Krafft-Ebing but which has moved out of the medical domain and into the field of populist democratic politics, largely in the last quarter century. **(30)** The monster's inevitable harmfulness is asserted by definition rather than examined dispassionately, and once the label is attached it is ineradicable, a mark of Cain. To be a paedophile is to belong to a despised ethnic group. Society is attempting to eliminate this race by methods akin to brain washing; and insofar as it is achieved it will have been a victory for another form of ethnic cleansing.

Lest it be thought this rhetoric is exaggerated let's consider some developments in just one country, the UK, in the last couple of years or so. The legal apparatus of oppression now includes a sex offenders' register, referred to at every opportunity in the media as the paedophile register – a constant reiteration of the P word that reinforces the idea of all ills being laid at the door of the targeted quasi-ethnic group. The use of the phrase paedophile register also accurately captures the intention implicit in its introduction: to mark the paedophile for years, to label this breed, this race of offender as distinctly

stigmatised, branding them as a kind of person rather than an offender at a particular time, unlike for instance burglars or drug pushers, whose actual harmfulness is generally far greater.

Soon after the register, in the UK we saw the introduction of orders banning paedophiles from entering areas such as public parks and school grounds after release from jail and keeping them under the scrutiny of the police. While this may not seem unreasonable in the case of a small minority of genuinely dangerous individuals, it is part of an oppressive, invasive pattern that impacts much more widely, including the privacy of the home. In one case, in Wales, an order has been made that an offender should not be allowed to have soft toys on his window ledge in case they might be visible to children outside and attract their attention.

The fact that such orders can apply not only to exceptionally dangerous people is indicated by the fact that they can be imposed even in the event of an offence meriting a mere caution. People who have not offended since the register came into force need only behave in a way that attracts "suspicion or disapproval" – note, mere disapproval – to be made subject to an order restricting their movements and activities for a minimum of five years. **(31)**

This legal apparatus of coercion has been accompanied by hi-tech methods of surveillance and control such as electronic tags, which it is envisaged under measures announced late last year in the UK, could be worn by sex offenders for up to 10 years, or even for life in the case of so-called "serious offences against children" – a slippery definition which by some reckonings could include any sexual offence, even, or perhaps especially, if the child were willingly involved.

The Orwellian overtones of all this are so obvious that even supporters of the crackdown no longer bother to deny the connection. A headline in the British newspaper *The Independent* early this year shamelessly announced " 'Big Brother' system to track paedophiles". **(32)** The article began: "A 'Big Brother' computer is to be used by the Home Office to monitor the movements of paedophiles and other high-risk offenders, using a system that pinpoints their location and subjects them to a series of identity tests." Readers were told the computer would be used to contact the offender by pager at random times, obliging him to get to a landline phone within five minutes or find himself in trouble.

The writer himself describes the scheme as an "Orwellian crime-fighting initiative", but the usual disapprobation implied when invoking the author of *Nineteen Eighty Four* is here turned on its head. The article neither questions whether paedophiles should automatically be regarded as high risk offenders, nor probes the civil liberties issues. Instead, only issues of effectiveness and cost are thought worthy of attention. Where paedophiles are concerned, it seems, nothing can be too Orwellian.

Even guilt established before a criminal court is apparently a matter that can be dispensed with. Last year the Labour government backed a private legislator's bill to create a national blacklist of anyone convicted or merely suspected of child abuse. Anyone on the list would be barred for life from working with children. **(33)** The threat to civil liberties is readily apparent from the experience of Ohio where, it is reported

that a single phone call to authorities in the state can put someone on a list of child abusers - whether there is substance to the allegation or not. The absurd, and absurdly dangerous, nature of such lists is illustrated by the fact that the Ohio list at the last count had reportedly ballooned to as many as 792,000 names. **(34)**

Calls in the UK for extra-judicial detention of paedophiles similarly echo American excesses. A long history in the US of coercive sexual psychopath laws has been followed more recently by so-called sexual predator laws of similar intent, designed to take the despised offenders out of society for good.

