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A Study in the Definition of the Situation: Adult-Child Sexual Relationships

Dixie R. Colvin
University of Nebraska at Omaha

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A STUDY IN THE DEFINITION OF THE SITUATION:

ADULT-CHILD SEXUAL RELATIONSHIPS

A Thesis

Presented to the

Department of Sociology

and the

Faculty of the Graduate College

University of Nebraska

In Partial Fulfillment

of the Requirements for the Degree

Masters of Arts

University of Nebraska at Omaha

by

Dixie R. Colvin

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Dedication

This thesis is dedicated to the two people that have provided the inspiration and determination that allowed me to complete this thesis.

To my mother: Her generation had children and didn't think about abuse. As she told me, "We just had babies and raised them best we could."

To my son: His generation will have been raised by my generation who has been made aware of the issue of child abuse.

ACKNOWLEDGEMENTS

This page is most difficult to write. How can one ever remember or even know one's sources of inspiration and support? As a social being I am constantly influenced by those around me. Often I am not fully aware of this process and consequently, this page will not recognize everyone deserving my gratitude.

I first must acknowledge this university and all its committees and personnel that permitted me the opportunity to finish this work. Many of these people are unnamed but I remain in their debt.

I owe each member of committee thanks for his/her support and help through this process. I owe special recognition to my chairman, Dr. W. Boyd Littrell. His encouragement and critical eye provided me a new way to see the world. Without his insights and questions, this thesis would have remained a shambles.

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Two exceptional women contributed what I needed most--their love and support and their ears. My friend Carrye Veatch gave of herself and her home. She provided me with a true haven. Agnes Riedmann was first my role model. She listened, she encouraged, and she taught. But more importantly, her wit and humor sustained me.

Although unnamed, my subjects are forever in my debt. Not only did they willingly participate in this research, they taught me many valuable lessons when I was their colleague.

To my parents, Jim and Jean Colvin, I owe my desire to learn and discover. Although they've provided me with "most everything a child could ever want", they are responsible for what I value the most--a questioning mind.

To my mate, Joe Weiss, I owe so much more than can ever be acknowledged in these few meager words. His patience, his love, and his support saw me through this paper. I feel very blessed to share my life with such a wonderful person.

THESIS ACCEPTANCE

Accepted for the faculty of the Graduate College, University of Nebraska, in partial fulfillment of the requirements for the degree of Masters of Arts in Sociology, University of Nebraska at Omaha.

Committee

Name	Department
Mary Ann Remond	
Theodore Loren Marshall	

W. Boyd Pittell
Chairman

12/5/23
Date

CHAPTER ONE
THE SOCIAL ISSUE OF ADULT-CHILD
SEXUAL RELATIONSHIPS

Introduction

Today sexual relationships between adults and children are being discussed and examined by both the general population and academia. The media features articles and programs on the topic. Personal experience books from the child's perspective are being published regularly. There is a growing amount of literature written by academics. Treatment programs are springing up around the country. And legislation prohibiting these relationships is being written or revised.

Sexual relationships between two people are usually considered very private in this culture. This is particularly true if those relationships occur within the family. Then why are these private relationships attracting so much public attention? Because individual sexual relationships are now considered more than personal; they are a social problem.

Mills' concepts of personal troubles and public issues provide the link between individuals and society. "Troubles occur within the character of the individual and within the range of his immediate relations with others" while issues "have to do with matters that transcend these local environ-

ments of the individual" and "with the ways in which various milieu overlap and interpenetrate to form the larger structure of social and historical life". (1959:8) As a social problem then, these relationships have transcended the lives of individuals and have evolved to become societal issues and institutions; statutory laws, programs for investigation and treatment, foundation grants, topics for discussion and examination, categories for officials to keep records of, and so on. As a social problem, these relationships are considered morally wrong and very bad. Structural changes are developing to examine and solve the "problem".

This chapter first looks at how these relationships have been regarded historically. That is, have they always been perceived of as a social problem? Secondly, it reviews the dimensions of this problem today; how the problem is conceived, who is perceiving it this way, and what they propose to do about it.

The Problem Seen Historically and Cross-Culturally

An inspection of academic literature reveals that sexual relationships between adults and children have not always been perceived of as a terrible social problem. The problematic nature of these relationships appears to be peculiar to this time and culture.

Recently several historical accounts concerning perceptions of the family and children have been published. Ariés and Lasch argue that how children are regarded has radically

changed. Today's idea of childhood which emphasizes vulnerability, innocence, and need of protection has not always existed. In medieval Europe, children were full participants in adult life; sexual activities were included. As little adults, they were allowed to mix freely in adult society. The establishment of special schools coincides with the redefinition of children as having a nature distinguishable from adults. (Ariès, 1962)

The diary of Louis XIII's physician provides Ariès with evidence that children were involved in sexual behavior with adults. This was "regarded as perfectly natural". (1962:100) Descriptions of behaviors contained in the diary would strike contemporaries as "bordering on sexual perversion". (Ariès, 1962:103) Shorter maintains that sexual privacy diminished as one went down the social scale and as one traveled from west to east. (1975:39) Ariès says of sixteenth century children: "Everything was permitted in their presence: coarse language, scabrous actions and situations; they had heard everything and seen everything." (Ariès, 1962:103) Playing with children's genitals, according to Ariès, formed part of a widespread tradition that still exists today in Moslem society. (1962:103)

Ariès suggests why gestures and physical contacts in fifteenth and sixteenth century Europe were "freely and publicly allowed" with young children but forbidden at the onset of puberty:

In the first place the child under the age of puberty was believed to be unaware of or indifferent to sex. Thus gestures and allusions had no meaning for him; they became purely gratuitous and lost their sexual significance. Secondly, the idea did not yet exist that references to sexual matters, even when virtually devoid of dubious meanings, could soil childish innocence, either in fact or in the opinion people had of it: nobody thought that this innocence really existed. (1962:106)

Although extremely biased, feminist writings also provide historical evidence that adult-child sexual activity occurred. Many argue that throughout history, children have lived in an atmosphere of the acceptance of sexual practices between adults and children. Feminists contend that, rightly so, the values and definitions surrounding the behavior have radically changed. (Mrazek, 1981; Rush, 1980; Justice & Justice, 1979)

Anthropological research discovered cultural variations in adult-child sexual relationships. According to Currier, the overwhelming majority of pre-industrial cultures consider sex to be an inevitable and harmless aspect of childhood. The Lepcha culture of Sikkim permits great sexual freedom. Men and young girls regularly have sex. No stigma is attached but it is a subject for much joking. In Muria culture, child sexual behavior is openly accepted as normal. By age 6 or 7, a Muria child will have had sexual intercourse. Mead's classical study of Samoa as well as Malinowski's study of the Trobriand Islanders found children sexually active. (Lindholm and Lindholm, 1980; Currier, 1981; Lasch, 1977)

Although one rarely hears about it, contemporary American society is another place where sexual relationships between adults and children are considered "normal". This is true of only certain subcultures, not the society as a whole. The Rene Guyon Society is the most vocal advocate of the desirability of these relationships. This group advocates a "new morality" based on sexual freedom. Its motto is: "Sex before eight or it's too late." (Rush, 1980:184) In an article on the commune counterculture, Berger (1981) discusses child sexuality discovered in his ethnographic research. Child-adult sexual encounters do occur. Perceptions of the activity are guided by the rule: if the activity is not demonstrably harmful, it should be permitted. These relationships are of no central importance to them unless harm can be demonstrated.

This section has established that perceptions of adult-child sexual relationships have not been consistent throughout time or cultures. Although the behavior has remained the same, the interpretation of them has not. This next section examines the current perception of these relationships.

The Scope of the Problem

The perception of sexual relationships between adults and children as a social problem raises many questions. What is the magnitude of the problem? Who is involved in these relationships and why are they involved? What behaviors are involved in these relationships? What causes it? What's being done about it? Who's doing it? And so on. This section illustrates that these questions have no clear-cut answers. Defini-

tional issues are, indeed, murky and have not been settled.

There is no agreement as to the prevalence of the problem. Weinberg's (1955) estimate that there were 1 or 2 incidents per million persons was accepted until recently. Current literature estimates the actual incidence to be higher than official statistics indicate. Furthermore, the statistics themselves are difficult to interpret. First, there is no standardization of what definitions to use. Secondly, several organizations--child welfare, police, court, mental health--are involved and keep different records and statistics. Third, legal statutes vary from state to state. (Butler, 1978:14-17) Fourth, there is a belief that many instances are not reported and thus not included in official statistics. (Finkelhor, 1979; Meiselman, 1978:29)

(Most authors dismiss official statistics. They claim the real incidence is much higher than the actual rates). (De Francis, 1979; Geiser, 1979; Sarafino, 1979) Kitsuse and Cicourel on the other hand, argue that official statistics not be dismissed completely. Rates of a problem do not simply exist in the abstract. Problems are defined by organizational perceptions of and reactions to a problem. (1963)

Statistics are, Schur tells us, "produced through the work of organizations". (1971:98) Since organizations' perceptions are crucial to society's perception of the problem, it is particularly important to examine organizations that produce official statistics. Their interpretations of the

phenomena are influenced by their own self-interests and biases. Organizations may profit from enhancing the problem. This is particularly true if the organization was created only in response to this problem. Such is the case of treatment agencies whose only clients are involved in this behavior. Larger organizations with many different clients and goals may also want to enhance the problem to gain funding; to hire more staff; to devise programs; and to gain legitimacy. They have a vested interest in magnifying and drawing attention to the social problem in question.

Organizations should be scrutinized closely for its biases. A particular organization may have a certain percent of their clientele involved in the problem, but are their clients representative of the population as a whole? (Meiselman, 1978:31) Or bias might result from an organization's philosophy. For example, the philosophy of a feminist victim-centered treatment program could be very different from that of a state child welfare agency. Such differing philosophies may produce very different statistics.

Furthermore, statistics should not be dismissed because they are often used to influence the general public. "Statistics that do become known to the general public very likely influence common conceptions of the nature of particular deviance problems, and these conceptions in turn help to determine how the public reacts to the deviation in question." (Schur, 1971:98) Thus, statistics can assume a political nature, particularly when they are used in policy formulation.

The official statistics on adult-child sexual relationships are undoubtedly influenced by how the phenomena is defined. But again, there is no agreement. No agreement exists as to what the phenomena is called, who is included, how the adult and child are related, and what behaviors are included.

There does not appear to be any consensus on how to label the phenomena itself. Adult-child sexual relationships are most often referred to as sexual abuse. (Mrazek, 1981; Butler, 1978; Justice and Justice, 1979) They are also called sexual victimization (Finkelhor, 1979), sexual misuse (Rosenfeld, 1977), child rape (Rush, 1974), child abuse (Helfer and Kempe, 1976), child assault (Burgess, et al, 1978), and incest (Justice and Justice, 1979; Butler, 1978). Gelles asserts that child abuse, including sexual abuse, is a political concept rather than a legal or scientific concept. As such, it is used to magnify concern about this problem. (Gelles, 1979)

There is also a lack of consensus as to the scope of behaviors which constitute adult-child sexual relationships. Behaviors included in a definition vary by study. Definitions always include sexual intercourse between an adult and a child. Some definitions include other behaviors: an adult exhibiting his genitals to a child; an adult fondling the genitals of a child and/or having his genitals fondled by a child; masturbation of a child by an adult or mutual masturbation; simulated intercourse (sometimes referred to as thigh intercourse); attempted intercourse but no penetration; voyeurism by an adult;

and talking to a child using sexual language or asking the child to perform sexual behaviors. Much of the literature assumes a continuum of behavior exists in such relationships: relationships often begin with exhibition or voyeurism, proceed to fondling and masturbation and culminate in intercourse. There is no agreement on this point either. Butler, for instance, maintains that not all relationships result in intercourse. (Butler, 1978) What behaviors are included in the definition will influence the magnitude of the problem. The problem will appear greater if all the above mentioned behaviors are included; or it will decrease in magnitude with the exclusion of particular behaviors.

