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Sexual deviancy and the sex police. An examination of the religious, cultural and psycholegal antecedents of perceived perversion.

Helen Gavin and Jacqui Bent

Abstract

The perception of what is sexually perverted shifts dependent on who is talking about it. Even the term “perversion” is controversial. Psychologists generally refer to non-traditional sexual behaviour as sexual deviation or, in cases where the specific object of arousal is unusual, as paraphilia. There are a number of clinically recognised disorders of sexual or paraphiliac function: fetishism and transvestic fetishism, exhibitionism, voyeurism, chronophilias, frotteurism, sadomasochism, and “others not otherwise specified” (including scatologia, necrophilia, partialism, zoophilia, coprophilia, klismaphilia and urophilia). However, interesting absences from this list are erotophonophilia, in which sexual arousal can only be achieved by the act of murder its corollary, autassassinophilia. This paper discusses the journey that our sexual attitudes have made through the history of religion and medicine, the laws surrounding sex and their development from religious and cultural taboos into prohibitions of illegal sexual behaviour, then draws on those arguments to make a comparison between “victim-less” and “victim-rich” sexual crimes.

Key Words: Paraphilia, perversion, lust murder, necrophilia, sexual suicide, sex laws, religion.

1. Introduction

There are a number of clinically recognised disorders of sexual function, termed paraphilias, some of which are punishable by law. This paper will explore some of the forms of sexual deviance from the perspective of forensic psychology, and consider why some people find sexual gratification in unusual and illegal ways.

2. Sex and the law part 1

The first written codes of law in history are those inscribed on a stone showing Hammurabi, the King of Babylon, receiving them from the Sun-God.[i] They include codes about sexual behaviour, as do many of the ancient laws. When we compare the historical attempts at sex legislation, we find that they had at least one thing in common: they all covered both social and religious offences. Sexual behaviour was punished not only when it caused harm to other human beings, but also when it expressed disbelief in God. Thus, sexual heretics could never claim to be socially harmless. Even if they endangered nobody in particular, they still posed an indirect threat to the community. Their very existence insulted God and invited his retribution.

Early Jewish sex legislation tried to protect “God’s chosen people” from four major “evils”: a population decrease, the violation of male property rights, the “contamination” with strangers and strange customs, and religious heresy. Thus, the laws encouraged marital coitus at the expense of all non-reproductive sex.[ii] The refusal to procreate indicated an antisocial attitude and offended the whole nation. Rape, adultery, and illegitimate pregnancies violated the rights of individual men who regarded their wives and daughters as their personal property and who demanded compensation for any “damage”. Homosexual behaviour and sexual contact with animals were associated with the worship of foreign gods.

Naturally, in the course of time, certain specific sex laws were modified, and others were reinterpreted in the light of changing circumstances. Nevertheless, the general legal attitude towards sex remained unchanged as one of a moral stance. What remains unclear though is how this legal stance was policed. Sex is, usually, a private act, so condemnation and conviction is an unclear process. It is baffling to understand how anyone policing sexual behaviour would know about deviant thoughts, until one remembers the role of the confessional in some religions.

In Western Christian tradition, the most fervent adherents of religion are the intercedents with the deity, who mostly remain celibate, which is bound to colour the view of sex that such a Church has. The subjugation of sexual desire into religious ecstasy has been a recurrent theme in Catholic evolution. So, repression of sexuality under religious strictures may be in and of itself a deviant view of sexuality.

Repression is an underlying concept in Freudian theory, which suggests that the three constructs of the

psyche are in constant turmoil over energy. Some theorists suggest that sexual deviants have very weak superegos (morals) and very powerful ids (sexual impulses, libido). The unconscious develops defence mechanisms to protect a person's ego. Sexual offenders overly rely on the defences of denial, displacement, and projection[iii].