It was reported in 1998 that a joint Department of Health and Home Office working party was drawing up plans to label paedophiles as "mentally ill" so they can be detained in psychiatric hospitals for life on release from prison. **(35)**

So far I have considered the kinds of oppression within the UK that arise once someone is established in the courts as an offender or if - rightly or wrongly - the finger of suspicion has been pointed. But this is only part of the story of oppression. In their keenness to sniff out paedophilia in every conceivable corner, police forces, aided and abetted by populist politicians, lobby groups and the media, have been busy conducting mass raids worthy of the Gestapo and organising sting operations creating offences that would not otherwise have taken place. The justification for such heavy-handed tactics has essentially been the panic over child pornography on the Internet, the point from which I started.

In December last year police released details of a massive operation in the UK, involving 20 police forces across England, Wales and Scotland. The officers were reportedly acting - and I quote - "with no prior intelligence", which I can certainly believe. What was meant by this, however, is that they were not investigating cases in which a child had been abused. They were simply trying to trace individuals downloading images, and used means such as chat-room surveillance to point them in the right direction. In other words, the police were taking draconian action against a private activity of a harmless or even positively benign nature in its overall effects, if we accept the findings of the British Columbia judgement.

But raids such as this are far from harmless in their invasive effects on the individuals caught in the net. A similar raid in France in 1996, the biggest in that country since the Nazi era, saw 710 searches. In exactly 500 cases no charge was made, but that did not prevent many devastated lives as a result of the shame the raids brought even to those who had not broken the law. Five of those thus exposed killed themselves in the following weeks, including two who were not even facing charges. **(36) (37)**

Stings, as well as mass indiscriminate raids, are now being developed as part of the burgeoning police armoury of dubious methods, in yet another initiative importing bad practice from the US. Last year Scotland Yard detectives spent a month training with the FBI's Innocent Images Squad, which carries out stings aimed at paedophiles using the Internet. After this training they returned to London to form a squad co-ordinated by Chief Superintendent Martin Jaunch, the head of Scotland Yard's Clubs and Vice unit. Jaunch was quoted as saying: "We will train our own men and women in the extraordinary expertise required to successfully impersonate vulnerable and sexually

precocious children, but at all times we will liaise with the FBI." **(38)**

This enthusiasm for entrapping the unwary by police falsely pretending to be children has been imported to the UK even though FBI officials themselves have admitted that after four years of these stings they had not found even one suspect who had ever molested a child with whom initial contact was made over the Net. Not one.

What the FBI and their UK imitators are doing here is questionable, as all entrapment is, because it is an attempt to generate crime rather than detect it. But in this particular manifestation it constitutes the clearest possible invasion of private thoughts and fantasies, which probably have nothing whatever to do with seeking out real children on the Net. California lawyer Patrick Clancy has put it this way:

"The Internet is all about role playing. Nobody's ugly on the Internet; everyone is fabulous at sex." He describes Internet chat rooms as a masquerade ball -- a fantasy world where people go to play out their sexual fantasy roles under the cloak of anonymity. "An 80-year-old woman can go online and relive the loss of her virginity at 16 -- and she could do it over and over again," he said. "The mind is the ultimate sex organ." And, one might add, screwing with the mind is what the FBI's not so innocent game of Innocent Images is all about.

This is not to say there have been no real attempts to meet young people for "romantic" and sexual purposes through the Internet. There have been a few cases of men in their thirties or forties passing themselves off on the Net as in their twenties or older teens when striking up an online friendship with girls in their early teens. In one such case the girl's mother very sensibly went along with her daughter to meet the "boyfriend" in question, just as she might if he had been a more traditional pen pal. And that is where the man's fantasy romance abruptly met reality. After meeting a girl who was obviously shocked and disappointed, then being confronted after a couple of minutes by her mother who had been watching nearby, the guy broke down in tears. He had certainly behaved foolishly, but it would surely be a mistake to talk up every sad fantasist into someone planning rape. Lying about one's age in such a case is perhaps best regarded as misrepresentation of a product, which could perhaps be covered in consumer protection legislation: the "goods" that had interested the teenager were not "as advertised". In this instance a charge of conspiracy to commit an indecent offence with a child was eventually dropped. **(39)**