Most of the literature and official statistics pertain only to the adult male and the female child. This limits the perception of the phenomena in two ways: 1) half of the population is excluded, (adult females and male children) and 2) homosexual relationships are excluded from perceptions of the problem.

Fathers and strangers are the two perceptions of the adult perpetrator that have dominated the literature. Presently the literature claims that most sexual relationships between adults and children occur within the family, primarily between fathers and daughters. (Kroth, 1979; Finkelhor, 1982:96) In years past, a contrasting picture was presented; it "portrayed the greatest danger to children as coming from strangers and depraved individuals outside the family". (Finkelhor, 1982: 96) Perceptions of how children are related to adult-perpe-

trators have important implications for how the problem is treated. Almost always strangers will be treated as criminals while the remedy for fathers is often mental health treatment. (Finkelhor, 1979)¹

Integration and interpretation of the literature in this area is difficult because of these definitional problems. Perceptions of the scope of the problem are influenced by who is included and what behaviors are incorporated in the definition. The nature of the relationship between perpetrators and children influences where resources for treatment and eradication are directed. And whether the phenomenon is viewed as moral, immoral, or neutral is influenced by the terminology used to refer to it. In addition to these problems, the "moral entrepreneurs" who promote the problem increase the difficulty of defining adult-child sexual relationships.

The Promotion of Sexual Abuse as a Social Problem

The phenomenon of sexual relationships between adults and children is being advanced as a social problem called "sexual abuse". The public is being alerted to this issue by three major constituencies. These groups can be thought of as "moral entrepreneurs". (Becker, 1963:145) Moral entre-

¹The relationship of the child to the adult also may be one of acquaintance, friend, or other relative. The relationship here also affects the treatment of the perpetrator. See Rush, Florence, The Best Kept Secret, (Englewood Cliffs, New Jersey: Prentice-Hall, Inc., 1980) pp. 2-8.

preneurs believe evil exists; in this case, children are being violated and damaged because adults are involving them in sexual relationships. Passage of rules (laws) against such behavior and treatment for its eradication are the goals of these groups.

Three primary constituencies are involved in promoting this "evil" as a social problem; feminists, child protection advocates, and civil rights advocates. Previously these groups were involved in successful "crusades" that promoted other issues as social problems; women's rights, minority rights, and child abuse and neglect. Becker maintains that a successful crusade leaves the crusader "without a vocation". The crusader looks around to find a new wrong to be righted, particularly if the crusade produced a large organization devoted to its cause. (1963:153) These groups have such organizations. Furthermore, the political power and public credibility these constituencies gained as a result of their past successful crusades have enhanced the advancement of the new evil. (Finkelhor, 1979:2)

But clarity is lacking in their presentations of the problem. These three constituencies are promoting it differently. Each has conceptualized the problem using the framework of its prior crusade. Child protection advocates advance "sexual abuse" as another facet of the "battered-child syndrome". The phenomena is often seen as a family problem, the adult is viewed as coercive and sick, and the treatment is relegated to

experts, usually medical or mental health personnel. (Fontana, 1973; Helfer and Kempe, 1976; Finkelhor, 1979; Pfohl, 1977) Feminists would have us believe the problem is another symptom of male supremacy. As such, it is, like rape, considered to be a subcategory of female victimization. Their primary concern is for the female victim. The male is believed to be entirely responsible for the relationship. (Herman, 1981; Rush, 1974; Finkelhor, 1979; Butler, 1978) Civil right advocates promote the problem as an extension of human rights. Children's rights are seen as paramount to the adult's rights. Children are viewed as powerless victims in this society. A change in the legal system is advocated where adults would not be allowed to face child-accusers during legal proceedings. (Fontana, 1973; Justice and Justice, 1979; Butler, 1978)

Although not advanced by any particular constituency, "sexual abuse" is also often presented as affecting or associated with other social problems. These include prostitution (Weber, 1977); drug abuse (Benward and Densen-Gerber, 1975); runaways (Weber, 1977); psychological problems (Herman, 1981); and inappropriate parenting (Walters, 1975). Most often it is perceived as a cause of these problems.

Legislation has been passed, primarily through efforts by these three constituencies. The Mondale Bill (Child Abuse Prevention and Treatment Act of 1974) is federal legislation that has been implemented to attack the problem of child abuse, including sexual abuse. States have enacted statutory regula-

tions that tend to broaden the definitions of child abuse. Consequently, more families and children are vulnerable to be identified as part of the problem. Most states have enacted reporting statutes that mandate certain people to report child abuse to specified organizations. Consequently, more people are involved in identifying and labeling situations of abuse. (Gelles, 1979; Butler, 1978; Kroth, 1979)

Although statutes provide a legal foundation, implementation of these laws require interpretation of specific situations. Processing a particular case requires elements of evaluation and judgment. Laws provide officials with interpretative procedures; each situation must be analyzed and defined according to these procedures. What officials do about each situation in question has profound implications for the social perception of the problem.

Treatment of the Problem

Solutions are sought after a problem has been identified. The usual treatment of a social problem is to focus on and blame the individual for the problem. Individual solutions are advanced and societal responsibility and change are not discussed. (Ryan, 1971) Solutions to the problem of "sexual abuse" tend to focus on the individual, although feminist solutions do focus on society. The focus of the solution develops in either of two directions: 1) treatment of sick individuals or 2) prosecution of the adult. A third direction, a hybrid of the two, may be developing. It is the model proposed by

Giarretto (1976). He advocates prosecuting the adult but providing mental health treatment in lieu of imprisonment. This model is gaining popularity throughout the country. (Kroth, 1979; Butler, 1978)

The direction the solution to the problem of "sexual abuse" assumes is influenced by the perceptions of the rule enforcers. If treatment is advocated, rule enforcers perceive the adult to be "sick". The label of "sick", according to Higgins and Butler, is a way of reducing the responsibility of the adult for the offense. (1982:111) If, on the other hand, prosecution is advocated, the rule enforcers perceive the adult as "criminal" and responsible for the offense.

Mrazek argues that attitudes regarding sexual practices between adults and children have occurred in a cycle. "Particular behaviors may be defined as normal at one period in history; later, these same behaviors are defined as immoral and still later as criminal and then as psychopathological." (1981:5) She contends that the current prevailing perspective on adult-child sexual relations is that of psychopathological. The psychopathological perspective can assume two focuses; the sexual deviance perspective where the focus is on the adult or the child abuse perspective where the focus is on the child. Focusing on the child is a recent development, Mrazek maintains. (1981:6-9)

It appears from the literature that Mrazek's contention that the psychopathological perception predominates is only

partially correct. Evidence points to a criminal perception as well. New legislation involving "sexual abuse" has been passed in most states. (Butler, 1978) Adults in sexual relationships with children are being criminally prosecuted. Feminists advocate applying criminal sanctions. (Finkelhor, 1982:97) Closer to the criminal perception is the conception of the adult as having done something wrong or bad. And even in treatment programs where the "sick role" model is most often evoked, the adult is held criminally responsible for his actions. The first and primary purpose of treatment is an admission by the adult that what he has done is wrong. Therapists contend that unless the adult perceives his actions as wrong, treatment will not be successful. (Armstrong, 1978:239; Giarretto, 1976; Kroth, 1979)

Societal solutions to the problem are proposed in the feminist literature. Herman contends that society helps prevent the "secret of sexual abuse from being revealed by believing that incest is rare and by the tendency to discredit children's reports. (1981:22) Butler regards children as "further victimized by a society that shuts its doors and its eyes at the mention of sexual abuse". (1978:29) A societal response to the problem must occur. (Butler, 1978; Rush, 1974; Herman, 1981) Such solutions are aimed at changing the social structure, not the individual. Indeed, the general contention that the cause of the problem is rooted in male supremacy addresses the issue in societal terms. Changes in social

structure to combat male supremacy are advocated by the women's movement. (Rush, 1974)

The perception of adult-child sexual relationships as a social problem has, in fact, affected several societal institutions. The criminal justice system has undergone change: statutes have been added or rewritten, "sexual abuse" cases are prosecuted more often, and probation departments are involved in treatment programs. (Kroth, 1979) Welfare systems have been affected: new programs have been implemented to investigate and treat the problem; staff have been added and/or retrained; and central registries have been created. (Butler, 1978) Transformations have occurred in the medical system as personnel are involved in detection and treatment of the problem. (Burgess, et al, 1978; Helfer and Kempe, 1976; Butler, 1978)

Because society has been affected by the perception of sexual abuse as a problem, it is important to seek clarification as to what sexual abuse is. This ambiguity provides an excellent opportunity to examine a classic sociological problem--the definition of the situation. Chapter Two discusses the insights that sociology can provide for an understanding of the definitional problems of sexual abuse.

CHAPTER TWO
ADULT-CHILD SEXUAL RELATIONSHIPS
AND SOCIOLOGICAL THEORY

Introduction

Very little of the current literature on adult-child sexual relationships is written by sociologists or presents a sociological perspective. This is surprising because this behavior is so often regarded as deviant or immoral. Sociology has a long history of examining deviant behavior and could contribute much to an analysis of this phenomenon.

Furthermore, as Chapter One established, major disagreements surround this popular topic. Just how relevant sexual behaviors are to be defined has not been decided. This provides a golden opportunity to study a classic sociological problem--the definition of the situation. Adult-child sexual relationships are relevant as a theoretical issue because the definition of this phenomena is currently being constructed.

"The definition of the situation" has long been used by sociologists to study human interaction, though not all sociologists have used it in the same sense. Its use began with W. I Thomas' dictum: "if men define situations as real, they are real in their consequences". Today it is found in such divergent works as Erving Goffman's Stigma, Garfinkel's

ethnomethodological writings, Berger and Luckmann's theoretical work on the construction of reality, Becker and the labeling school's work in deviancy, and McHugh's Defining the Situation (1968).

This chapter examines much of that literature; the purpose is to provide a theoretical perspective to guide this inquiry. First, this chapter briefly introduces the perspective of symbolic interactionism where the conception of the definition of the situation is found. Next, it examines specific works that have applied this concept in their research. And third, it explains how "the definition of the situation" will be employed in this inquiry.

The Perspective of Symbolic Interactionism

"The term 'symbolic interactionism' has come into use as a label for a relatively distinctive approach to the study of human group life and human conduct." (Blumer, 1969:1) For Blumer, this approach has three basic premises: 1) "human beings act toward things on the basis of the meanings that the things have for them"; 2) "the meaning of such things is derived from, or arises out of, the social interaction that one has with one's fellows"; and 3) "these meanings are handled in, and modified through, an interpretative process used by the person dealing with the things he encounters." (Blumer, 1969:2)

Through interaction, men engage in a process of social definition. Meanings given to things are in a constant state of flux and are constructed through interaction with others. Constant change necessarily compels an interactionist to study

the processes by which social reality is constantly constructed. It differs from the functional perspective that views man as "absorbing" the values and norms of a society. Interactionists assume man is faced with problems and contradictions in the situations he encounters. Interactionism is concerned with how a person makes sense of those problems and contradictions and arrives at a definition of the situation that helps order his world and decision-making.

Man orders his world when he adopts compatible definitions of the situation and acts similarly. However, men may act differently in similar situations. This variability occurs because society provides its members with only a "baseline of interpretation"; these interpretive rules provide constraints for the actor. Without these, man would continually be faced with an unlimited number of alternatives. (McHugh, 1968:8)

Therefore, as Berger and Luckmann tell us: "Empirically, human existence takes place in a context of order, direction, stability." (1967:51) They go on to say that man creates institutions (human activity that is habitualized) to "control human conduct by setting up predefined patterns of conduct, which channel it in one direction as against the many other directions that would theoretically be possible." (1967:55) In short, institutions serve the purpose of making it appear as though there is a stable world.

