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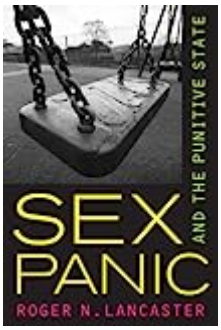

Roger N. Lancaster. *Sex Panic and the Punitive State.* Berkeley: University of California Press, 2011. 328 pp. $60.00 (cloth), ISBN 978-0-520-25565-4; $24.95 (paper), ISBN 978-0-520-26206-5.

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The Specialness of (Some) Sexual Crimes

In *Law & Order: Special Victims Unitâs* familiar opening, a voice intones, âIn the criminal justice system, sexually based offenses are considered especially heinous.â This television franchise has since 1999 reified the notion that sexual experiences are different from all others. So long as plots revolve around torture, erotic asphyxiation, gang rape, cannibalism, and slavery, preferably committed by psychotic serial killers, that fundamental notion about sex may seem undeniable. Yet plots that revolve around an otherwise conventional adultâs sexual interest in teenagers causes the unit the same appalled revulsion, censure that now causes men to avoid giving children a friendly hug. A narrative has certainly developed in the United States holding that sex is dangerous, that sexual suffering is unique, that sexual damage is permanent, and that those who commit crimes involving sex are near-monsters.

Roger Lancaster acknowledges that sex panics existed throughout the long Jim Crow period of United States history, including the Progressive Era, into the 1950s. His detailed history of panics since then will be useful to students who have heretofore seen individual outbreaks as separable, from Joseph McCarthyâs demonization of homosexuals to pornography scares, AIDS hysteria, recovered memory syndrome, and the fantasy of satanic ritual abuse. One might conclude that such panic is a constant, its focus shifting from one type of behavior to another but always expressing a sex-related fear, as though a certain quotient must always be present. But Lancaster argues that there has been a sea change since the 1960s, when received ideas about race, age, and sexuality began fundamentally to shift, and that panics of the last few decades are more far-reaching and significant, ultimately leading to a model of governance he calls the punitive state.

Is the term âpanicâ the right one to apply every time there is a social uproar about something sexual? How long does a specific occurrence have to last to qualify as a panic? Is a sex scandal different? These questions are legitimate because Lancasterâs arguments sweep a very wide path in social history, constructing a grand narrative on the culture of fear.

On all the important points I am with him. Ever more offenses are named and new, more repressive punishments meted out. Mechanisms like sex-offender lists keep those convicted of sexual crimes doomed to pariah lifestyles. A whiff of misbehavior–like the false claim of a resentful teenager–can lead to drastic police measures. The figure of the innocent child always vulnerable to victimization hovers permanently over every conversation. Government sometimes appears to exist for the purpose of protecting this child figure from all conceivable risk, with the result that middle-class parents are afraid to allow their children to play on their own. While the Right may be blamed for constant paranoia about lower-class criminality and an intransigent focus on law and order, the Left is guilty of promoting grievance as identity marker and celebrating victims of oppression as heroes. Certainly, the nurture of resentment and injury has become a viable path to fame, and the public is invited to identify with traumatized victims–all the better if they appear young and innocent. Empathy with the outraged victim has come to outweigh the presumption of innocence for those accused of crime. Individual stories of injury are valued over analyses of systemic inequality. Most starkly, incarceration rates are higher in the United States than anywhere else in the world, including totalitarian states.

In the contemporary panic about abuse of children, Lancaster shows how the figure of the white man has moved into prime suspect position, and how the pedophile is often glossed as homosexual. One chapter is an ethnographic account of a teenagerâs presumably false accusation of touching by a gay schoolteacher, law enforcementâs predisposition to find him guilty, and the teacherâs inability to defend himself despite a lack of actual evidence against him. The deplorable story does a strong job of demonstrating how panic plays out and how close to fascism the law brushes in this field. It is also a great read, strengthened by Lancasterâs own involvement in the story.