The recent Kevin Lockley case in the UK may be thought more serious. Lockley, the first person in Britain to be charged with attempting to incite an undercover officer to procure a young girl for sex over the Internet, was jailed for 18 months last month (May 2000). He had fallen foul of a phoney website called Valerie's Escorts, set up by Los Angeles police. The supposed "escorts" service asked Lockley what sort of girl he wanted and after he sent a photograph of a child a sting meeting was set up in a London hotel, at which Lockley was led to believe he would be able to have sex with a girl aged nine. **(40)**

Lockley, a computer software programmer, had previously been of good character. The judge decided 18 months was a sufficient sentence in his case, but called for the maximum sentence to be increased beyond the current two years. Why? There is no

evidence that children are actually being made available to adults via websites through "escort" agencies, which would be extremely perilous to run: if customers can contact them, so can the police. So why the alarm? It is not as though, but for police intervention, Lockley or anyone else would actually have procured sex with children. On the contrary, in the absence of a police sting the unfortunate Lockley would doubtless still be usefully employed instead of burdening the taxpayer in jail and coming out quite possibly as an unemployable, embittered and more dangerous person than ever he had been before: he lost his fiancée as well as his job as a result of the case.

What appears to have happened is that the judge was misled. The court had heard that more than 37,000 Internet sites have been set up by "anonymous paedophiles". (How does anyone know? It would be quite impossible to tell a site is run by paedophiles, anonymous or otherwise, on the basis of a site name like Valerie's Escorts. And if police or other concerned parties helping them have visited all these sites and decided on the basis of the contents that they are run by paedophiles, presumably the police must be aware – and could prosecute – if any sites were offering illicit contact with children). Judge Peter Fingret called for a change in the law "in the light of the pernicious influence of a large number of websites". It is as though the judge had been persuaded that there are 37,000 websites actually or potentially involved in "escort" arrangements. However, I have visited a dozen or so websites run by one or more people frankly declaring their sexual attraction to children and I can say that the ones I have seen have been at great pains to emphasise their intention to stay within the law. The sites are in my view an entirely legitimate form of personal expression. Typically, one can expect to find poetry about children, quotations from famous writers, and statements from the site-holder about his own personal philosophy, and how he relates his attraction to children to his religious beliefs. There are invariably photos of children but these tend to be very much family album stuff, not pornography. Indeed, visitors to the Home Page may be confronted with a stern warning that the site-holder is against pornography and will not find any on the site.

Both the raids and the sting operations I have been describing actually have a significance that does not readily meet the eye. The deep purpose of both kinds of operation is not the investigation of lesser crimes such as the private possession of pornography, or trapping people engaged in some hopeless wild goose chase on the Net for panting Lolitas or randy Joy Boys. The underlying purpose is to invade the privacy of the mind in order to find out not what offences someone has committed but what kind of person he is. Possession of child porn and cyber sex chat are being used to generate evidence of paedophile identity, of paedophile ethnicity, such that often entirely harmless people can be registered and henceforth viewed with lifelong suspicion, surveillance and coercion in the ways we have seen. **(41)**

A very recent development in the UK exemplifies this oppressive trend perhaps more clearly than anything else I have so far said. It is an initiative by the West Midlands Police in which the authorities themselves admit they are targeting "respectable" law-abiding people with no record of sexual assault. Superficially, its effect may seem liberal because the idea is to caution people caught in possession of child pornography who would otherwise face a court appearance. However, a condition of being supposedly let off lightly with a caution is that offenders are put on the sex offender register and are obliged to undergo therapy aimed at making them think possessing

child porn is at the top end of a slippery slope towards assaulting minors.

The scheme, called Caution Plus, certainly makes it easy for the police to deal with defendants who might otherwise have chosen to plead not guilty in court, especially in cases where the material seized was not of a hard-core or definitely pornographic nature. The publicly-expressed rationale for Caution Plus, though, is the "slippery slope" argument. As Detective Inspector Cath Hannon, head of the paedophile and pornography unit at West Midlands Police put it: "We identify people who are developing this [sexual] interest in children and divert them into treatment programmes, which challenge their behaviour and make them understand that it's an activity that could potentially develop into them abusing children." **(42)**

A misconception appears to be built into this rationale, as revealed by the expression "people who are developing this interest". It looks very much from this as though Hannon believes, quite wrongly in my experience, that sexual attraction to children is something people "develop" voluntarily in adulthood, rather as they might decide to take up fishing. Further specifying whom the police are targeting, she said: "This is Mr Respectable in every other aspect of their life. Apart from that, they have this deviant thought process which if not checked at an early stage could develop into the sex abuse of children." Again, implicit in what she says is the notion that adults, perhaps as late as middle age or even beyond, may be in the early stages of a "deviant thought process" that can possibly be nipped in the bud.

