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# Where are the Children? Theorizing the Missing Piece in Gendered Sexual Violence

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Title: Where are the Children? Theorizing the Missing Piece in Gendered Sexual Violence

Bio: Nancy Whittier is Professor of Sociology at Smith College. She studies gender and social movements, particularly the cultural dimensions of movements and their outcomes. She is the author of The Politics of Child Sexual Abuse: Emotions, Social Movements, and the State (Oxford University Press, 2009), Feminist Generations (Temple, 1995); and is co-editor of Social Movements: Identities, Culture, and the State (Oxford University Press, 2002, with David S. Meyer and Belinda Robnett) and Feminist Frontiers (McGraw Hill, 2012, with Verta Taylor and Leila Rupp). She is currently completing a book on feminist and conservative influences on federal policy on sexual violence, entitled Strange Bedfellows, to be published by Oxford University Press in 2017.

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Feminists have been central to virtually every era of activism around child sexual abuse, from moral reformers in the 1800s and early 1900s, to the 1980s survivors' movement (Breines and Gordon 1983; Freedman 2013; Sacco 2009; Whittier 2009). Most recently, feminist analysis of child sexual abuse grew in the 1970s alongside that of rape, as participants in consciousness-raising groups discovered that many of them had been sexually assaulted as children, often by relatives. Feminist anti-rape activists included the rape of girls in their theory, activism, self-defense training, and crisis services. Rape, regardless of age, was understood as an act of power,

violence, and male domination; girls were doubly vulnerable because of their relatively powerless position as minors, especially within families. Sexual abuse of boys was also attributed to patriarchal domination, which could be directed at other powerless groups besides women. Developed at the grassroots and through widely-read books like Florence Rush's *The Best-Kept Secret* (1980) and Sandra Butler's *Conspiracy of Silence* (1985), this view of child sexual abuse spread widely. But it did not persist. As the issue gained mainstream media attention and people from diverse political perspectives identified as survivors and joined self-help and activist groups, feminist analyses moved from the center to the periphery. Relatively quickly, the idea of incest and child sexual abuse as essentially different from the rape of adult women gained dominance. I traced this chain of events in *The Politics of Child Sexual Abuse* (Whittier 2009).

At present, policy, mainstream culture, and most academic research treat sexual assault as having different causes, patterns, and consequences depending on the age of the victim, while feminist work on rape and sexual assault largely ignores minors. There is excellent and extensive research on the prevalence and patterns of child sexual abuse, much of it produced by David Finkelhor's Crimes Against Children Research Center, but little other recent feminist sociological work on child sexual abuse. In preparation for this essay, I found that, in the past twenty years, only four articles on child sexual abuse or incest appeared in *Gender & Society*, two in *Signs*, eight in *Sex Roles*, none in *Feminist Studies*, and virtually none in the major generalist sociology journals.<sup>1</sup>

Given that a large proportion of survivors of rape and other forms of sexual violence are under 18, feminists should attend more to child sexual abuse as both part of and distinct from other forms of sexual violence. In this essay, I outline a feminist sociological analysis of child

sexual abuse. Drawing together scholarship on child sexual abuse and feminist theory, I sketch out how, , as with rape, child sexual abuse is an important dimension of a system of inequality that has both structural and cultural dimensions. I center the intersectional dimensions of sexual violence (including age), complicated questions of adolescent sexual agency, and the role of the state in structuring definitions and responses to sexual violence.

Like the rape of adults, sexual assault against children is shaped by gender and power. The fact that sexual assault is more common against girls than against boys, and that male offenders are more common than female, indicates the importance of gendered power structures in shaping patterns (Nelson and Oliver 1998). Specifically, 17.4% percent of girls and 4.2% of boys ages 14-17 report ever having been sexually assaulted by adults or peers, and 3.6% of girls and 0.4% of boys report having been raped; over 90% of perpetrators of sexual assault against girls and boys are male (Douglas and Finkelhor 2005; Finkelhor et al. 2013). (These figures exclude sexual harassment and other non-contact offenses.) Multiple forms of power come into play, including patriarchal power in the family, adults' power over children, and the different positions of girls and boys in educational settings and the public sphere. Institutions, including economics and "state agencies and public policy" also commit and permit violence against children differentially, according to race and class (Bray 2011; Richie 2012).