The perception of the world as stable is problematic for Berger and Luckmann. They contend that even though man is collectively the producer of his world, he experiences it as "some-

thing other than a human product". (1967:61) Instead, he experiences it as "objective reality". However, Berger and Luckmann reject the notion that man's experience of the world is, in fact, objective; man must continually construct his world. "Because of the inevitable tensions of the processes of institutionalization, and by the very fact that all social phenomena are constructions produced historically through human activity, no society is totally taken for granted..." (1967:106) Man is thus constantly creating and interacting; consequently, the world is always undergoing revision.

The concept of "taking the role of the other" is critical to the interactionist perspective. One's actions are influenced and shaped by taking into account what others, either real or imagined, are up to. Moore and Anderson contend social interaction is similar to games of strategy. As one "plays", he takes into account three factors: 1) what possibilities are available when he acts; 2) what the consequences are likely to be; and 3) what the consequences are likely to be for the other person and what is the other's likely reaction. (1968) Social interaction, then, is an ongoing process of interpretation; it is a "vast process of defining to others what to do and of interpreting their definition". (Blumer, 1969:10)

These scholars' work is important for this study of the definition of the situation. They believe man's world is symbolic and objects in that world are human constructs. The world is without inherent, intrinsic meaning. Whatever meaning is derived is acquired only through interaction with others.

It is a world that requires interpretation prior to action. The interactionist's intellectual pursuit, then, is that of understanding "meaning creation". This study's pursuit is that of understanding the process by which the meaning for certain behaviors are created, the meaning of sexual abuse.

Interactionism Applied in Deviancy
and Ethnomethodology Studies

Recent studies in the area of deviancy and ethnomethodology have relied heavily on interactionism in their conceptualizations of problems they examined. Studies of interest to this paper are those concerned with rules--the making of, breaking of, and reaction to rules. "All social groups make rules and attempt, at some time and under some circumstances, to enforce them. Social rules define situations..." (Becker, 1963:1)

Deviancy studies in the interactionist's tradition are most concerned with the creation of deviancy. Emphasizing societal reactions to deviation, "labeling approach" studies consider deviance to be "in the eyes of the beholder".

(Rubington and Weinberg, 1968:V) Becker explains the role societal reaction plays in the creation of deviancy:

...social groups create deviance by making the rules whose infraction constitutes deviance, and by applying those rules to particular people and labeling them as outsiders. From this point of view, deviance is not a quality of the act the person commits, but rather a consequence of the application by others of rules and sanctions to an 'offender'. The deviant is one to whom that label has successfully been applied; deviant behavior is behavior that people so label. (1963:9)

What is deviant is thus problematic. Deviancy becomes

meaningful only in relation to the situation and the individuals interacting. As Becker sums up, deviancy

...is the product of a process which involves responses of other people to the behavior. The same behavior may be an infraction of the rules at one time and not another; may be an infraction when committed by one person, but not when committed by another; some rules are broken with impunity, others are not. In short, whether a given act is deviant or not depends in part on the nature of the act (that is, whether or not it violates some rule) and in part on what other people do about it. (1963:14)

Deviancy is socially created when men make rules against certain behaviors. Schur advances three important aspects of the complex socio-cultural setting that allow rules to be made: 1) "general social forces that permit (or 'create') categorization of a particular kind of behavior as 'deviant'"; 2) "the sequence of events culminating in specific efforts at rule-making and rule-enforcement"; and, 3) "the rule-making processes themselves". (1971:105)

Sutherland's analysis of the "creation" of the deviant category of "sexual psychopaths" is an example of the second aspect--a sequence of events. He analyzed the formulation of legislation directed against sexual psychopaths between 1937-1949. Sutherland concluded these laws were founded upon a number of explicit propositions published extensively in popular literature; most of these were false or highly questionable. (Sutherland, 1950) Even today, that perception of a "sexual pervert" looming near remains to haunt us. The public believes that "sexual psychopaths" commit the majority of sexually abusive behavior. Popular and academic literature refutes that

as a myth. It claims, instead, that only a very small portion of sexual abuse is committed by "sexual psychopaths". (Finkelhor, 1979; Burgess, et al, 1978; Walters, 1975)

It is only after rules are created that infractions against them may occur. A rule may be violated, but to be regarded as deviant, an audience must recognize it as such. Violation and reaction are both important. "Deviance is not a property inherent in any particular kind of behavior; it is a property conferred upon that behavior by the people who come into direct or indirect contact with it. The only way an observer can tell whether or not a given style of behavior is deviant, then, is to learn something about the standards of the audience which responds to it." (Erickson, 1966:6)

A student of deviance can study any number of audiences. Official and organizational agents of control or "gatekeepers" are of primary interest to this inquiry, for they are among the most significant. They implement the broader and more diffuse societal definitions through organized structures and institutionalized procedures. (Schur, 1971:13)

Social control organizations implement the definitions of deviancy. In one sense, they "produce" deviance by their interpretation and enforcement of the rules. They react to deviance in the course of their normal routines. "Theory of the office" refers to basic premises that comprise social control agencies' organizational routines. Such routines include agents' working procedures and philosophies; their set of per-

spectives and procedures to routinely handle cases of deviants; and their categories and rules for categorization. By applying these routines, deviance becomes bureaucratized.

(Rubington and Weinberg, 1968:110-111)

Although there are formal rules and procedures for processing deviants, Becker contends that rule enforcers have a "great deal of discretion" (1963:159) and they "often develop their own private evaluation of the importance of various kinds of rules and infractions of them". (1963:161) Informal forces or patterns operate within formal organizations that affect the outcome of rule enforcement.¹

Often not one but a sequence of organizations is involved in reacting to rule violation. "Deviance corridor" is the term Rubington and Weinberg give the sequence of organizations that a deviant is processed through. (1968) A selection process occurs at each stage resulting in some cases processed on to the next organization. During this processing, inter-organizational and intraorganizational conflict may surface. The various organizations may have quite different working procedures and philosophies. In addition, agents at the different organizations may have different perceptions of rule violators and violations. (Higgins and Butler, 1982:127-9)

A definition of deviancy is possible when rules are per-

¹An excellent presentation of these processes is contained in Edwin M. Schur, Labeling Deviant Behavior: Its Sociological Implications (New York: Harper & Row, 1971), chapter four.

ceived as violated. However, an examination of rules finds them problematic. The social context determines how rules are applied to one's actions.

In an analysis of the ways in which rules were situationally constructed, Cicourel analyzed rules and theories utilized by police officials in classifying juveniles. "The police must locate events and objects they investigate in some legal context...The police must map the event and social objects into socially and legally relevant categories as a condition for inference and action." (1974:85-86) Rules as patterns of encoding information were employed to make decisions about a juvenile and his behavior.

Numerous sets of rules may be applied simultaneously in an instance of social interaction. Rules about social class, sex, race, age, function and history are often used by sociologists in determining social contexts. (Emerson, 1970)

Motive As A Sociological Concept

One set of interpretative rules that provide social meaning for persons is motive. In this study, motives will not be treated as a cause, as in this example: he was jealous of her and murdered her. Jealousy, thus, provides the cause (motive) for murder. Instead, motive is regarded as a set of rules, a theory. As such, it provides the unstated circumstances (the social rules) which make actions socially recognizable.

Blum and McHugh point out that motives are normally thought of as personal properties or characteristics of in-

dividuals. However, in this paper they will be analyzed as a sociological concept; motives are rules that people use to provide structure to their world. Many years ago Simmel distinguished between the forms and content of a society. Simmel's content is the interest, purpose or motive while form is the "mode of interaction among individuals through which, or in the shape of which, that content attains social reality". (Simmel, 1959:315) The content of sociation "often if not always determines its [society's] specific form." (Simmel, 1959:319) This point denotes the importance of analyzing content; in this study, motives.

Blum and McHugh argue that the analysis of motive as a sociological concept is as legitimate as using social class as an analytical device. Motive provides an orientation for man's perceptions of his social world. They state:

To provide a motive, then, is to formulate a situation in such a way as to ascribe a motive to an actor as part of his common-sense knowledge, a motive to which he was oriented in producing the action. (1971:100)

The sociological notion of motive furnishes "rules of relevance" that supply social meaning for actions. These rules are extrinsic to the behavior. "Motives are a way for an observer to assign relevance to behavior in order that it may be recognized as another instance of normatively ordered action." (Blum and McHugh, 1971:99-100)

The interactionist perspective, particularly as applied by deviancy scholars and ethnomethodologists, is a fruitful

perspective from which to study the definitions surrounding sexual relationships between adults and children. Information is processed by officials that leads to a definition of these relationships. That definition may be one of deviancy, sexual abuse. The next section explains how the sociological concept of motive is useful in understanding how persons decide the definition of the situation.

Adult-Child Sexual Relationships Analyzed
from the Interactionist Perspective

In American society, sexual relationships between adults and children are currently regarded as unacceptable. Why one might ask? Ryan provides the answer:

Since any problem in which people are involved is social, why do we reserve the label for some problems in which people are involved and withhold it from others? To use Seeley's example, why is crime called a social problem when university administration is not? The phenomena we look at are bounded by the act of definition. They become social problems only being so considered. (1971:11)

These relationships, then, are by social definition, deviant. This study's concern is with social control agents' definitions of behavior that violate acceptable relationships between adults and children. The central concern it addresses is: What are the rules regarding these relationships and under what conditions do control agents evoke them?

Three concepts are believed to be necessary for persons to arrive at a definition of sexual abuse. These concepts are childhood, sexuality, and violation. Before a definition of sexual abuse is possible, all three of these concepts must be

present. In other words, childhood, sexuality and violation are believed to be the grammar of sexual abuse.

Childhood, sexuality, and violation are concepts that are considered "sensitizing concepts". Blumer argues "sensitizing concepts" are useful for the study of the empirical social world. They "lack precise reference and have no benchmarks which allow a clean-cut identification of a specific instance, and of its content." (1969:148) These concepts merely suggest directions along which to look, instead of providing prescriptions of what to see. "The concept sensitizes one to this task, providing clues and suggestions." (1969:149)

The first task of this study is to examine the sensitizing concepts, childhood, sexuality and violation, by looking at the necessary conditions for their existence. The following paragraphs discuss what rules or conditions are involved in using each concept, paying particular attention to the idea of motive. The sociological use of motive has been previously discussed. These motives are theoreticity, conventionality, membership, the in-order-to motive and the because motive.

Blum provides one of the rules that people use to define situations, the concept of membership. Any description of social organization presuppose a concept of membership. Membership implies that there are rules by which persons so classified respect as rules for conduct. One not following these rules runs the risk of being redefined as an inadequate member. (Blum, 1970:44-45) The concept of deviant is a concept of inadequate membership.

Schutz distinguishes between two categories of motives that provide regularity and structure for persons. The in-order-to motive and the because motive are interpretative guides that aid people in understanding their social world. The future is considered in evoking the in-order-to motive. It refers to an intended act imagined as already accomplished. Because motives refer to the past and are the reasons or cause of an act. (Schutz, 1965:60) In-order-to motives are integrated into people's planning. Because motives are integrated into social personality.²

Typically, a quest for a motive (why did X behavior occur?) is a request for a theory. There are two important motives in this question. One, did the actor know what he was doing? Two, should the act have occurred or were there alternative courses of action and are there alternative explanations? McHugh (1970) refers to the former as "theoreticity" and the latter as "conventionality".

For the concept of childhood, the motive of membership appears to be most relevant. What is necessary for one to be considered a child? First, there is the criterion of age. Children are usually conceived of as persons below a certain age, most often 18. Secondly, the conception of childhood involves "minority status". Children are seen as incomplete adults; they have not met the membership requirements of so-

²The usual use of motive is similar to Schutz's definition of the because motive. See page 25 for clarification.

ciety. Children are bound by a set of prohibitions; they are not allowed rights and responsibilities considered adult, such as drinking alcohol, voting, marrying, engaging in legal contracts, and so on. Very important for this study is one such prohibition, sex. Adults may have sex, children may not. Note how this boundary operates in the following piece of talk. Often people say "Now he's a man" after a male has had sexual intercourse for the first time.