Presumably it is felt that exposure to child pornography is what sets these adults off on a "deviant thought process". Certainly David Middleton, working on Caution Plus with the probation service, appears to be thinking along these lines when he says "... most of the men we work with who have abused children have started with pornography." But what gives people an interest in setting out on the difficult and dangerous search for child porn in the first place? Why would anyone be tempted to wreck his life by being caught and disgraced unless a very powerful interest were already well established? Furthermore, both the literature and my own knowledge of paedophiles suggest strongly that adult sexual attraction to children is an orientation usually developed very early. Just like other orientations, there may well be factors at work in the aetiology of paedophilia that predate puberty; particular regimes of hormonal exposure in the womb have been implicated in the literature and genetic considerations may also be important. **(43)**

Taking this deep, long-lasting sexual interest in children into account, let us ask again what purpose is served by invading the privacy of people who have managed to conduct their lives "respectably", not assaulting children but on the contrary showing every sign of having made a sensible accommodation with their desires. Having shown themselves capable of living stable, productive lives, sometimes including being good parents, they suddenly face a knock on the door that is bound to be hugely traumatic for them and their families: the role of the police here is essentially one of destabilisation. If a father faces divorce, for instance, when his wife finds out about his secret as a result of police intervention, how is this likely to affect his subsequent behaviour? Having lost his wife and (doubtless) family, and with nothing more to lose in terms of his life as a respectable family man, is he likely to behave with more caution towards children in future or less?

Middleton's point may appear to invalidate what I say, when he refers to abusers whom he believes "started with pornography", but it looks to me as though a certain naivety is at work here: offenders will of course say that pornography set them on the downward path if they think this will provide the excuse a probation officer wants to hear, just as allegedly being sexually assaulted as a child is now being used by criminals of every ilk to explain their behaviour, however improbably. We also need to note that the offenders he is referring to may well consist entirely of impulsive, generally criminal individuals quite unlike the "respectable" figures targeted in Caution Plus.

The raids and stings already discussed, prying into the minds of harmless individuals on the basis of their allegedly deviant desires, are considered useful in law enforcement terms in an indirect fashion: porn collections are thought to provide tangible evidence of the collector's sexual desires. In the event of someone facing an accusation of sexual contact with a child, the fact that the police have evidence of his porn collecting is bound to be a powerful weapon in their armoury. A New Zealand lawyer in the successful appeal case of Moonen, already mentioned, has drawn an interesting parallel with so-called "circumstances of indecency", which can be used in indecent assault cases before the courts to establish evidence of indecent intent in, say, the way in which a child was touched. In private correspondence with Moonen this lawyer wrote: "The court... decides whether an assault is indecent. I believe the significant shift in public and legal perceptions has been the establishment of a logical and simple link where a paedophile identity is understood to guarantee indecent intent. If you are paedophile then indecent intent is deemed proved. I believe the use of pornography is not primarily a concern for the child in the image, but the way the material is judged to establish an identity for the individual being charged."

So far I have spoken mainly about the impact of the state on paedophiles in the UK, through legislation and law enforcement. These are by no means the only agencies through which this "ethnic" minority is being pilloried by way of invaded privacy and more or less total loss of civil rights across the board. The hunting of paedophiles has long been a favourite blood sport of the press in the UK, but in recent years the blood has become less figurative and more literal. The introduction of the Sex Offender Register in September 1997 raised false expectations that the public would be told the whereabouts of all released paedophiles. The press were happy to step into the breach, outing offenders all over the country and thereby unleashing a wave of vigilante attacks. In one case the effort to get their hands on an offender resulted in a riot outside a police station, in which dozens of police were injured.