Lancasterâs strongest case concerns panic over the figure of the sex offender, a label encompassing an array of offenses, not all of which are actually sexual (peeing in public, for example) and some of which are quite minor. Even more striking than the vague definition of these crimes is the draconian punishment meted out indiscriminately to the criminals: disproportionately long prison sentences followed by placement on public lists that cause their banishment from normal living situations and egregious difficulty in finding employment. The unproven notion that they will inevitably âre-offendâ is used to justify permanent surveillance.

The surveillance issue of course leads to how 9/11 intensified all suspicion towards everyone in the United States, with the corollary that everyone is seen as a potential terrorist. Are sexual miscreants viewed more easily as terrorists, however? I did balk at the suggestion that *all* crime is being infused or conflated with sex and that the manner of talking about terrorists has become sexualized in a new way. Militarism is a form of machismo, after all, and soldiers are called on to prove their virility continually.

For all Lancasterâs broad inclusivity in his thesis and in his construction of a narrative of sexual crime, he fails to account for the single most widespread sexual-crime issue in the United States: the persecution of prostitutes/sex workers, treated as anti-social offenders, in virulently punitive, long-infamous legal policy. Where are the figures on arrests of prostitutes in the panoply of ills Lancaster reveals? Is this egregious injustice deemed somehow different, and if so, why? If a sex crime is so enduring as to seem permanent, almost a natural feature of social life, is it disqualified as a sex panic? That would be odd since the term âmoral panicâ has been applied by students of prostitution for donkeyâs years, and not only when syphilis and AIDS were the excuse.

In the current anti-trafficking hysteria in the United States, lawmakers and activists alike conflate trafficking with prostitution as a tactic to promote abolitionism. Women who sell sex are divested of will and figured as helpless children in a deliberate attempt to provoke further panic. Does this scenario not fit into Lancasterâs narrative, or how does it fit? The predatory figures accused of menacing women here are not necessarily white men but rather darkly alluded to in statements about security, illegal immigration, and organized crime.

Leaving aside adults, âchild sex traffickingâ surely constitutes the most vibrant panic of the last few years, despite a lack of evidence that it actually exists (what does exist are teens who leave home). When the runaway child is a male teenager, the predator usually imagined to be exploiting him is likely the gay white man Lancaster describes. But when the runaway is a female teenager, the predator is likely to be imagined as a black man or youth–the classic pimp figure.

Law enforcement chiefs from numerous states have joined the targeting of online classified advertising services like Craigslist and Backpage, with the justification that minors are being sold there by traffickers. Simul-

taneously, everyone ignores the palpable harm for adult female sex workers caused by these campaigns; apparently no one is bothered. The absence in Lancasterâs account of the adult woman who sells sex reproduces the social death society inflicts continually on this group, as though prostitution were obviously different, separate, real, or intransigent–having nothing to do with the history of panic at hand.

Could this be because the concept of victim is so ambiguous in prostitution law? In the United States, where both parties to the commercial act are criminalized, neither is legally a victim. The persecution of prostitutes is carried out in the name of a moral society, but while both parties to this crime are technically offenders, only the women are persecuted by law enforcement. How does this fit Lancasterâs narrative of the punitive state? And how does societyâs disinterest in the male prostitute fit, the fact that gay men who sell sex are largely pardoned or ignored? Currently, abolitionists are seeking to âend demandâ from men who buy sex, proposing punitive devices such as sex-offender lists and forced taking of their DNA, which would seem to fit Lancasterâs subject to a T. Here are contradictions involving gender, particularly, that deserve inclusion in his theorizing.

On that topic, it is interesting to learn that the birth of the sex-offender register may be found in rape crisis centers that early on posted names and photos of known assailants in order to warn women. To jump from there, as Lancaster does, to a certain contemporary alliance of fundamentalist feminists with conservative lawmakers and police does no justice to the history of a movement to end systemic violence against women. In fact, and this is related to my concern about the absence of an account of prostitution in this book, one might ask why there was never a sex panic about wife-beating? The question of which sexual and gender crimes lead to panic and which do not seems important to address.

Lancaster contrasts the punitive turn in the United States with European states said to have humanitarian assumptions and norms of civility integrated into their social contract. In the American liberal tradition, he says, well-being is a private matter–the pursuit of happiness. If this is happiness, Freudâs wish that patients achieve ordinary unhappiness begins to sound idyllic.