As an incomplete adult, a child is not accorded full membership in society. Maturation of a person must occur in two areas before he is no longer considered a child; in age and in his ability to assume an adult role. Two often heard bits of conversation illustrate these. "Stop acting like a child" is often said to a person of adult age who is not behaving in expected ways; for example, is not able to complete a task and has a "temper tantrum". Thus a person is expected by virtue of his age to behave according to the rules for an adult, but does not. Secondly, "Look how grown up he acts" is often the comment made when a person below adult age behaves unexpectedly; for example, has assumed a full-time job and is providing for his family. Even though not an adult in years, he has assumed adult responsibilities.

The intention of the child (the motive of theoreticity) is important also to the concept of childhood. Here the idea of minority status influences this motive. Minority status implies a sense of helplessness and inability to understand

or comprehend. If a child is perceived as having intentionally engaged in sexual contact, then that minority status is questioned and the actor is no longer considered to be behaving as a child. A child can be said to be one lacking in theoreticity.

The sense of 'are there alternatives?' (the motive of conventionality) is important to the concept of childhood. Minority status, again, implies that a child is incomplete. He is not permitted to determine his own fate; he lacks decision-making powers. Therefore, if a child is perceived as having made a decision to be involved in the sexual act, decided on this behavior and not an alternative, he is no longer accorded minority status and thus isn't considered a child. A child, then, is seen as one lacking in conventionality.

The concept of childhood involves the because motive also. The cause of a behavior could be theorized as a result of one's performing as a child. "Acting like a child" validates the idea of minority status. Therefore, if a child has sex, he is no longer "acting like a child". The in-order-to motive also validates minority status. In-order-to accomplish being a child, certain behaviors are expected to be performed. Their performance can be anticipated and would provide clues as to whether one was "acting like a child".

For the concept of sexuality, the motive of membership is also important. It provides guides to proving the event of sexual contact. There are two membership categories involved in the concept; those who "do sex" and those who "do not

do sex". How does one "do sex"? One does sex by engaging in behaviors considered sexual (one has sexual contact). Membership, then, involves the question of what is considered sexual.

Sexuality involves other motives also. The contact must be perceived as being sexual in intent (theoreticity motive). Therefore accidental sex is not possible. However, contact with body parts that are normally accessible only in sexual contact might be non-sexual in intent. Such is the case of a medical exam of a female's genitals. Furthermore, the adult must perceive his behavior to be sexual. In other words, the adult must know that his intention is one of sexual contact.

The motive of conventionality is found in the concept of sexuality. For a behavior to be considered sexual, there must not be other alternatives available. This is true of both the naming of the behavior--this is sexual, not an examination--and of the actor engaged in the behavior--the perpetrator could have had sex with an adult and not a child. Sexuality occurs, then, when there are no other contexts available except that of "doing sex".

The because motive provides insight for the concept of sexuality also. Why did X behavior occur can be answered by the because motive. It provides a context for "doing sex"; "doing sex" results in sexual gratification. The in-order-to motive also provides a context for sexuality. In-order-to accomplish "doing sex", certain behaviors are expected to be performed, usually involving the genitals.

The motive of theoreticity is found in the concept of violation. What was the intention of the actor is an important question for it signifies how the behavior is regarded, accidental or purposeful. Are sexual contacts ever regarded as accidental? To answer that question, consideration must be given to the intention of the actor. Violations are not possible if there is no intention. Therefore, violation cannot occur if the adult did not know what he was doing and/or did not intend for the behavior to be a sexual contact.

Consideration of conventionality also occurs with the concept of violation. Were alternative courses of action available to the actor is important for it also signifies how the behavior is regarded. If the behavior that occurred was the only course of action, violation is not possible. However, if alternatives were available and the behavior occurred anyway, then violation is possible.

The because motive provides the theory of why the behavior violates both the individual child and society's sense of morality. The behavior must be seen as harmful in order for violation to occur. Society perceives sexual contacts between children and adults as harmful and damaging. Likewise, the in-order-to motive provides the conditions that are expected in violating behavior. If "violating behaviors" are performed, then harm will result.

Sexuality, childhood, and violation are three concepts that can be considered dependent variables that are shaped by the social context. They are ambiguous, problematic concepts and, as such, one must have rules to provide guidance as to their use. In addition, rules are needed to eliminate other concepts. In other words, in order for a situation to be perceived as a situation of X, it must not be possible to be Y or Z. The author of this study expects to find that only under certain conditions (according to the rules) can the concepts of sexuality, childhood, and violation be assembled to form the concept of sexual abuse. Another concept will be formed if these conditions are not met.

CHAPTER THREE

METHODOLOGY FOR STUDYING ADULT-CHILD SEXUAL RELATIONSHIPS

Introduction

Sexual relationships between adults and children have been studied in a number of ways. Scholars have looked primarily at questions involving the prevalence, etiology, and prevention/treatment of these relationships. Yet the very question of what constitutes sexual abuse is necessarily prior to these more commonly researched issues.

This endeavor examines the fundamental question of what sexual abuse¹ is. A question of this sort is best described as a study in 'the social construction of reality'. Reality construction is examined using qualitative methodologies; data are usually derived from participant observations, open-ended interviews, or personal documents. Interview data form the bulk of the research employed in this thesis. In order to understand the use of such materials, this chapter begins with a discussion of talk as a legitimate source of data for socio-

¹Sexual relationships between adults and children will be referred to as "sexual abuse" throughout the rest of this chapter. The remainder of this paper discusses how behavior comes to be known by a name and how that naming process results in the production of a concept. It is understood that using the term "sexual abuse" implies that naming process has occurred.

logy. Observations of behavior, not talk, are the usual data sources.

Beginning with a discussion of the differences between analyzing talk and analyzing behavior, the following section argues that talk is useful in discovering interpretative rules, the inferences one makes when defining one's reality.

Behavior and Action Explanations

Previous studies have relied heavily on observing and describing the social world in behaviorist terms. Observations of behavior provide the foundation for an analysis of interaction. This type of analysis does not have to stay at the individual level but can be expanded into questions about families of actions and on up to characterizations about the general context of rules or norms. Research of this kind is typical of studies by interactionists, particularly those influenced by Herbert Blumer. Similar to this, behaviorist studies also begin by observing personal conduct. They proceed to questions about institutions (patterns of behavior) and eventually examine how these institutions function in society. Much sociological research relies on the behaviorist model. This study, though, utilizes another method of research, the analysis of language as a source of data. Ethnomethodologists are working in this area.

Interactions may be inspected by a method other than observing behavior. Language itself can become the source of data. David Braybrooke edited a book that distinguishes between the assumptions of behavior analysis and language anal-

ysis. Braybrooke refers to them as behavior and action kinds of inquiry. In action studies why a person behaves in a certain way can be explained by examining the meaning of that action. What does the individual conceive his actions to be? Secondly, what motives and reasons does a person have for acting in such a manner? In behavior analysis, persons are treated as organisms. Their behavior results from reinforcements and physical states of the organism.

Both action explanations and behavior explanations provide insight into the social world. When both are utilized, they provide a complete picture of reality. Both exist as analytical devices. Both are capable of being equally empirical. Action investigations require logic and must undergo empirical testing as must behavior investigations. Action explanations are just as capable of predicting social phenomena as behavior explanations are. (Braybrooke, 1965: 9-11)

Braybrooke maintains that action explanations are capable of formal and mathematical treatment. This contention is important in two respects. One, behavior explanations have often been credited with being more logical and susceptible to mathematical analysis; action explanations, therefore, are less scientific. Two, as Braybrooke indicates, any concept that is mathematically analyzed requires a definition. Definitions of concepts require action explanations. (1965:10)

Both action and behavior explanations are necessary for understanding the totality of social phenomena. Each is

incomplete without the other. They are related by the conceptual connections between them. But these concepts may not always be clearly formulated or expressed. "People learn to act, as they learn to speak, very largely by imitation; or by heeding corrections that impose social norms without formulating them." (Braybrooke, 1965:5) Persons may not be aware of these links.

However, as Blum contends, there is more to a concept than a set of behaviors:

First note that when we intend to define some concept only and exclusively in terms of behavior, we often act as if the definition refers only to behavior and to nothing beyond it; that is, we ignore the fact that we draw upon a body of knowledge extrinsic to the behavior to apply the definition. (Blum, 1970:32-33)

Action studies, for Braybrooke, require that attention be given to the social context that a behavior occurs in. The meanings of actions are "typically concepts that are shared and learned socially." "To act meaningfully in a given society is to act--for good or ill--according to the norms, or rules, that define the kinds of possible actions by defining the criteria for assigning actions to one kind rather than another." (Braybrooke, 1965:4) Action occurs when individuals interact; the meaning of their behavior arises out of the social context in which the action occurred.

Talk As Sociological Data

A basic premise of this study is that concepts manifest themselves through language. Therefore, analysis of talk can

lead to knowledge about a concept. For a concept can only be observed publicly by observing how the words that present it are used. (Braybrooke, 1965:17)

This study maintains that the inspection of mere talk can go beyond a simple description of the social world. A basic premise of ethnomethodology stated by Garfinkel is that activities produced by members are identical to the methods and procedures used by members to make such activities describable. (1967:1-4) Therefore, when persons are talking, they are engaging in a socially organized process. And that process is amenable to analysis. Accepting this premise allows us to analyze talk as sociological data.

Utilizing talk to go beyond a mere description of social action involves analyzing the grammar of language. The grammar of language is best explained in the following quotation:

Something does follow from the fact that a term is used in its usual way; it entitles you (or using the term, you entitle others) to make certain inferences, draw certain conclusions. (This is part of what you say when you say that you are talking about the logic of ordinary language.) Hearing what these implications are is part of learning the language, no less a part than learning its syntax, or learning what it is to which these terms apply: they are an essential part of what we communicate when we talk. Intimate understanding is understanding what is implicit." (Cavell in Blum, 1970:42)

Cavell's quote alerts us to the importance of language itself for understanding human activity. The underlying implications a speaker hears in talk are produced through social interaction.

Blum's point is well taken that we often "lose our heads

to words" because we demand absolute precision in rules and absolute finality in their interpretation. General agreement is all, he argues, that is required for successful use of a concept. (Blum, 1970:36) Schutz contends that to understand human acts "it is sufficient to find typical motives of typical actors which explain the act as a typical one arising out of a typical situation." (1965:62)

This study assumes that a person, having mastered the language, has internalized the grammar regardless of his conscious awareness of it. By learning the interpretive rules, one can interact in specific and differing instances. A person can discuss a specific instance of a concept because he understands how the concept is produced (its grammar).

However, a person may not always clearly formulate or express a concept; that is, he may be a bad speaker. Analysis of the grammar of language is able to overcome such a problem.

The finished product, an utterance about the concept, can be analyzed to discover the theories or rules evoked in that utterance. What the finished product ends up being depends on the rules (the theory) one uses in producing that product. (Blum, 1970:43) This is similar to a game of "whodun-it?". Which of the suspects you believe did it, depends on how you put the evidence together--the theory you used.

Looking at utterances of language to discover how a concept is possible involves asking one simple question: What rule is presupposed to the extent that the production of a concept cannot be conceived as plausible without the rule?

In other words, what are the necessary and sufficient conditions that produce one concept instead of another, or even, permit the possibility of the concept?

The next portion of this chapter is a discussion of the expectations that provide the basis of Chapters Four and Five. The actual methodology employed in this inquiry is described in the final section of this chapter.