The climate of vigilantism in the UK once again echoes American experience in the wake of so-called Megan's Law legislation in many states, which provided for local communities to be informed about the presence of sex offenders in their neighbourhood. In the UK this climate has resulted in offenders being driven from their homes; ironically, in several cases this meant that the police lost track of them as a result. **(44)** In other cases offenders have been beaten up and in at least one case killed. **(45)**

Worse still, many would feel, such vigilante rage has resulted in entirely innocent victims. Men have been terrorised and attacked in cases of mistaken identity. And for anyone who may think I have glossed over the memory of Megan Kanka, the child

murder victim whose name inspired Megan's Law, let me give you another name: Samantha Pennell. Samantha was a 14-year-old girl who died after the house in which she had been staying was burnt down. Those who set fire to the building were looking for a paedophile. **(46)**

I think you will agree after hearing these examples of oppression faced by paedophiles in the UK in recent years, and those unluckily caught up in the ethnic cleansing they face, that my earlier rhetoric on the subject was not excessive. Nor is it solely my own rhetoric, or that of libertarian lobbyists. Even Sir Frederick Lawton, a retired Lord Justice of Appeal in the UK, has gone on record as saying the restrictions being imposed on paedophiles remind him of those imposed on lepers during the Middle Ages and on Jews in Nazi Germany. **(47)**

The thought will have occurred that the comprehensive assault on their civil rights endured by paedophiles goes much further than the invasion of their privacy, which is the focus of this symposium. This being the case, it strikes me as impossible to keep a sharp focus solely on privacy matters and at the same time expect to convey what is happening in the case of paedophilia.

Nevertheless, the invasion of personal privacy, especially the privacy of one's thoughts, is a nightmarishly totalitarian feature meriting special attention. Not that there is anything new in it. It is a feature of everyone's childhood. We all grow up into a society with particular rules; parents and teachers would feel they were failing in their duty if they did not teach the difference between right and wrong as their own society sees it. Adults quite frankly feel they ought to be moulding a child's mind, encouraging good thinking and banishing bad. And the prison systems we now have were also built on an educative ideal. To this day, prisons have names like the Goodlife House of Corrections, reflecting Victorian era hopes that felons could be mentally reformed in prison as well as merely punished.

The ideal is benign, the aspiration worthy; the practice is another matter. For a prisoner to be inspired by a prison chaplain's sermon, for him to see the light and want to change his ways, that is one thing. If that man had been a serial rapist, whether his victims were either children or adults, we could have no serious objection if we could be sure he was freely choosing to undergo perhaps quite drastic therapies aimed at altering his thoughts in specific, offence-oriented ways. At one time treatments such as electric shock therapy or chemical castration might have been justifiable, although what we now know about their lack of effectiveness probably ought to rule them out these days.

The current fashion is for talking therapies, which on the face of it are far less drastic but which in fact are all too often an attempt at brain-washing of a wholly repugnant nature. The social psychologist Dennis Howitt has described how cognitive therapy, in which a paedophile's beliefs, self-justifications and myths about child victims are brought under challenge, came to be used alongside purely behavioural methods. **(48)** As Howitt points out, the behavioural aspect dropped out of favour at least in part because it was becoming unacceptable to use such apparently punitive methods as electric shocks in a bid to make gay men "normal"; it was ideology, as much as science, that swung the spotlight onto paedophiles as suitable cases for treatment. **(49)**

But the treatment of paedophiles through so-called "cognitive restructuring" is also highly ideological: the very phrase is no more than a fancy euphemism for brain washing. It involves elements such as confronting the offender's "irrational ideas" and a "challenging of the client's beliefs". (50) This is all very well but what if the offender's ideas are not irrational? What if his beliefs are accurately grounded in facts that society presently chooses to deny, just as Soviet society chose to deny its own manifest failings?

As developed in the 1980s and 90s through addiction control programmes, cognitive therapies have become confrontational and frankly coercive. As Ray Wyre, the most high-profile advocate of this approach in the UK has said: "I feel the most important thing to do is to shift the power and the knowledge base from the offender to the worker. I want [him] to feel that I know what he is up to, what he thinks about and what he does." (51) This is from the bag of tricks we associate with police interrogation, rather than with medicine. This is the world of the burly, aggressive detective pretending to know more than he does, pushing for his victim's signature on a confession sheet. Except that, instead of confessing to something he has done, the victim must admit something he allegedly thinks, whether that is the case or not.