Gendered discourses also limit and structure how both adults and children understand sexual violence (Warner 2009; Whittier 2009). The meanings of child sexual abuse are constructed through discourses that reflect existing interests and power relations (Boyd 2009; Warner 2009; Whittier 2001). Nelson and Oliver (1998) show that gender shapes young adults' accounts of their childhood and adolescent experiences of sexual contact with adults; discourses of male sexuality as agentic makes men less likely to understand their childhood experiences as

non-consensual. Even the self-constructed narratives of survivors do not inevitably subvert gendered power. “Oppositional” discourse by adult survivors, Naples (2003) argues, is potentially transformative, but it can be limited by the dominance of experts in its production (for example, in professional therapy) and by an individualized focus (Alcoff 2009). As survivor activists gained access to mainstream media, their narratives were refracted through medicalized frames of injury and powerlessness while offenders were cast as pedophiles and criminals, with little mention of gender or power (Whittier 2009).

Largely outside sociology, feminist literary theorists have drawn on feminist trauma theory, which builds on the work of Judith Herman (Herman 1997; Herman 2000 [1981]), and has been influential in feminist therapy and organizing by survivors of child sexual abuse (Champagne 1996; Courtois 1988; Doane and Hodges 2001). Linking subjectivity and social inequality, feminist trauma theory argues that childhood trauma both causes emotional difficulties for individuals and primes them to be compliant citizens. It suggests that assault and trauma flourish in the context of male domination, the patriarchal family structure, and larger societal patterns of war and the drive for dominance and control. Social theorists from diverse perspectives have critiqued a focus on the psychological consequences of sexual assault rather than on its social and structural aspects (Bumiller 2008; Mardorossian 2002). However, theorizing how gendered subjectivity, interpretations of experience, discourse, and structural inequality interact to shape child sexual abuse is consistent with feminist sociological theory that emphasizes how emotion, identity, and daily lives are shaped by gender as an institution (Lorber 1994). Analyzing how interiority and subjectivity are linked to power is thus important for understanding child sexual abuse in terms of gendered power (Whittier 2009).

These gendered processes are related, but not identical, to those shaping sexual violence against adults. In the remainder of this essay, I detail three key elements of a feminist sociological analysis of child sexual abuse. First, an analysis of child sexual abuse should be intersectional, especially given the long history of unequal adjudication based on race and class, and we need to include age as a central dimension of power and inequality (Hill Collins 2000). Second, scholarship on adolescent girls' sexuality and their experiences of sexual assault raises important questions about agency and the discrepancies between law and lived experience. Third, the literatures on moral panic and on carceral feminism do implicitly engage with child sexual abuse. I draw out their implicit models of the issue to suggest that, although these perspectives contain important critiques of the state, neither helps understand child sexual abuse itself.

### **RACE, CLASS, AGE, AND INTERSECTIONAL FEMINIST THEORY**

Little existing scholarship on child sexual abuse and incest considers race or class, and assaults against children are only briefly mentioned in the major works on race and violence (an important exception is Wilson 1994). Considerable scholarship shows how race and class shape rape, however, including increased vulnerability to assault in economically precarious neighborhoods, black women's historically widespread rape by white men, the use of rape charges to control black men through lynching, and higher prosecution and conviction rates for black assailants, especially with white victims (Freedman 2013; Hill Collins 2000; McGuire 2010; Richie 2012). Many cases of rape of black girls by white men that sparked activism and outrage historically were considered especially egregious because of the age of the victim, but not understood as a separate category of "child sexual assault" (Freedman 2013; McGuire 2010).

It is clear, however, that child sexual abuse plays out differently depending on the race and class of the assailant and victim. Activists and service providers note the challenges for communities of color, including reluctance to report assailants who may receive disproportionate sentences or to air dirty laundry in public, well-founded mistrust of police, and fear of deportation (Murphy 2002; Simmons 2006). Some communities of color experience disproportionate rates of child sexual assault; Native American activists, in particular, have documented widespread assaults by both Native and non-Native men, with virtual impunity (Deer 2006; Erdrich 2013). Low income children, who may live with more unrelated adults and have less parental supervision, are also more vulnerable to assault (Richie 2012). Low-income and racial minority families also are under greater scrutiny by state agencies, such as child protective services, and thus more subject to intervention (Polsky 1991; Roberts 2006). For racially- and class-privileged families, an image of respectability and social power can enable incest to go undetected (Sacco 2009). Further, prevailing discourse about the risks of girls' sexualization is shaded by ideas about race and class. This includes the idea that incest occurs mainly in marginalized families, and that it is mainly disreputable strangers who threaten children. Broad ideas of sexual innocence are raced and classed, including the ideas that white girls' innocence is especially threatened, and that girls of color are naturally hypersexual (Renold and Ringrose 2013). Meanwhile, discourses of male sexual agency are magnified for boys of color, who are feared as sexually aggressive but whose own sexual victimization is virtually invisible.