Study Expectations

Persons observing behavior and then naming that behavior are engaged in an interpretive process. This study examines that interpretive process by observing the application of the label of sexual abuse. Sexual abuse exists by virtue that the term is used in the media, academia, and "everyday conversations". Currently lacking is an understanding of the process of defining some situation as sexual abuse. Accordingly, this inquiry addresses that issue: What theory of social interaction and their meanings comprise the concept of sexual abuse? Chapter Four attempts to answer such a question and expects to find three subconcepts--sexuality, childhood, and violation--comprising the concept of sexual abuse.

Chapter Five also examines the interpretive process of arriving at a definition of the situation, the naming of sexual abuse. Whereas Chapter Four examines three concepts believed necessary in order for sexual abuse to exist, Chapter Five examines the relationship between organizations and these concepts. As Blum suggests, the context of a situation may

be interpreted differently, depending on the theory (rules) used for that interpretation. Gelles tells us, "All of these agencies and agents have something to do with some part of the problem of child abuse. Each agency has its own gatekeepers, definitions of child abuse, and criteria for successful labeling; thus each agency has a different impact on the suspected abuser." (1979:52)

This study expects to find differences in theories used by persons to define a situation. Rules provided by an agent's organization are expected to account for those differences. This expectation is based on the work of several previously cited scholars. For Erickson, the standards of the audience which responds to the behavior is the important variable in arriving at a definition of the situation. (1966:6) Consequently, as the audience changes, the standards change. Rubington and Weinberg's "theory of the office" alerts us to differences in organizational procedures, philosophies, perspectives, and categories. (1968:110-111) Different organizations have different perceptions of rule violations and violators. (Higgins and Butler, 1982:127-129)

Chapter Five, furthermore, attempts to validate the expectations of Chapter Four. Assuming that a grammar of sexual abuse exists, that grammar will exist in all organizations. Differences by organization are expected only in how that grammar is applied.

Subjects

The subjects of this inquiry are seven persons profes-

sionally employed in organizations involved in implementing the definition of deviancy; thus they function as agents of control. All are employed in a rural two-county area in a large Midwestern state. Defining the phenomena of sexual abuse is one aspect of each of their jobs. As public "gatekeepers", each is involved in making decisions that may result in the official labeling of sexual abuse. Incarceration of the person defined as a sexual abuser could result from their actions.

These seven subjects are employed in four different positions within a deviance corridor. All are either directly employed in or involved with a criminal justice system. One responsibility of those in this corridor is processing adults who have allegedly had sexual relationships with children and/or are alleged child victims of sexual relationships with adults. Four of the subjects--two employees of the State Child Welfare system and two policemen--are primarily involved with investigating "facts" surrounding a "report of an adult-child sexual relationship". The three other subjects--two prosecutors and one judge--are involved with the prosecution of and consequent "legal" labeling of those involved.

Applying the label "sexual abuse" to a situation is one set of decisions that each subject must make. As our subjects comprise a corridor, decisions made at one level effect the decisions made at the next level. An example of how the labeling of a case of sexual abuse may be processed through this corridor is as follows. A child welfare worker or a policeman (or together, as often they work jointly on an investiga-

tion) can decide a situation is a "case of sexual abuse", and refer it on to the prosecuting attorney. He or she, in turn, reviews the case and decides the case merits prosecution and files charges. A judge, then, hears the evidence in the case and makes a legal finding as to whether the situation in question violates statutory law. He or she, then, decides what the consequences for the violation should be. Alternative decisions --this is not sexual abuse or case should not be prosecuted-- can be made by the actors participating in this process, thus ending the processing on to the next level.

The knowledge of these agents and their organizations are a result of the author's four years of past employment as a child welfare worker in this corridor. The personal and professional relationship established with these subjects both enhanced and limited this study. All of the subjects were easily accessible. One exception was a judge who declined to be interviewed; he was not in the area during the time the interviews were conducted. Having personal relationships with the subjects resulted in candid and honest answers. In a sense, they could not lightly dismiss the research because of this author's previous relationships with them. However, this study may be limited by this author's "inside knowledge" of how the system operates and of the assumptions made by the subjects. This author may have been so "socialized" by the system that the underlying assumptions that comprise the "insider knowledge" may remain hidden. As well, her own assump-

tions may be a part of the grammar of sexual abuse and therefore more difficult to ferret out. Those assumptions may have prevented asking more "why" probes--why something was needed to make a decision, why behavior was placed in one category as opposed to another, etc.

Method of Data Gathering

Data were gathered by presenting the subjects with hypothetical examples and having them explain how they would process the information. In addition, scattered throughout are corroborative insights from the author's past experience. The following section explains this methodology in greater detail. Included is a discussion of the strengths and limitations of this methodology.

Data on how persons construct a definition of sexual abuse come from an examination of how persons use the concept in their talk. Providing subjects with hypothetical examples to aid discussion is one method to gather such data. Examples provide specific instances of interaction, thereby allowing talk to be generated about a specific instead of a general instance. It is a way to challenge subjects' knowledge without asking them to provide general rules; the assumption being that such rules can be discovered by analyzing talk.

Gathering data by using hypothetical cases instead of gathering data on real cases was the preferred methodology for the following reasons. First, there were several legal obstacles to overcome in order to gain access to records of

actual cases. These records are considered confidential. Second, this method allows all subjects to be presented with the very same case information in the same manner. Third, it would be difficult to obtain real cases in which all four positions were involved in the same case. Even with such cases, the interpretation of the construction of the definition would be more difficult as each organization records information differently. Also how that information was processed may not even be contained in the records. Fourth, use of hypothetical examples eliminates some "political" biases that influence these subjects. A real case could be particularly sensitive to a subject for reasons such as: a subject might not have agreed with the "official" decision made within their own organization; the case might have been publicized, in the media or within the corridor, in such a way as to result in criticism or embarrassment of a subject or agency; or a subject might have disagreed with a decision made by actors from other agencies involved within the corridor.

The hypothetical examples all involve adults and children in four different situations that can be construed as "sexually abuse".² A review of the literature and this researcher's previous experience as a child welfare worker were utilized in constructing these examples. They were designed to be incomplete and ambiguous so that subjects' decision-

²Appendix A contains the four hypothetical examples.

making processes could be examined. The conclusion as to whether the example should be defined as a case of sexual abuse remained for the subjects to decide.

The hypothetical examples are believed to be representative of actual cases handled by subjects for two reasons. First, this researcher's previous experience was relied on in their construction. Secondly, all of the subjects indicated they had known specific cases like the examples. They made comments such as "I've seen this before" or "This is just like _____ had a few months ago".

Each example was presented to the subjects on typewritten cards. Then the question, "What decisions could you make regarding this information?" was asked of each subject. Follow-up questions and probes varied with each interview. Each subject was allowed to determine how the discussion proceeded. They were allowed to talk about their decision-making process as they chose. In other words, they were not asked questions about the concepts of childhood, sexuality, or violation.

All of the interviews of the subjects were tape-recorded. The interviews were recorded to ensure that subject's exact responses were maintained intact. This was deemed to be very important for two reasons. One, it was designed to guard against bias. This researcher has been involved in this type decision-making process. Recording the interviews would present less danger of substituting the interviewer's decision-making process for that of the subjects during data analysis.

Two, talk is the data source. The more complete the data were, i.e., recorded interviews, the better for analysis.

A sample size of seven is considered too small for most research; generalizing information to a larger population is not possible with such a small sample. However, this research does not, as most survey research does, attempt to delineate a list of characteristics of sexual abuse nor predict results as to the "answer" to the examples. Instead, it uses talk to identify the grammar required to define a situation. As such, it seeks the rules needed in order that sexual abuse as a concept can even be considered. Furthermore, even though only seven subjects were interviewed, each subject was presented with four examples. Therefore, twenty-eight separate pieces of talk were available for analysis.

The analysis of data as presented in Chapters Four and Five was accomplished by searching the transcribed interviews for the underlying rules. Motives as a sociological concept guided that search. Themes and key words and phrases generated by this sociological concept aided in this process.

The concluding chapters of this inquiry explore the conditions necessary for the production of the concept of sexual abuse. In conjunction with this discussion of the grammar of sexual abuse, it considers influences that bear upon the application of such a label. Again, the purpose of this research is not to predict results, but to describe a process. As such, it provides a glimpse of human interaction.

CHAPTER FOUR

CHILDHOOD, SEXUALITY, AND VIOLATION: THE SUBCONCEPTS OF SEXUAL ABUSE

Introduction

What constitutes the concept of sexual abuse is the question that remains to be answered. This chapter argues the concept of sexual abuse is comprised of three subconcepts: childhood, sexuality, and violation. Although this appears simple enough, data found within this chapter indicate that it is not. These subconcepts have specific meanings and are used only under certain conditions. Illustrations of these conditions are derived from interviews with the subjects.

As this chapter will establish, sexual abuse must be constructed. To do this, each subconcept also has to be constructed. Situations are problematic and contradictory. Thus, the subjects had to use their skills and prior assumptions to 'make sense of' the information provided in the examples. Processing this information was possible because of certain interpretative rules the subjects relied on. These rules were discovered as subjects began to process the information.

This chapter is an account of the conditions that make it possible to talk in terms of sexual abuse. Very generally, in order to conceptualize something as sexual abuse, a behavior is needed. An instance of behavior is of primary importance. Secondly, that behavior must be regarded in a certain way; it must be seen as a sexual contact. That contact, furthermore, must have occurred between an adult and a child. And in addition, that act must be perceived as violating the child and social norms.

The primary condition necessary for any discussion of sexual abuse is the occurrence of behavior. Simply put, one prosecutor said, "you prove some kind of specific act". In discussing the need to find out what acts took place, a social worker said, "I believe you can take those things [referring to sexual gratification and harm to the child] into account, not that they weigh heavy, because you still gotta' get the goods first. You can't get your cart too far in front of your horse." The "goods" refer to a description of specific behaviors.

However, as subjects began to discuss the hypothetical examples, it became very clear that defining a situation as sexual abuse required more than simply checking off a list of behaviors. An illustration is one prosecutor's discussion of Example #1.¹ In deciding if touching a boy's penis was sexual abuse, he said, "The mere touching is not the abuse. It's the context." Later on, in #4, he stated, "For all we know, there

¹Examples throughout the next two chapters will be referred to only by number as in Example #1 becomes #1.

are all kinds of possibilities in this." That is, there may be all kinds of explanations other than sexual abuse for the behavior.

Sexuality

Although specific behaviors are necessary, they must be interpreted as a certain kind of behavior. They must be sexual behavior. In order to do that, alternative types of behavior must be ruled out. The motive of conventionality was used by subjects to decide if the behavior was sexual. One prosecutor's comments illustrate how a behavior might not be seen as sexual. "I'm sure that there are a lot of families who probably pass back and forth from the shower or something naked. There's really nothing sexual about that. It's just a degree of dress in the house."

Subjects had to decide that this was a sexual event, not something else. Making use of all the information in the examples, they ruled out other possibilities. The examples that illustrate this process are in reference to #1. One policeman said, "If it's [behavior] for a medical reason or whatever, if she's also got her clothes off at the same time ... you have to wonder what's going on." A prosecutor commented, "... or just the fact that she had her clothes off because that would blow out any story she might have like ... [she would say] he said that his penis hurts and I was looking at it to see if he needed medical attention or something like that." The other policeman explained, "If it's morning time, maybe, would lead

to the fact that Mary was in her robe. My wife wears a robe, sometimes her breasts, you can see the breasts too." The other prosecutor said "there could be all sorts of explanations for the conduct" and named several: a sore on his penis and she was examining it, the child has a rash or VD, or the adult is drying the child off after a shower. He then concluded, "she was doing what could be termed a medical exam". One social worker even said that he would ask the reporter to go back and reinterpret other behavior she had seen and thought strange, but now could interpret as sexual.