Complete separation of Church and State however, meant that the sex laws could no longer directly be copied from the sacred texts, but had to be based on rational and empirical grounds. The general view is one of beginning to understand that sexual freedom is as much a human right as religious freedom and freedom of speech. So we move from a moral stance, to a legal one. This is the viewpoint of forensic, as distinct from clinical, psychology

3. Psychological approaches to sexual deviance

With the growth of psychoanalytic thinking, the concept of sexuality became a focus within psychology and medicine. It also began to refer not only to procreation but also to the need for love and personal fulfilment. Freudian psychology sees a sexual element in nearly all human activity; it is the expression of a primary instinct, the manifestation of a basic and powerful inner "drive". Such an acceptance of sexuality and sexual needs would seem to suggest recognition within society of a wide range of forms of gratification, but as we will see, there is still much which is frowned upon, and with good reason. The question here is not only the distinction between what society sees as odd and what it deems deviant, but also how does society know that an individual (or a couple or group) is behaving deviantly?

So, we know that what is considered to be "perversion" or "deviation", and what we term paraphilic varies from society to society. Some specific paraphilias have been or are currently crimes in some jurisdictions. The field of psychology has attempted to characterise paraphilias in terms of their aetiology and the ways in which they change the functioning of individuals in social situations.

Clinical literature discusses eight major paraphilias individually, defined as the sole means of sexual gratification for a period of six months, and which causes "marked distress or interpersonal difficulty" to be considered such. In the clinical sense, many professionals prefer the term "disorders of sexual preference". The clinically recognised paraphilias are: Exhibitionism, Fetishism, Partialism, Transvestic Fetishism, Frotteurism, Masochism, Sadism, Chronophilias, and Voyeurism [iv]

It seems that anything can (in theory) become sexualised, given the right circumstances, and that therefore paraphilias can encompass almost any imaginable subject. Observation of paraphiliac behaviour has provided valuable scientific information on the mechanisms of sexual attraction and desire, such as behavioural imprinting. Normal biological processes may sometimes be manifested in idiosyncratic ways in at least some of the paraphilias, and that these unusual manifestations are frequently associated with unusual (traumatic) events associated with early sexual experience. They tend to be caused by imprinting in that a sexual stimulus has been paired with stimuli and situations that do not typically result in sexual response, then perpetuated through operant conditioning because the sexual response is its own reward or positive reinforcement. Sexual imprinting is therefore seen as the process by which a young animal learns the characteristics of a desirable mate.

John Money called it the lovemap.[v] A lovemap can be shaped by both positive and negative factors, things that attract or repel the person whose erotic tastes are being mapped. For reasons that are not always easy to understand, one person may be attracted to people of a particular gender, with a particular physical characteristic, with particular personality traits, and so forth. A lovemap can be shaped by environmental factors that facilitate the formation of an erotic bond, or that enhance or diminish erotic response. The lovemap can become distorted. A vandalised lovemap occurs when the love mapping process or neurological template development stage becomes traumatised, as in for example being exposed at a young age, typically five to eight, to the sights, sounds and tortures of paraphiliac sadist or masochist parents; or as in being led into a paedophilic relationship; or as being involved in an incestuous relationship. Paraphiliac lovemaps are problematic when lust is attached to fantasies and practices that are socially forbidden, disapproved, ridiculed, or penalised. Sexual imprinting on inanimate or non-sexual objects is a popular developmental theory for sexual fetishism.

A further alternative comes from evolutionary theory, positing the more sexually aggressive males continue to pass on their genetic material while at the same time learning from prior generations. Though our brains have advanced throughout time, our inherent drive to reproduce has not. This theory may partially account for rape of women of childbearing age, but fails to address male or older female rape victims or child molestation.

Neurological hypotheses of paraphilia conjecture that sexual deviance is associated with frontal and/or temporal lobe damage. It is concluded that although fronto-temporal dysfunctions are sporadically reported among

sexual offenders, the evidence is scarce and it might not be specific to this type of offending. Both cortical and subcortical structures are important for normal sexual functioning. While the frontal and temporal cortices are believed to be involved in the modulation of drive, initiation, and sexual activation, subcortical structures including the hippocampus, the amygdala, and the hypothalamus are implicated in the modulation of sexual behaviours and genital responses. Brain damage might provoke hypersexuality and paraphilia. If there is malfunction in both right and left medial temporal lobes then a patient may develop Klüver–Bucy syndrome, which includes the symptoms of docility, dietary changes, hyperorality and altered sexuality. This last is characterised by a heightened sex drive or a tendency to seek sexual stimulation from unusual or inappropriate objects. Neuropsychological examinations lead to the conclusion that sexual deviance is associated with anomalies of a vast cortico-subcortical, fronto-temporal circuit[vi]. While neuropsychological and neuroimaging data concerning sexual offenders are limited and tainted with numerous methodological limits, the most frequent finding involves dysfunctions associated with the left fronto-temporal lobes. Thus, the hypothesis that a left fronto-temporal abnormality would disrupt a regulatory control mechanism and provoke paraphiliac tendencies still prevails.