Corrigan (2006) documents that risk assessment scales for sex offenders disproportionately increase penalties for Black, Latino, and low-income offenders. At the same time, people incarcerated for child sexual abuse and rape are more white and middle-class than

the general prison population (Douglas and Finkelhor 2005). Rather than indicating less racial and class bias in prosecution of sex crimes, this may reflect a lower priority on prosecuting sexual assault against children of color and low income children. While critique of the race and class dimensions of the state is crucial, we also need much more research and theorizing on sexual assault against working class, poor, and racialized children.

Highly publicized cases of child sexual assault, such as the child rapes at Penn State or the clergy abuse cases in the Catholic Church, illustrate the power dynamics outside the family, with institutionally powerful assailants operating while their organizational supervisors and subordinates remained silent. While the fact that these assaults were committed by men against boys may explain part of the publicity they received, they clearly reflect age-related power as well as the ability of powerful institutions to protect themselves.

Age is thus a central intersectional dimension for understanding sexual violence. A large proportion of rapes reported to law enforcement are against minors; an estimated 51% of all female forcible rape victims are under the age of 18 and an estimated 16% are under of 12 (Langan and Harlow 1994).<sup>2</sup> Children and adolescents are individuals whose legal rights and social, economic, and political power are limited. As a result, they are vulnerable to assault and exploitation by adults, who have more power on all these dimensions. They have less recourse to intervention and little influence over the relevant institutions (e.g., child protective services, foster care, criminal justice) (Armstrong 1994). Theorizing sexual violence intersectionally allows us to consider how gender, race, class, and age interact to shape experiences, interpretations, and responses, and points to the need for research guided by this approach.

## **AGENCY AND VICTIMIZATION IN ADOLESCENT SEXUALITY**



If we want to understand sexual assault against children and teens, we need to engage with the extensive feminist scholarship on childhood and adolescence. In particular, the work on adolescence and sexuality points to a complex landscape for adolescent girls, who must navigate their own desires, sexual stigma, sexual harassment, coercion, and assault from age mates and older men (Pascoe 2011; Schalet 2011; Tolman 2012) in a legal context that defines much of girls' sexuality as child sexual abuse.

Consensual sexuality for adolescent girls is shaped by “the persistence of institutionalized heterosexuality...that continues to reproduce gender inequities in heterosexual romantic and sexual relationships” (Tolman 2012). Adolescent girls are sexualized through body image, sexual harassment in schools, dress codes, and heteronormative discourses that elide the possibility of girls' sexual desire. Renold and Ringrose (2013), summarizing this work, emphasize the constant tension between pleasure and danger for girls, whose sexual agency is denied and for whom the risk of sexual harm is both ever-present and culturally over-wrought. Adolescent girls' subjective feelings of sexual desire or empowerment are inextricably linked to media representations and expectations of pleasing their (male) partners (Lamb and Peterson 2012). Heterosexual experiences often reflect “intimate injustice,” in which boys' pleasure and desire are prioritized over girls' (McClelland 2010, cited in Tolman 2012). These gender inequities connect girls' consensual and nonconsensual sexual experiences. Hlavka (2014) vividly documents how adolescent girls understand sexual assault by adults and older teens as the normal result of men's sexual natures and girls' failure to say no.

Scholars who study consensual sexual activity in the lives of adolescent girls rarely put their work in the context of child sexual abuse. But while children, young adolescents, and girls of 17 are quite different, they are often conflated in the law, under which sexual contact before

the age of consent is a crime (Lamb and Peterson 2012).<sup>3</sup> In some jurisdictions, consensual relationships between teenagers are illegal regardless of participants' ages; in others, they are considered child sexual assault if one teenager turns 18 before the other. Enforcement is more likely in same-sex relationships and for youth of color, as in a case where an African-American girl who turned 18 was convicted of a felony for her relationship with another girl who was still underage (Tolman 2012). Teenagers also can be prosecuted under child pornography law in "sexting" cases (Walsh, Wolak, and Finkelhor 2013). Producing or distributing sexual images of people under the age of 18 is illegal, even if the people involved are over the age of consent and the sexting is consensual. (Indeed, photographing oneself nude can and has been considered producing child pornography.)