As subjects construct a theory that this behavior is a sexual contact, other information becomes important. It is in a context that the behavior appears sexual. Observe how one policeman used the concept of class to rule out that the hole in the bathroom in #4 is not accidental, and therefore used for sexual purposes. "I can't picture somebody that's got a lot of money, that's gonna have a hole in their bathroom." He continued on explaining how 'rich people' have holes repaired because the appearance of their homes is very important to them.

More evidence for the motive of conventionality is found in the responses to #3. The example itself provided a non-sexual reason why a child would describe behaviors that are sexually abusive; the child lied about being sexually involved with her step-father because she was angry at him. The subjects decided that the alternative explanation was the lie; they believed that the child had been sexually abused. Subjects did not believe that twelve-year-old children would have the sexual know-

ledge to provide the details the child gave in the example. One policeman said, "...it's hard to think that a 12 year old would make up a story like that and give that many details..." The other policeman asked, "What 12 year olds know about oral sex or what have you, now?" Others claimed that kids do not lie when they allege sexual abuse. They "are telling the truth and lies usually start to come later as you get deeper into it" is how a prosecutor expressed this. And one social worker provided an explanation for the alternative explanation. The child in #3 says she lied because she is mad at her step-father. "Okay, she says here that George [step-father] wouldn't let her go to a party. She's angry at George, and often that's what precipitates a child's finally telling... anger, it's the only thing that gives them permission to tell..." In sum, these last four paragraphs illustrate how the motive of conventionality is used to arrive at a definition of sexual; it is necessary that alternative explanations be eliminated so that only a sexual explanation remains.

Theoreticity is another motive that all subjects used to decide if the behavior was sexual or not. The adult's behavior must be perceived as sexually intended. A prosecutor judged the behavior in #4 was not sexual: "A lot of families run around the house naked. And that's just 'cause they're all in the same family and there's no actual sexual connotation or actions." In #2, a policeman related how he would get the father to admit his sexual involvement with his daughter. He would say to the father, "...and they saw you kissing her, it's more than a

friendly kiss." The other prosecutor depicted how a "slick enough" defendant could explain away the sexual intention in #4 by saying: "...as far as walking in naked, that may have happened but it's never, it's always been incidental." Both social workers discussed intention in #4. One said, "I'm assuming that he's doing it for a reason. It's probably some strange sexual reason." And the other said, "I would just follow up on what happens when he comes into her room naked. What his intention is."

Evidence of the use of theoreticity is found in subjects' discussions about involving the child in keeping the behavior a secret. They assumed that the adult knew the behavior was sexual and that was the reason he/she had the child keep it a secret. One policeman explained it this way: "...she [adult] may say that it's for medical reasons. He [child] may say it mainly because she had told him to say it that way or something...You have to question why somebody would hold another person's penis when there's, a young boy's penis, when she doesn't have any clothes on herself." The other policeman explained that it is going "to be tough" to prove sexual abuse in #4 because "he's gonna tell her to 'dummy up' too." And a social worker, in relating why she believes the child's first story in #3, said: "And just the way it comes out. She [child] says that George has threatened to send her away if she tells." Examples found in these last two paragraphs provide one of the necessary conditions for a behavior to be viewed as sexual: the adult must intend for the behavior to be sexual.

There was some discussion about whether the child had to know that the behavior was intended as sexual behavior. Although not a necessary condition for a definition of sexual abuse, consideration was given to this matter in determining how to process the case. Whereas adult intention is necessary for a definition of sexual behavior, a child's intention is not.

Adult sexual gratification as the answer to why the behavior occurred is a necessary condition if the behavior is to be considered sexual. All of the subjects felt that the sexual act took place because the adult wanted sexual satisfaction or gratification. For example, in #2, the wife is no longer available for the sexual gratification of her husband because she is ill; this was considered the reason the child was sexually abused.

The in-order-to motive was used as an aide in deciding that a behavior was sexual, but it was not a necessary condition. Subjects used this motive as they imagined what sexual behavior should look like. Several subjects discussed what the kissing in #2 should be--passionate as opposed to fatherly. It was used to determine how much sexual knowledge a twelve-year-old should have in #3.

Subjects had to decide if the behavior described in the examples was an instance of "doing sex" in order to conceptualize it as sexual. The major rule uncovered about "doing sex" is "sex is not done with a child". Numerous assumptions were discovered about a child's sexual knowledge. Subjects concluded

children should not be knowledgeable about sex because they do not behave sexually. Both policemen believed twelve-year-olds should not have knowledge of oral sex or fondling, both sexual behaviors. Some felt that fourteen-year-olds should not become pregnant, one possible result of sexual activity. Several subjects assumed that children are either embarrassed or too modest to discuss sex. Sexual knowledge is viewed as the result of having been involved in sexual behavior. Based on this assumption, one prosecutor said that a description of sexual behavior by a child victim had to "have the ring of truth" to it to be believable. And one social worker said it rather pointedly: "I see that [sexual abuse] as no grey area when someone is sexually misusing a child, whether that is exploitative, molestation, or right down intercourse." These portray the cardinal rule subjects have about sex: Children are not to be involved in sexual behavior.

Two other rules about "doing sex" were ascertained from the interviews. "Doing sex" with a family member was particularly deplorable to the subjects. The words used when talking about incest were the strongest used. They included: "It's disgusting to me", society has "an abhorrence of incest", it "is pretty heavy stuff", and "it's wrong for parents to have sex with a child". In addition, incest was the only behavior the judge felt should be brought before the court. Secondly, some sexual behaviors are less reprehensible than others, although not all subjects agreed on the same ranking system. Intercourse and oral sex were considered by all to be the most objectionable. If the example was perceived as incest or if intercourse or oral

sex were involved, the label of sexual abuse was always applied. Subjects found no alternatives to explain away the sexual contact in these behaviors.

Childhood

To define the example as sexual abuse, the subjects first needed to ascertain that the behavior was sexual. Secondly, a child had to be involved. The concept of childhood is defined by the subconcepts of age and minority status.

Discussion about age was observed in subjects' discussions of harm to the child. The behavior was less likely to be regarded as harmful if the victim was perceived as older, less child-like. One prosecutor said he had filed a sexual abuse case in the interest of a 16 year old. He felt that he had been misled because he was told the 16 year old was "a real basket case", retarded. He found her, instead, to be intelligent and very adult-like: she operated computers at the family business and had a joint checking account with her mother. He continued on to say that if she had been a "real borderline retarded", he would have prosecuted to protect her. In addition, he stated that he would not prosecute an incest case if the child was over 18 as he felt it was occurring because the child consented to it. A social worker said although the legal cutoff for a child is 18, that age might not matter if the child "was still being generally taken advantage of" and needed protection.

Age of a child provided insight as to whether or not the behavior was regarded as sexual. Numerous examples were discovered indicating that as the age of a child increases, the behav-

iors were more likely to be interpreted as sexual. Subjects reasoned that the younger the child, the less ability he had to care for himself. This inability may be the reason his sexual parts are being touched or why he is being watched while undressing or bathing. Subjects also reasoned that the younger the child, the less complete his sexual knowledge would be. Therefore, if a young child described sexual behaviors as having occurred, he was more readily believed.

Many examples were revealed that regarded children as having minority status. Subjects regarded children as lacking comprehension of sexual matters, as less credible than adults, as requiring care, and as lacking in certain skills. One social worker concluded a child "wouldn't understand it all" if he were being sexually fondled. Every subject expressed concern about children's credibility; some even said children have wild imaginations. Believing children unable to care for themselves, one subject said of #3: "What the hell's the kid doing out there that early in the morning? Running up and down the streets." Another said, "And, it's a hazard for the child to be out all night like that trying to fend for theirselves." During a discussion of removing sexually abused children from their parents a prosecutor said: "Say that children didn't want to leave their parents even though it's a terrible family situation but it's in their best interests and the court orders them out of the home"; the decision was not theirs to make because they lack the ability to make it, according to this prosecutor.

Conceptualizing children as having minority status re-

sulted in subjects perceiving a need to protect children from this "preposterous thing" named sexual abuse. A social worker said of #1: "And the parents still have an obligation to protect and do all the things they're suppose to this kid."

Every subject felt that part of their responsibility was protecting children from sexual abuse. Whether or not a child was perceived as protected weighed heavily on their dispositional decisions after the label of sexual abuse has been applied.

The situation in #3 uncovered more expectations about childhood. Again, these expectations originate from the idea of minority status. Roles were regarded as reversed because children had assumed major responsibilities for running the household and they provided protection to their parents. In explaining why children do not usually reveal they are sexually abused, one social worker said: "it also makes Mom look inadequate and incompetent, and not doing her job. Which she's not, but it's because she is so inadequate. And the kids need to, the kids who have reversed roles end up taking care of Mom." Of the child in #2, one policeman said, "it's almost like your wife."

Role reversal was used by subjects as an indicator that "something funny" was going on--sexual abuse. In explaining why role reversal is used to indicate sexual activity between adults and children, a social worker stated: "Again it just fits the pattern of what can be going on in a sexually abusive home in that you know she's [Mom] got a major illness, she's bedridden or whatever, their [parents'] sexual activities are probably

cut to a dull roar." A prosecutor said: "I've done incest cases similar to this where the mother has been hospitalized for prolonged periods of time and therefore outside the family home which was the opportunity that gave rise to the incest."

The motive of theoreticity is not a necessary condition of childhood as it relates to sexual abuse. The intention of the child is primarily dismissed by subjects as they make a decision that this was sexual abuse. The major rule in relation to children and sex is "children do not do sex". Under this rule, if the child is involved sexually, he/she is not regarded as accountable. One social worker said that even if the child was "being screwed" and thought it "neat", the child was still being exploited. A policeman said that it was not easy to "do anything" about a situation where the kid had "apparently adapted to it enough that it isn't bothering her a whole lot." However, this did not change his decision that the situation was sexual abuse, only how the case would be processed. One prosecutor said that a daughter would do "what [sexually] the father says because he's the authority figure". Her sexual intentions and consent would be negated" because of this authority relationship. It appears, then, that children were not believed to have sexual intentions. Even if they do sexual behavior, it was not perceived of as their fault.

Essentially the same point is true of the motive of conventionality and childhood. Children are not regarded as sexual beings; if they are engaged in sexual behavior, it is not through their own initiative or choice. Two subjects said that children

are "confused" by the situation of sexual abuse. Referring to #2, one policeman stated that he doubted that it would be someone else's baby [besides father's] because: "The fathers are very protective. They won't let their daughter go with anybody. Everybody's a real dog." One prosecutor said a child had "undue advantage" taken of her in an incestuous relationship. Several subjects, when discussing dispositions for the examples, said about all that could be done is to make the mother aware of the situation so she can stop it. No one even considered that the child could stop the behavior. Protection for the child was always perceived of as coming from the other parent, social services or through the courts. Accordingly, conceptualized as having minority status, children are not perceived of as having the ability to make choices or decisions about their sexual involvement.

According to Constantine and Martinson, by conceptualizing children as minorities, children are denied rights accorded adults. One of the privileges of adulthood is sexual expression. To remain minorities, children must remain "sexually innocent". They argue "recognition of child sexuality threatens what is probably one of the most central link-pins [sic] of hierarchical society." (1981:6) A child's expression of sexuality "is often severely problematic for adults" and they seek to curb its expression. (1981:7) It appears, then, subjects of this inquiry refused to recognize child sexuality. Such a perception curbs the child's sexual expression, at least for the adult.

The because motive was used by the subjects as an aide

in deciding that the behaviors in question were not typical of a child. Subjects believe that children do not lie when they tell they have been sexually abused. They do not lie because typically they do not possess sexual knowledge. Furthermore, subjects revealed an assumption they made: Children are believable because there is a norm against sexual abuse that is so strong that it is inconceivable that a child would falsely allege sexual abuse.