There are therefore, several forms of sexual attraction, which, if acted upon, will be viewed as illegal and prosecuted. These include paedophilia and sexual coercion. The literature and legislation surrounding these crimes is clear, even if their application is somewhat difficult. There are some unusual forms of sexual gratification, however, that challenge the view of sexual legality, and the identification of victim and perpetrator. Let us examine the real dilemmas that can face the sex police.

4. Love from beyond the grave

The ultimate disgust reaction comes from one sex act that could almost certainly be defined as victim-less. Necrophilia is the erotic attraction to corpses, seen as the attempt to gain possession of an unresisting or non-rejecting partner. In many jurisdictions, it is not considered as a crime. In some cultures, it is even natural, with a bride who dies a virgin being deflowered before she is buried. The most common necrophiles work in mortuaries and graveyards. In 1979, Karen Greenlee worked at a California Mortuary, and was given the task of driving the hearse containing the body of a 33-year-old man to his funeral. She wasn't seen for 2 days. When found, she was charged with illegally driving a hearse and interfering with the burial. Karen confessed to amorous episodes with between twenty to forty dead men[vii]. Who is the victim here? The grieving relatives? In truth, the legal system has difficulty deciding on a victim in cases of necrophilia. Psychological theory suggests that an inferiority complex means that intercourse is more attractive to the necrophiliac because the corpse cannot reject advances, is never unfaithful, and makes no sexual demands.

However, the question of identifying someone as a victim is even more problematic when the corpse asked for it.

5. “Please kill me, it turns me on”

Sharon Lapotka had several online businesses, but she used the Web mainly to interact with a larger variety of people who shared her unconventional interests. She had a variety of pseudonyms, often referred to as “masks”, allowing her anonymity to pursue unusual fantasies, including “a fascination with torturing till death.” Such behaviour demonstrates the Mardi Gras phenomenon - the ability to mask and assume a variety of personalities, allowing one to speak and act freely with little or no consequence, particularly prevalent on the Internet, where users can express themselves freely and anonymously in online chat rooms and news groups.

Sharon certainly used this phenomenon extensively. She had posted messages looking for a man to satisfy her fantasy of being sexually tortured and murdered. In August 1996, Robert (Bobby) Glass answered her messages. Bobby had a fetish for inflicting pain, and agreed to fulfil Sharon's fantasy. On October 13th, Sharon set out to visit Bobby in his trailer in Lenoir, NC. On October 20th, Sharon's husband Victor finally found the note telling him that she would not be returning. Victor contacted the police; the investigators discovered her online life, and connection to Bobby Glass. The search of Bobby's trailer revealed items belonging to Sharon and her decomposing remains were found in a shallow grave around 75 feet from the trailer. Bobby was charged with first-degree murder. The consequences of Sharon's death and Bobby's conviction were that we now strive to understand what drives unusual and even fatal, sexual fantasy and behaviour. A controversial form of deviant sexual “play” practiced by some sadomasochists involves the use of sexual strangulation or asphyxiophilia, the practice of controlling or restricting oxygen to the brain in order to achieve sexual gratification [viii] According to the American Psychiatric Association, about 250 deaths occur every year in the United States involving strangulation during sexual activity. It is generally held that these incidents are accidental deaths. Psychologists and other professionals are at a loss to explain what drove Sharon to fantasise about her own death in this manner, as it was clear that is what she set out to achieve.