In order to intimidate the dissidents, it is not necessary for Ray Wyre and his ilk to shine bright lights in their eyes or to beat them up. Making a prisoner's parole dependent on his successful completion of a course generally gives them quite sufficient power. A friend of mine in Australia undertook just such a pre-release course a couple of years ago, which appears to have been crudely premised on a simplistic, one-scenario view of sex attacks as arising from male violence and social inadequacy. (52) My friend, let's call him Bob, found himself in no position to help the course leaders, or so-called "facilitators", to refine and extend their model of offending behaviour. In line with what we have heard from Ray Wyre, his job as a dissident was just to stop dissenting, to agree with what he was told, to grovel, to admit guilt, however ridiculous the assertions he heard seemed to be. To Bob it was just like Winston Smith in *Nineteen Eighty Four* having to admit two plus two equals five because that is what the authorities insisted was correct.

This particular course had zero chance of actually convincing the participants that two and two are five because it was plainly not well run. The course leaders in Bob's estimation were poorly trained and of low calibre, while the offenders were an untypically well-educated bunch to find in prison: Bob is himself a candidate Ph D and no less than three of the seven people who completed his course were graduates. They were people who could think for themselves – not easy victims of thought control. Not that they argued. As Bob put it, "They had the sense – mostly – to agree with everything the facilitators told them. I know – from having heard the uncensored version outside the lecture room – that they simply tailored their offences into the shape they were told they must. Simple, but you could see the hesitations, hear the grinding teeth..."

Courses run by clever, experienced cynics, however, are far worse. Ray Wyre is not the expert he thinks he is in paedophilia, but he is certainly well versed in techniques of undermining his victims' confidence by taking anything they say and putting a negative spin on it; he has been around a while and can credibly give the impression of having "heard it all before". One of his tactics is to trick the offender by appearing to collude

with him. In this way he succeeds in eliciting the offenders' so-called excuses and rationalisations for his behaviour and can proceed to expose and demolish them. **(53)**

The strength of the technique lies in the fact that we all do indeed make excuses and rationalisations of one kind or another and paedophiles are no exception. And in a society in which guilt is heaped on paedophiles' heads every day via a torrent of anti-paedophile propaganda, it would be strange indeed if it failed to cross offenders' minds that society might be right after all. An offender may have been sure at the time of the offence that the child in question was fond of him and liked to snuggle up close out of a wish for affection and physical intimacy. But Wyre knows how to place the doubt-sowing question. He will say something like "Oh, you're sure are you? But the boy often got a bar of chocolate afterwards didn't he? You were manipulating him, weren't you? You were bribing him, that's the truth, isn't it?" By such means, any act of affection and love could be distorted, talked down into mere lust. Put an ordinary mum through a Ray Wyre course and she could well end up worrying if her kids *really* love her or if they are just pretending to because she's the one who puts their dinner on the table. **(54)**

This is the truly brain-washing stuff, this mind-invading, systematic assault on the paedophile's personal integrity. As an attack on privacy it could hardly be more total. As Howitt remarks, there is something of a culture shock for those with a foundation in traditional psychotherapy when confronted with Wyre's methods. There is no doctor-patient relationship to be found in them and none of the confidentiality ordinarily required by medical ethics. On the contrary, leading questions are geared to obtaining evidence of guilt. This evidence then contributes to having a profile of the offender for future forensic or preventative purposes. **(55)**

My point here is not that society should *never* use such methods, which may be justified in relation to a small number of truly dangerous individuals. My point is that we should be aware of how profoundly intrusive they are and should resist the indiscriminate way in which they are applied in response to political pressures. Like the Canadian judges with whom we started, we should be applying a proportionality test: we should be asking whether the assault on mental privacy, the invasion of a person's own thoughts, is justified by the level of threat he represents.