Trying to imagine what the behavior of a certain aged child should be helped subjects to define the examples as sexual abuse. Answers to the question-- "Do 12 year olds have knowledge of oral sex or fingering?"--provided subjects with a conception of a child. Comparing their imagined conception with the conception of the child in the example provided them with clues as to whether what was described was "typical child behavior". The in-order-to motive acted as a guide for subjects in defining a situation as sexual abuse.

Violation

The idea of violation is evident in the concept of sexual abuse. First and foremost, a strongly upheld societal norm is believed violated when an adult has a sexual relationship with a child. Breaking this norm violates rules about sexuality and rules about children. Violators of this rule are considered deviant. Sexual involvement with a child was considered "unnatural", "disgusting", "unhealthy", and "perverted" by subjects. Some subjects even mentioned that sexual abuse was a violation of a societal norm or an American taboo.

Not only is violation conceived of as breaking an American taboo, it was regarded as damaging the child. Subjects believed that this damage assumes the form of psychological or emotional harm. The judge stated that whether a child was psychologically harmed was the "greatest concern" to him. In discussion about #2, the judge said, "the psychological impact on Susan is already so great that it's probably impossible to rehabilitate her..." Psychological harm as the answer to why this behavior is regarded as violating was a necessary condition for the subjects when they defined situations as sexually abusive. However, what is not clear from the data is whether psychological damage to a child has to be demonstrated or if it was automatically assumed to result from sexual abuse.²

Seldom was the behavior itself considered violating, just the consequences (psychological harm) of the behavior. Sexually abusive behavior was regarded by the subjects as non-violent and not involving the use of force. If violence and force were used, the behaviors were considered violating in and of themselves and therefore different than typical sexual abuse. A prosecutor mentioned that if force were involved, a stronger punishment for the adult would be sought because of the force.

No evidence was detected that the motives of theoreticity or conventionality were used in regard to violation. Violation occurs by breaking the rule of "no sex with children"; whether the adult intended to violate the child or had alternatives appears to be irrelevant to the subjects. However, these motives

²See pages 70-71 for a discussion of this point.

are necessary for proving a sexual event occurred. Violation of a child can not be proven unless the sexual contact can be proven; it is this contact that is believed violating.

As this chapter demonstrates, defining a situation as sexual abuse is not an easy task. Sexual abuse becomes "real" only through the process of interpreting a situation using the rules of the grammar. After such an interpretive process has occurred, the process is inappreciable and that process is difficult to reconstruct. The beauty of using the technique of a grammar to examine social phenomena is that it provides a way to question what is 'taken-for-granted' and to analyze the process of defining situations.

CHAPTER FIVE
INFLUENCES IN THE CONSTRUCTION AND
PROCESSING OF SEXUAL ABUSE

Introduction

Chapter Four established the necessary conditions for the concept of sexual abuse that subjects routinely use as they determine definitions of actual situations. This typification provides only a guide in constructing definitions of sexual abuse because of the ambiguous nature of the phenomena. Such ambiguity demands that judgment be exercised. Execution of judgment can result in differences: differences in how a particular behavior is perceived; differences in whether a particular situation merits the label; and differences in what should be done about the situation once the label "sexual abuse" has been applied. Although differences do exist, much agreement was found among subjects. Chapter Five explores those agreements and disagreements that influence the construction and processing of sexual abuse cases through the corridor.

The reliance on a legal definition of sexual abuse may account for the lack of much disagreement among organizations. Later in this chapter this point is considered. It may be, though, that the methodology of this inquiry impeded organizational differences from surfacing. The majority of the data

in this chapter is parenthetical; it cropped up as subjects were discussing the definitions of the hypothetical examples. The interviews were, to a large degree, unstructured and consequently no direct questions were asked of subjects to specifically elicit organizational differences.

A caution is in order at this point: the findings in this chapter are highly speculative. They are based on a very limited sample. Although this researcher's previous experience in the corridor lends validity to the findings, no attempt was made to verify them.

Interpretation of Examples

All subjects relied on the grammar of sexual abuse. It provided them with a way to organize their interpretations of the situations. Subjects did not always agree that the examples were situations of sexual abuse. Some subjects felt certain examples lacked one or more of the necessary conditions of sexual abuse.

Although provided with the same information, subjects processed that information differently. This was primarily a result of how they filled in the 'missing gaps' or how they ignored information they considered irrelevant. By way of illustration, #1 states: "Mary was in her robe. She was naked because the daughter saw her breasts." Some subjects lost sight of the fact that she was wearing a robe; instead, they saw her as totally naked. One subject placed the example in a time frame, morning, which accounted for Mary being in her robe. Example #4 provides an example of how subjects disagreed on

whether the situation was descriptive of a sexual event. Several subjects felt the sexual intent of the adult was missing from the example. Others, though, interpreted "making a hole" as purposeful behavior that proved sexual intent. And still another subject needed more information about the hole--size, location, how it was made, etc.--to make a decision.

The Legal Definition of Sexual Abuse

Although subjects did not always agree on specific examples, they all believed that sexual relations between adults and children are always wrong. This norm has been formulated into legislation. Each of these organizations is involved in interpreting these statutory regulations as they apply to specific situations. Much agreement exists between these organizations as to what constitutes sexual abuse. This is so because most of the rules that comprise the grammar come from the statutory definition of sexual abuse. Furthermore, cases are processed through the corridor which creates a situation whereby judgments as to the acceptability of low level definitions are decided at the upper levels. Agents at the beginning of the corridor learn what is required at the upper levels and structure their behavior accordingly.

The statutory requirements for a legal finding of sexual abuse are the primary source of rules that comprise the grammar of sexual abuse. Reliance on the legal definition does more than simply generate rules; it provides a "way to look" at situations. As such, it organizes what officials look for as they construct a definition of the situation. In addition, it organ-

izes the processing of the case; it provides an outline for what is needed in court as opposed to what would be needed for, say, a psychological definition.

Evidence of the use of the legal definition of sexual abuse was found in the child welfare agency. This agency was very instrumental in writing and getting sexual abuse legislation enacted. Agency rules were also influenced by or written specifically to comply with statutory requirements. Furthermore, the agency has adopted a "pro-prosecution" stance toward dispositions of its sexual abuse cases. One agency rule is that all "credible" reports of sexual abuse are to be referred to the prosecuting attorney for his review and possible prosecution. Agency workers dislike this rule because they feel they no longer have any discretion. But, evidence from the interviews indicated that they are hooked into this prosecution stance, not only as a review, but in their initial decision-making. The following excerpts illustrate this point: "And I've notified the police and State's Attorney. I would have to have, definitely, I would want their cooperation."; "I'd probably notify the State's Attorney right away, too. One for back up assistance, for consult, because I see a lot of legal issues in this one given it's a lot of supposition."; and, "...I personally would go straight to the State's Attorney with this one and say, '___, this is all I know about it. What the hell do you think about it?'"

Although the child welfare agency rules were written to comply with legislation, agency officials may not grasp what is required of them by the legal system. The judge perceived these

officials as lacking an understanding of the standards of evidence a court needs to make a legal finding of sexual abuse. He said: "The problem that the court is always faced with is the credibility of the witnesses...as opposed to a social agency which can act on the basis of rumor and supposition...This is sometimes why there is difficulty in court because of the different standards employed by social agencies, by social workers, and the courts." There appeared some evidence in the interviews that he may be right. One social worker said: "...most of your [sexual abuse] data you get, since you don't have factual facts, is supposition and it's research type data. And it's the probabilities given these set of circumstances [that] these took place. Because you generally don't have facts."

The judge made this allegation only against social workers, not the police. It was evident from the interviews that the policemen were looking for behavioral evidence or first-hand accounts of the behavior. One policeman said of #4 that "it's gonna' be real tough" to make a case. He felt behavioral evidence was lacking--"...there is no, at least right now, outward signs. Susan doesn't know, other than the fact that Melody has told her this."

Also related to the judge's allegation is a topic that repeatedly appeared in the interviews: whether or not the child was a credible witness. Both prosecutors, the judge, a policeman and a social worker said that credibility of the witness would greatly influence whether the situation was legally defined as sexual abuse. Witness credibility is related to whether or not the event can be proven. Subjects made two different

assumptions about a child's credibility. Two social workers and a prosecutor assumed "kids don't lie" when alleging sexual abuse and are, therefore, credible. The other assumption particularly important to the court was that children, because they lack adult skills and understanding, are unreliable witnesses and therefore not very credible.

Chapter Four indicated that psychological harm to a child was a necessary condition of sexual abuse. However, the data on whether that condition has to be proved or is assumed to automatically result from the behavior was contradictory. The social workers assumed that it is an automatic result of the behavior. This example illustrates that assumption: "Well, it's [sexual abuse] so different, emotionally, from most of... the other [child] abuses that we are dealing with currently... But as far as what that [sexual abuse] could possibly do to one's psychic and emotional, the end results could be the goddamn same... Like we saw in the movie the other day... all of them [sexual abuse victims] were freaked out and going bonkers because they'd all been sexually abused as children." The judge indicated in #1 that psychological harm must be proven, but assumed in #2 (the incest case) that "the psychological impact on Susan [child] is already so great that it's probably impossible to rehabilitate her..." These contradictions can not be explained by the data. It may be that only certain behaviors, particularly intercourse and incest, are always assumed to result in psychological harm. Or the judge may have defined the example professionally in #1, as proof of harm to

to a child is required by law, but responded personally in #2. Or again, it may be related to differing standards of proof for social workers and judges: behavioral evidence for the judge and "rumor and supposition" for the social workers.

Constantine contends that "nearly all writing on adult-child sexual encounters presume that all such contacts constitute abuse." He maintains that this presumption is a result of the perception that "children are neither sexual nor possessors of sexual rights". (1981:258) Constantine further asserts that the "immediate negative reactions are minor: and that "long-term psychological or social impairment is rare" in adult-child sexual relationships. (1981:259) If Constantine's assertion is correct, the presumption of inevitable psychological harm must be questioned. A closer adherence to the legal requirement of establishing proof of the condition of psychological harm would seem to be appropriate.

Processing Cases Through the Corridor

Unexpectedly, this study found that subjects often thought personally that the examples were sexual abuse, but organizationally they would not be able to define it as such. One policeman said of #4: "Morally I believe that it's wrong...I think its's wrong, but I just don't believe that there's any type of law that covers that and it wouldn't be prosecuted." Another policeman called the behavior in #4 "perversion" but did not believe that a case could be made for legal prosecution. Nevertheless, personal moral judgments do appear to influence organizational decisions made by some subjects. One

prosecutor said that his "own personal subjective feelings about sex" was the biggest factor in deciding that a behavior was sexual abuse and needed prosecution. The judge said:

We have to, the law does admit individual bias a factor. Regardless we impose our own standards on cases...I suppose as long as there are men and women, we are going to have this kind of problem. I find this extremely difficult to cope with. Not as a judge. From a human point of view. Judges, most judges, are some type of a human and they cannot, I cannot, completely separate, the purely legalistic problems with which they are confronted and with which society expects them to deal with objectively, from the social-psychological, real problems that, uh, exist in every, almost every [situation].

A situation, then, may be defined as sexual abuse, either personally or organizationally. If only a moral judgment, the case would not fulfill organizational requirements and would not be processed on to the next level. Even an organizational definition may not result in processing on to the next level.¹ Inability to prove a case in court may prevent it from undergoing further processing. The prosecutor might not feel there is sufficient legal evidence to prosecute. If prosecution was attempted on a "shaky" case one prosecutor said he would "look pretty silly" or would get "blown away"; the case would be lost. Also without legally sufficient evidence, both prosecutors and the judge agreed it would "waste the court's time" and be too

¹The exception being the child welfare agency which requires that all "credible" cases be referred to the prosecutor. There is a difference, though, in how cases are referred. On some, letters are sent that simply state that a credible finding of sexual abuse was made on such-and-such case. Cases the agency wishes to have prosecuted are presented in detail and a formal request to prosecute is made.

costly in terms of valuable resources--personnel's time and energies, time for hearings or trials, etc. On the other hand, a case may be processed on without sufficient evidence. The judge's statement indicated why this may occur:

I think there is a particular frustration, particularly by social agencies, that they can't handle this. Let's give it some power of authority and they look upon this as higher authorities; to confirm what they believe, or to get rid of a case. And this happens and I recognize this and I accept them. And prosecutors have the same problem. They have certain pressures on them. This looks like a bad situation and they want to stay in the good graces of the social agencies for political purposes and they want to do things. So they file a case like this, knowing they can't prove it and then they can blame someone else for letting this bastard go.