These issues present obvious problems for bringing together feminist theories of adolescent sexuality and child sexual abuse, since the legal model embedded in child sexual abuse law is the statutory impossibility of consent, yet a central problematic in studies of adolescent sexuality is the tension between sexual desire and societal shaping and silencing of that desire. At the same time, statutory rape and child pornography laws based on age rather than consent have been supported by many feminists because they enable prosecution by eliminating the defense of consent (Freedman 2013). We are left with the conceptual and empirical problem of recognizing girls' sexuality and agency without ignoring their structural inequality or domination by adults. This is a complicated and controversial task. Feminist scholars may draw lines in different places, but we are not well-served by ignoring the dilemma or by separating scholarship on adolescent sexuality from scholarship and law on child sexual abuse.

## **MORAL PANICS AND CARCERAL FEMINISM**

A final set of questions emerges from work by scholars who critique moral panics around child sexual abuse, and those who critique feminist campaigns to mobilize the state's punitive power against sexual violence, which Elizabeth Bernstein (2010; 2012) terms "carceral feminism." These are distinct approaches, but they share an implicit theory of child sexual abuse. Moral panic analyses deal primarily with culture and mass media and argue that fear-mongering representations of child sexual abuse promoted by "child savers" serve the interests of authorities who aim to expand social control. Carceral feminist critiques also treat the underlying problem as overblown and focus on the threat to women and children from the growing punitive state. Both approaches focus on constructions of and responses to the problem rather than the issue of child sexual abuse itself. What are the implications of these analyses for feminist theories of child sexual abuse?

### **Moral Panic and Child Sexual Abuse**

Theories of moral panic have been very influential in analyses of child sexual abuse, including most writing by progressives (Best 1990; Davis 2005; Hacking 1991; Jenkins 1998; Lancaster 2011; Victor 1998). The general point is that public concern about child sexual abuse varies historically, with times of rising concern considered waves of irrational public fear, "wildly exaggerated and wrongly directed" (Victor 1998) out of proportion to the actual problem and produced by over-zealous "child savers." There are a number of specific claims about what occurs in panics, including that extreme cases are used to stand in for routine cases (i.e., abduction/murders stand in for incest); media coverage and experts express exaggerated alarm with little dissent; and the scope of media coverage and concern are out of proportion to the actual problem (Victor 1998). As shown in previous research (Whittier 2009), none of these

claims were empirically true for concern over child sexual abuse during the most recent alleged moral panic, from 1980-2005. Bray (2011) and Jenkins (2001) similarly show that the moral panic analysis of child pornography is empirically wrong. More recently, critics of sex offender registration and notification have argued that a moral panic has encouraged witch hunts against innocent people, who are falsely charged with child sexual assault and placed on sex offender lists (Lancaster 2011). There are some such cases, which are travesties, and sex offender legislation is indeed punitive and counterproductive (Corrigan 2006). But the assumption in this writing is that these cases are typical; in an ironic twist, they come to stand in for the more common and routine cases of child sexual abuse, in which charges and convictions are very rare (Cheit 2014).

The underlying theory of child sexual abuse in moral panic writing is that it is uncommon and that existing social responses are not only sufficient, but excessive. There is solid empirical evidence that neither assertion is true. It is striking that this model of child sexual –abuse—which centers false accusations by children and by punitive mothers in custody disputes—has received so little feminist critique. This stands in stark contrast to feminist theories of sexual assault against adults. The difference is not simply the acceptance of victims’ truth claims. Rape of adult women is accepted as common precisely because feminist theories understand how cultural, economic, and political power enable and produce it through cultural representations that normalize violence and eroticize female submission, women’s economic dependence on abusive husbands, and political processes that allow institutions like the military or prisons to avoid addressing the issue. Child sexual abuse is similarly produced through cultural representations that eroticize childhood, children’s economic dependence on adults, political processes that fail to provide alternatives or power to children in abusive situations, and so forth. If we theorize

child sexual abuse in these terms, the inadequacy of understanding the issue through a moral panic lens becomes apparent.

### **Child Sexual Abuse in a Carceral State**

We are living during a growing prison industrial complex, with rising incarceration rates and sentence lengths. Racist logics organize arrest, conviction, and sentencing, and adults and children of color experience violence at the hands of state actors and agencies (Alexander 2010; Richie 2012). Feminists' reliance on the carceral state for relief is clearly problematic. Elizabeth Bernstein's (2010; 2012) influential formulation of "carceral feminism" and her critique of anti-trafficking feminists for their drive to criminalize prostitution and their collusion with the control of women internationally is persuasive and productive (see also Doezema 2010; Parrenas 2011). Critiques of carcerality have been widely accepted among progressive academics (e.g., Bumiller 2008). The challenge for feminists theorizing child sexual abuse is to discern its relationship to carceral feminism and to crime in general.