From what I have said so far, I suspect you will agree that my rhetoric regarding the assault on paedophiles by society is not exaggerated, the historical comparisons not far-fetched, and that even the use of the term "ethnic cleansing", which might at first seem wild, is valid in its insistence that there is indeed a systemic attempt to rid society of a group with quasi-ethnic properties..

On its own this would be a dismal enough tale, but unfortunately there is another side to the story of generational apartheid. If paedophiles are the vilified blacks **(56)** children are in a remarkably analogous position to that of the white women who used to be "protected" by lynch mobs of Ku Klux Klansmen in the American South. The dominant white male culture of the old South in the slavery era held that women, like today's children, were not sexual beings; they were pure. Thus if there was any sexual contact between them and a black man it could only mean one thing: rape. White ladies were not allowed to have sexual feelings for black men; it was literally unthinkable. Women

who dared to break this iron taboo were ladies no longer, just whores. (57)

Nowadays, the locus of sexual anxiety has shifted towards children. As this anxiety has been cranked up and up in recent decades, we have been seeing increasingly repressive measures designed not to protect children themselves but to protect the myth of childhood innocence in which society has invested so heavily. Punishing children for sexual involvement with adults, however, would be too nakedly a contradiction of their victim status. It would imply they had known what they were doing, and were not innocent. In order to preserve this notional innocence of the child, it is far easier to blame the adult, the despised paedophile, whatever the facts of the case may have been.

But when children have sex with each other there is no adult available to blame. Scapegoating the paedophile ethnic minority, hounding the paedophile "niggers", is not an option. Instead, the repression of children's sexuality needs a secondary scapegoat. Clinging ever more desperately to the dogma that children in general are non-sexual, a minority of kids are being stigmatised as deviants and delinquents when they are caught in sexual activity with their peers.

Last year, for instance, a girl aged 12 was placed on the sex offender register in the UK after admitting so-called acts of indecency with boys aged four, five and six and a girl under 14. The offences involved what would once have been called mere childish games, like inviting the little boys to pee against a wall and watching the splash. (58) There have now been a number of such cases, and this marking out of particular children as deviant reflects a trend in the literature of child sex abuse – numerous professional and academic articles now speak in terms of assaults by one child on another which would once not have been characterised as abusive.

There have even been attempts to criminalise sexual activities in which no single child played a dominant role, so that it was not possible to blame an allegedly abusive power relationship of a bigger or older child over a smaller or younger one. We are used to hearing about crime rings, and paedophile rings, but by last year newspaper headlines were telling us that in Pennsylvania "Children organise sex ring". (59)

"A ring of children as young as seven in a small Pennsylvania community taught each other to have sex, and a half dozen of them have been charged in the juvenile court," we heard. Newberry Township Police

Chief Bill Meyers was quoted as saying: "These kids knew what they were doing wasn't right, but they didn't know it was as bad as it was".

Well, just how bad was it? Wherein lies the badness? In this case they were not imposing themselves on each other; no discernible harm was done to the kids. It would seem the perceived badness lay entirely in their exposing the adult dogma of childhood innocence as a myth.

Creating the concept of child sexual deviants, analogous to "fallen" Southern women, has been one aspect of modern Western society's efforts to preserve the innocence myth. Ideally, from a conservative point of view, the embarrassment of seeing kids on sex registers and exposed as sex ring participants, would be avoided if at all possible. So

what we are seeing alongside these highly public but fairly rare cases is a much more pervasive phenomenon: the invasion of *all* children's privacy for the purpose of sexual repression.

Kids, it is true, have always been spied on by their parents. Rightly or wrongly, mom – usually mom not dad – has gone rooting through pockets, and bedroom drawers. If a youngster has kept a diary, chances have always been it would get read by a parent from time to time, especially if the child insisted its contents were secret. **(60)** Nothing new in that.