Contemporary liberal discourse suggests that we should be tolerant of a wide range of sexual behaviours, if

they are performed with consent. The phenomenon of being murdered for pleasure problematises assumptions about the legitimacy of consent and our view of victimological arguments[ix]. Parallels can be drawn in the current debate around assisted suicide for the terminally ill. Consenting to murder for pleasure is behaviour outside the terms of informed consent, or lack of it, as it is currently understood and thereby presents an ethical and legal dilemma.

6. “You’re dying to meet me”

The other form of paraphilia, which attracts great attention psychologically and legally, is erotophonophilia, commonly known as lust murder. This is a murder in which the offender searches for erotic satisfaction by killing someone. A lust murder begins with the obsessions of the offender. The signature component of the crime, that which names it a lust murder, is the killer acting out fantasies with victims and the bodies. The symptoms of erotophonophilia include sexual arousal from killing, an abnormal amount of time spent thinking about killing someone, recurring intense sexual fantasies and urges involving killing

Thus, lust murder represents the integration of sexualised violence and murder. Evidence of peri-mortem mutilation is common, with methods of torture using a large range of weapons. Bite marks, vampirism or cannibalism are sometimes reported. As might be expected the theories of psychology are called upon to try and understand this most severe form of sexual deviance. Freudian concepts of unresolved sexual conflict, infantilisation, and maternal over-protection or rejection, are used in explanation. A conflict between the *id* and the *superego* due to unresolved childhood experiences can result in violent behaviour. Other psychodynamic positions suggest the murderer’s guilt prevents him from full sexual satisfaction, and that he must inflict suffering to the level that his victim is forced to “forgive” him. Furthermore, it may be that the serial murderer is “creating” something by murdering, which overcomes feelings of inadequacy and inferiority. The taking of trophies from the victim and/or recording of the offence may serve to remind the murderer of his “creation”. Hatred of a significant female and/or oedipal complexes have also been reported by many serial killers (usually of the mother). Ed Kemper maintained that if he had killed his mother first, his other victims might have been spared. Displaced aggression is thus acted out on other women. Other theories used in conjunction with the psychoanalytical model may be more fruitful. For example, there is a fairly consistent finding of serial killer research, the presence of the “MacDonald Triad” in serial killers. Enuresis (bed-wetting), firesetting and torturing animals are common in the background histories of multiple sadistic killers. In psychodynamic terms, bed-wetting is thought to be a form of rebellion towards parents. Fire-setting is associated with violence and torturing animals is a further form of rebellion against the norm of keeping pets as cherished friends. If the triad demonstrates the serial killer in training, then what cause these acts to be displayed? Unconscious conflict in the first two years of a child’s life has been further advanced as causing proneness to homicidal behaviour. Hence, child abuse must assume a particularly prominent role in the genesis of a serial murderer. The surprising finding here is that emotional abuse correlates more strongly with later delinquent behaviour, but physical abuse does not. There is also evidence to suggest that many bedwetting, animal torturing firesetters can grow up to be psychologically healthy. An alternative position is drawn from the therapeutic literature around counselling. Impulse control disorders include things such as alcoholism or drug addiction, pyromania, and, of course, sex addiction. Tension builds; it is only relieved by the act or the “fix” of the addictive behaviour. Therefore, it is posited that the erotophonophile may be addicted to his peculiar activity.

Also within a therapeutic framework, addiction theory suggests that operant conditioning may play a part; the reward (pleasure) gained from the offence causes positive reinforcement and increases the likelihood of a repeat offence occurring. Access to violent pornography and subsequent orgasmic conditioning appear to be the culprits here. Research suggests that murderers share common attitudes and beliefs. Cognitive distortion remains an area of research that we are currently considering in our project, together with explorations of neurology.

7. Summary

In this paper, we have covered a small part of the history of how we view sex, and the ways in which society attempts to control our sexual behaviour. We suggest that the perspectives on sexuality have changed little even in our new liberal world. The sex police are still with us, they are still the arbiters of good sex, managed by media commentary on infamous cases, and castigation of celebrity life styles.

We have also explored the concepts of victimology in sexual crime, posing the question of what we determine is a victim-less crime, and informed consent to the most extreme sexual acts. What is completely clear however is that sexual deviance has no one psychological (or other) explanation, but the perception of it in our work, and our own views must be rooted in our cultural inheritance.

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