We ought to be cautious about generalizing the analysis of carceral feminism to child sexual abuse and perhaps to sexual violence more generally. Corrigan (2013) shows that critiques of feminist influence over criminal justice responses to rape overestimate the success of the women's movement; similarly, they overestimate feminist influence over responses to child sexual abuse. Unlike sex trafficking and some other forms of sexual violence, the state's response to child sexual abuse has not been driven by feminists, many of whom have opposed harsh sex offender policies (Whittier 2009). More important, feminist sociologists should not allow the important critiques of carcerality to substitute for feminist analysis of child sexual abuse itself.

Law and discourse about child sexual abuse are obviously severe. But prosecution and conviction rates are low and sentences relatively short. Severe post-incarceration penalties, through the lifelong effects of sex offender registries, co-exist with minimal prosecution (Cheit 2014). Prosecution rates for rape overall have decreased as prosecutors choose only the cases most likely to win (Corrigan 2013), and doubts about child witnesses have decreased prosecution in child sexual abuse cases even more (Cheit 2014). In fact, Corrigan (2006) suggests that sex offender registration actually has decreased prosecution and conviction. Prosecutors are reluctant to subject seemingly respectable defendants to lifelong penalties, and families are reluctant to bring charges against relatives. At the same time, as defendants refuse plea bargains that would classify them as sex offenders, more cases go to trial where conviction rates are low. Contrary to the idea that carceral feminism has shifted to focus on threats outside the family (Bernstein 2010), 70% of convictions nationally in 1992 for rape of children under the age of 12 were for incest and another 24% percent for assaults by acquaintances; for children over 12 years old, 36% of rape convictions were for incest and 45% for rapes committed by acquaintances (Langan and Harlow 1994).

Even feminists and progressives decry the cover-ups and downplaying that allow rapists and child abusers to go unprosecuted. In other words, child sexual abuse is a case for which a general critique of a carceral approach can be hard to sustain, because it is difficult to rule out state responses, although some advocates of restorative justice do so (Murphy 2002). Given children's structural powerlessness, what societal responses could effectively intervene in child sexual abuse without strengthening a racist and sexist criminal justice system? In general, despite the harsh rhetoric, carceral responses may strengthen state control, but without having much actual effect on child sexual abuse.

## CONCLUSIONS

Despite increasing public awareness and state intervention, child sexual abuse remains prevalent, follows existing inequalities, and societal responses are inadequate. State responses and the legal and cultural definitions of abuse are often punitive and counterproductive. As with rape, understanding processes of definition and response is crucial to understanding child sexual abuse and how to end it. But we also ought to continually raise the question of how cultural representations and state responses affect children in sexually abusive circumstances.

Overall, how should we theorize child sexual abuse? We should analyze incest and child sexual abuse as a gendered issue that is both similar to and distinct from other forms of sexual violence. A theory of rape that ignores sexual assault against minors is incomplete, particularly given the prevalence of rape against children and adolescents. Child sexual abuse is fundamentally shaped by intersectional inequalities of gender, race, and class, which structure individual-level experiences, prevalence, cultural representations, and state and institutional responses. An intersectional feminist approach to sexual violence should also foreground age, recognizing children and adolescents as a group that is structurally unequal and subject to control and domination by adults. Just as scholars who study and theorize violence against women could benefit from attending to sexual assault against children and adolescents, those who study child sexual abuse should engage with the literature on rape, and those who study adolescent sexuality should engage with the artificially separate literature on child sexual abuse. Such engagement has the potential to help us rethink the relationship between different forms of sexual violence and the tension between sexual agency and victimization. Scholars in these fields have much to

learn from each other, and much to contribute to our understanding of child sexual abuse as an intersectionally shaped and gendered experience that is an important aspect of power and inequality.



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## Notes

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<sup>1</sup> I searched by subjects “incest” and “child sexual abuse.” I excluded book reviews, articles on depictions in literature or film, and incidental mention. Of the eight articles in *Sex Roles*, most were social-psychological. *Social Problems* published one article, and *American Sociological Review (ASR)*, *American Journal of Sociology (AJS)*, *Social Forces*, and *Youth and Society*, published none. Criminology journals published little, with one article in *Criminology* and three in *Deviant Behavior*, none with an analytical focus on gender. Even in journals focused on child abuse, virtually no articles focused on gender.

<sup>2</sup> These figures exclude statutory rape and are based on reports to law enforcement in 12 states that collected data on the age of the victims.

<sup>3</sup> In some states, there are separate statutes for sexual assault on a child over or under a certain age, e.g., age 14, but sexual contact is statutorily illegal in either case. Age of consent in the U.S. ranges from 16-18.