What we are seeing now, though, is becoming more anxious, more systematic and with more state involvement. COPPA, The Children's Online Privacy Protection Act in the US is a prime example. This measure, which is not yet operational and which is rightly being resisted by the broadly anti-censorship online community, would require that any website or online service directed to children should obtain parental consent before collecting information from children under the age of 13. **(61)**

Leaving aside the obvious practical difficulties website owners might face in obtaining such consent, let's consider what this could mean for the children. While it may be desirable to put restrictions on the promotional and advertising ploys of commercial interests aimed at youngsters, what if those young people themselves want to register with a site and be put on a mailing list? Maybe it's the fan club site of a famous Hollywood star; or maybe the only claim to fame of the starlet in question is that she has enormous breasts and does a lot of nude scenes. In either case, as a friend of mine remarked, I am having awful trouble understanding how forcing children to involve their parents is going to "protect their privacy". What it looks like to me is not protection of their privacy but invasion of it – the language of the law is an Orwellian inversion of the truth. My friend, who is a bit of a techno-wizard and knows more about the possibilities than I do, felt that kids will simply lie. They will resort to, as he put it "the electronic equivalent of forging dad's signature (like we used to do with absence reports at school!)".

While electronic lying may be an option for the more technically minded, the threat of COPPA is that it would extend parental control over their children in the one area where they have enjoyed a small measure of personal freedom and privacy in recent years, thanks to the relative lack of net-headedness and technical savvy of many parents. Kids have to some extent been left alone in their bedrooms, able to explore the cyberworld with a freedom no longer available to them in the physical world of their immediate environment. When I think of my own childhood, and the freedom I enjoyed to roam for hours with my pals on foot and by bike, across town and country in the 1950s, it saddens me deeply to contemplate the prison so many kids are forced to live in these days. **(62)**

Concerned, loving parents have been sold the myth that it's a big bad world out there, with weird strangers out to get their kids and do unspeakable things. But real horrors are exceedingly rare and, as already noted, the most truly abusive acts against children, including murder, take place in the home, perpetrated by parents – "family values" are only as good as the family that holds them. So what we are getting, in the name of protecting children first from "stranger danger" and now from the Wild Wild Web, is constant surveillance and control over all children, such that they have no space to be

themselves. They have no private life, no way of standing a little apart from their adult controllers in ways that enable them to develop as autonomous individuals.

Just as COPPA can be seen in a benign light, reining-in predatory commercial behaviour, so can Britain's Children Act of 1989. This well-intentioned reform has genuinely useful features such as enabling children to have their own independent legal representation, recognising that a child's interests are sometimes at odds with those of their parents. It also provides for much needed inspections of residential schools, shining a light onto dark terrain, where bullying and serious abuses have been a feature ever since the era of *Tom Brown's Schooldays*.

But it is symptomatic of the times that even basically good legislation of this kind is now being used with the effect (and in many cases no doubt conscious or unconscious purpose) of inhibiting children's sexual expression. (Footnote 63 evidence very slim) Any number of school memoirs have in the past described youngsters' early sexual contacts with each other in Britain's private schools, and occasionally the tenderest of love affairs too. Not any more, if the inspectors have their way.

A rallying cry of the reformists, in the days when the British law forbidding adult male homosexual acts was coming under challenge, was that the state had no business in the "bedrooms of the nation". It was a strong slogan because it appealed within the political classes to everyone's sense of privacy. There were a good many thoroughly heterosexual members of parliament who would not have wished a light shone into their own bedrooms, exposing their own sometimes none too respectable enthusiasms, from bondage to extra-marital affairs.

If we were to apply the principle consistently, however, we would have to look beyond the bedrooms of the nation. We would have to include the school dormitories of the nation, behind the bikesheds of the nation, in the long grass of the nation. **(64)** These are the places where kids have traditionally experienced a measure of sexual privacy and initiation, out on the margins, a little beyond the reach of adult surveillance. This wild, marginal terrain has been part of the ecology of childhood but, like the rain forests, it is under pressure, undervalued and disappearing fast.

Whether we can begin in Western society to realise what is happening and start to move in another direction is beyond the scope of this paper. My purpose in giving this address has simply been to set out what I see going on, from the particular perspective available to me, in the hope that as sex specialists with an interest in privacy issues some of you will choose to pick up the ball and run with it in your own style. It may well be that many of you, as scientists, will see your task more in terms of investigating and describing social and physical realities than with crusading to move society in any particular direction. But what you will readily accept, I believe, is that concern over civil rights such as sexual privacy is inevitably a matter of cultural and political dynamics in which we all have a stake as individuals and citizens; in this respect there can be no neutrality. **(65)**

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