These comments, illustrate, moreover, that organizations influence each other as a case is processed through the corridor.

Although not conclusive, evidence exists that the adult in the relationship was primarily perceived of as "a sick criminal". The child welfare agency has assumed a "pro-prosecution" stance toward dispositions of sexual abuse cases. Both social workers repeatedly advocated prosecuting the adult in court, although one did discuss psychological treatment. One prosecutor stated that since sexual abuse is a non-violent crime, the typical disposition for the adult would be probation with an order for counseling. Frustrated with the inadequacy of the court's solutions to this problem, the judge did not believe most of these cases belong in the courts. Furthermore, he did not view incarceration as a solution: incarceration of the adult further burdens society as his family is left without a means of support.

Frustrations with solutions to this problem may result from attempting to use solutions that were designed for other social problems and thus are inappropriate. Two observations are relevant here. First, sexual abuse is typically non-violent. Hence, typical solutions designed for violent crimes, like incarceration, are inappropriate. Secondly, questions remain as to whether both a 'sick' perception and a 'criminal' perception can be successfully combined. Solutions for problems of 'sick' people involve treatment; solutions for criminals require punishments. Perhaps a decision should be made as to which category an adult who has sexual relationships with a child belongs in.

In conclusion, then, much agreement was found in subjects' definitions of sexual abuse. This is probably a result of all organizations relying on the legal definition of sexual abuse. Surprisingly, inconsistencies were discovered in individual perceptions; a person may hold both a personal and an organizational definition of what the situation is. Besides a definition, other factors were important in processing a case through the corridor. These include organizational, legal, and political considerations.

CHAPTER SIX

CONCLUSION

Chapter One pointed out that although sexual relationships between adults and children form a popular topic, there are glaring disparities and inconsistencies in that discussion. Major disagreement was discovered in the very definition of this phenomena. Definitions affect how prevalence, etiology, and prevention of this behavior are perceived.

This disagreement provided an excellent situation to examine a classic problem for sociology--the definition of the situation. This problem is significant because how a situation, and consequently the problem, is defined directly affects what is to be done about the problem. Societal reaction impacts on how society organizes its resources to solve the problem.

Data were gathered from important social control agents involved in the very process of defining sexual abuse. These subjects constantly make decisions that a particular situation is one of sexual abuse and what should be done about the problem. Their decisions are reflected in official statistics and consequently in how society perceives the problem. An understanding of their definitional process provides important knowledge for this unclear issue.

Subjects were very aware their decisions affected society. One prosecutor said he knew the decisions he made

defined boundaries and defined the situation. The judge continually referred to his responsibilities to society.

Chapter Four maintains that there is a grammar of sexual abuse and discussed its necessary conditions. Chapter One discussed various definitional conflicts and inconsistencies. It is important to note that the interviews did contain a discussion of many of these conflicting definitional variables. First, as Chapter Four argued, there are necessary elements in the concept of sexual abuse. They are: 1) a sexual event must have occurred, 2) between an adult and a child, and 3) the child must have been harmed as a result of that relationship. Many variables researchers disagreed on were just not that important in defining the situation: class, sex of child, and sex of the adult. Some did, according to the subjects, provide aid in interpreting the situation. For example, in only one hypothetical situation was information provided about the actor's class. Yet the subjects were able to define the situation as sexual abuse without information about class in the other three examples. Class was used, though, to verify their theories about the situation.

Secondly, often studies define sexual abuse by listing various behaviors. As this study maintains, there is a great deal more to the concept of sexual abuse than a simple list of behaviors. The entire issue of what is sexual needs to be defined. Behaviors involving body parts usually considered sexual--genitals--were not automatically defined as sexual behaviors. Only two behaviors--sexual intercourse and oral

sex--were always defined as sexual abuse. For other behaviors, such as touching another's genitals, the context they occur in must be considered in order to arrive at a definition.

This glimpse of the automatic definition of certain behaviors as sexually abusive provides evidence as to which behaviors society will not tolerate. It is important to point out here that in the communal society studied by Berger (1981) these two behaviors were not automatically assumed to be sexually abusive behaviors. For them, the salient element was whether or not the situation was harmful to the child. Unlike the subjects' perceptions of these relationships, communalists do not assume the child has been damaged by their involvement in such relationships.

What significance attaches to an understanding of how this concept is defined and used? One of the major elements that is necessary for a legal finding of a sexual crime is "harm" to the child. It appears that the social control agents in this study presume sexual intercourse and oral sex are invariably damaging to a child. Attention should be directed at two salient points.

First, the issue of harm must be clarified. More research is needed to discern what, if any, harm children experience in these encounters. Children raised in communal societies would provide ideal subjects for such research, particularly in comparison with children who have undergone processing through a "corridor of prosecution". What would be revealed in a study of this nature would provide officials with insights as to what

the harmful nature of these relationships is. Hopefully, official decisions would, in turn, reflect the findings of such a study.

Secondly, not only do officials define sexual intercourse and oral sex as harmful, but then they must do something about the situation--punish the perpetrator, remove children from their caretaker(s), provide treatment to all or some of those involved, etc. All of these responses cost society. These costly solutions are being implemented without knowledge as to the extent these relationships are harmful.

An assumption that is made repeatedly, especially in the feminist writings, is that sexual relationships between adults and children are psychologically harmful to the child. Is that always true, and if not, under what conditions is it not so? It may very well be that only under incestuous conditions that these relationships are harmful. Or it may be that only when violence is involved are these relationships harmful. Or it may be that the reactions of officials--this is awful and we have to protect the child--are more harmful than the relationship. Officials need clarification of these issues.

As the article by Sutherland (1950) pointed out, the scare that produced the sexual psychopath legislation in the 1940's was a result of questionable and false assumptions that were published in the media. It is important to ask if the current rapidly expanding legislation is a result of questionable polemics about this social problem. Again, the question remains: Are these relationships always harmful?

This study does not address the harm issue but it does provide some insights that can be utilized by officials and researchers. Researchers could use the grammar of sexual abuse as their definition of sexual abuse. Officials, particularly those who first receive a report of alleged sexual abuse--social service agents and police--need to know the grammar of sexual abuse. Hypothetical situations are often used in these organizations' training materials. The grammar of sexual abuse could be used to develop hypothetical examples.

This study was possible because of the author's relationships with the subjects. Although not previously discussed, informal relationships are of consequence to the efficient functioning of the "corridor of prosecution": one learns of other organizations through contacts with other agents, one establishes one's competence with other agents that can act to "open doors" to the next level, and one develops competence through feedback provided by other agents. An inquiry into the role informal relationships play would be a topic worth pursuing.

APPENDIX A

EXAMPLE #1

On March 2, 1983, the local child abuse hotline received the following report from an anonymous relative of the James Smith family. The relative reported that Mary Smith, age 26, was seen holding the penis of her nephew, Timmy Smith, age 12, by the reporter's daughter, age 14.

The daughter told her mother that Timmy and his aunt were both in Timmy's bedroom and no one else was in the house. Mary was in her robe. She was naked because the daughter saw her breasts. Timmy had on his t-shirt. The daughter told her mother that she did not see Timmy touch his aunt. The reporter stated that her daughter was very embarrassed and "got the hell out of there" before they saw her.

The reporter said that Timmy and Mary "are too close". Mary does not have any boyfriends and often "hangs out" with Timmy and his friends. The reporter stated that she had always thought "something funny was going on between them". Mary lives with Timmy's parents and works part-time at Burger King.

EXAMPLE #2

Edith Brown, a maternity ward nurse at St. Mary's Hospital called the local child welfare office with the following report. On May 15th, at 7:45 p.m., Susan Jones was brought to the hospital in labor. Tom Jones brought her and no one else accompanied them. Mr. Jones stayed at the hospital until Susan delivered a male child at 2:36 a.m., May 16th. Mrs. Brown said the hospital had assumed they were married because Mr. Jones had told them he would be responsible for the bills.

According to Mrs. Brown, today when the nurses asked for information to fill out the birth certificate, they discovered that Susan was Tom's natural daughter. Susan told the nurses that the baby's father should be listed as unknown. The nurses felt that Susan was "acting funny" and asked that the hospital social worker investigate. Mrs. Maybelle Little, the social worker, talked with Susan's sister, Nancy, age 16. Nancy told Mrs. Little that her father, Tom Jones, was the baby's father. Mrs. Brown said that Susan is age 14 and that she plans to keep the baby.

According to Mrs. Brown, Nancy told Mrs. Little that there are three children in the family; herself, Susan, and Peter, age 12. Their mother, Jean, is ill and Nancy and Susan have the major responsibilities for running the household. Nancy told Mrs. Little that her father and Susan share a bedroom, she and her mother share a bedroom and Peter has his own bedroom.

Mrs. Brown said that she and the other nurse thought that "Mr. Jones acted more like a husband than a father". He had brought Susan a dozen red roses and had been to visit her three times already today. Ann Casson, another nurse, had observed them kissing.

EXAMPLE #3

At 3:42 a.m., Officer Derick Daniels begins checking doors on businesses in the ten hundred block of Main Street. Officer Daniels sees a young girl run from the doorway of Green's Jewelers. Officer Daniels pursues and catches Tina Douglas, age 12. He takes her back to the police station where he discovers that she was reported missing since 9:30 p.m. by her mother, Linda Miller.

Officer Daniels and Juvenile Officer Christina Knight question Tina about why she has run away from home. For approximately 30 minutes, Tina hangs her head, cries, and refuses to answer their questions. Tina then asks that Officer Daniels leave the room. She tells Officer Knight that her step-father, George Miller, is "messaging with her". Tina refuses to give Officer Knight any specific details and begins to cry again. Officer Knight leaves the room to consult her supervisor and a call is made to the child abuse hotline requesting a worker come to the police station. Tina is given breakfast.

Child Welfare Worker Marilyn Brown arrives at the police station at 5:16 a.m. Officer Knight tells her what has happened thus far. Mrs. Brown and Officer Knight then interview Tina. Tina tells them through many tears that George (step-father) "fingers her" and makes her "put his thing in her mouth". Tina says that she does not believe that her mother is aware of this. Tina says that George has "threatened to send her away" if she tells. Tina then abruptly stops talking and begins to cry hysterically. Tina then says that she has made the whole thing up about George. She says she hates George and tonight he would not let her go to a party. She asks Officer Knight to call her mother so she can go home.

EXAMPLE #4

Mrs. Patrick James called the child abuse hotline extremely upset. Mrs. James stated that her daughter, Susan, age 11, had spent the previous night with her friend, Melody Mills, age 11. Susan had returned home this afternoon and told Mrs. James about her stay. Susan said that she was leaving Melody's bathroom and as she turned out the light, she noticed a hole in the wall. She could see light shining through the hole. She told Melody about the hole and Melody said she knew it was there. Melody told Susan that her father, Robert Mills, about 38 years old, made the hold so he could watch Melody taking a bath and dressing. Melody also told Susan that her father often came into her room naked when her mother, Janet Mills, was out of the house.

Mrs. James was upset because Mr. Mills was a very wealthy and respected lawyer. She was also very concerned because her daughter had spent many nights with Susan. She felt that Mr. Mills had probably spied on Susan also.

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