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Abstract

This paper explores the arguments put forward for prohibiting the possession of fantasy images of child sexual abuse within the Coroners and Justice Act 2009, and applies them to sexual ageplay in Second Life. Sexual ageplay is the virtual act of simulating child sexual abuse using animated child characters operated by consenting adult users. The arguments underpinning the legislation centre on the issue of harm and the relationship between online, virtual behaviour and real world contact offences. It is argued that extant research does not support a causal connection, although some work on fantasy offence planning and online paedophilia chat groups suggests a link. Due to the lack of empirical work in the area it is concluded that legislation to criminalise such behaviour on grounds of harm causation is currently unjustified, although prohibition of sexual ageplay for known sex offenders is recommended. Further research into the extent, use and effects of sexual ageplay is required.

Key words: Ageplay, Second Life, child abuse, abuse images, fantasy images, virtual

1. Introduction

In April 2010 the Coroners and Justice Act 2009 sections 62-68 made possession of obscene, pornographic images of children other than photographs and pseudo-photographs illegal. These prohibited images criminalised control and/or ownership of still or moving visual 'depictions of fantasy material' that portrayed children in pornographic and sexually abusive contexts (Ministry of Justice and Northern Ireland Office, 2008: 15).

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As the Act prohibited graphic, fantasy images, the children portrayed only need convey the predominant impression of a child under 18 years even if some of the physical characteristics are not those of a child (s.65(6)(b)). This Act is the first time in England and Wales that child abuse images that are evidently not depictions of real abuse of actual children have been prohibited. Prior to this Act photographic images and pseudo-photographic images of child sexual abuse were prohibited; although the latter may have been entirely computer-generated it was ruled illegal if indistinguishable from a photograph. In addition, tracings or other images derived from real or pseudo-photographs of abuse were made illegal in the Criminal Justice and Immigration Act 2008.

The reasons why these images were criminalised is outlined in the Government consultation and response documents (NOMS *et al.* 2007; Ministry of Justice and Northern Ireland Office, 2008) and guidance to the Coroners and Justice Act 2009 (Ministry of Justice, 2010). Four primary arguments were asserted: 1. real child abuse images may be manipulated in such a way as to disguise the content as fantasy images and so evade prosecution; 2. fantasy images of abuse are often found in collections of photographic child abuse images and so is proffered as evidence of a link between viewing or creating fantasy images and 'real world' offending; 3. that fantasy images could be used as a way to start grooming children by sex offenders; 4. that viewing fantasy images of child abuse may reinforce the viewer's inappropriate feelings towards, and attitudes about, children. Significantly, these arguments are based on the principle of harm causation; that viewing and using fantasy depictions of child sexual abuse increases the likelihood that children will be harmed through future contact abuse. However, there is not widespread agreement with these arguments. Throughout the consultation, and in academic discussion papers on virtual child pornography (*c.f.* Johnson and Rogers: 2009; Levy, 2002; Luck, 2009; Nair, 2010), a number of counter arguments have been put forward. Some of these arguments

centre on the lack of evidence (due to a lack of research in this area rather than evidence to the contrary) that possessing fantasy child sexual abuse images is causally related to further, more serious offending and so is: 1. counter to the (then Labour) Government's stated intent to underpin policy and legislation with research evidence; 2. breaches civil liberties and freedom of expression and so is 'censorship based on matters of taste rather than evidence of harm' (Ministry of Justice and Northern Ireland Office, 2008; 16); 3. that some research into the use of child abuse images has concluded that there might be a positive, cathartic effect on the viewer. The Ministry of Justice and Northern Ireland Office (2008) acknowledged the lack of research into fantasy images, questioning whether the prohibition of the material was nonetheless justified. They concluded that it was on the grounds of possible harm causation, basing this view on the largely anecdotal evidence put forward by organisations and individuals who responded to the consultation exercise, thus, implicitly hypothesising that any such research would find a connection between possession of fantasy images of child sexual abuse and real world harm.

The forms of imagery that this Act encompasses have yet to be tested through the courts, however, in the consultation exercise (Ministry of Justice and Northern Ireland Office, 2008) respondents raised the need for this law to include online virtual environments. In the virtual world of Second Life sexual ageplay, a virtual form of child sexual abuse, has become an issue of concern. Sexual ageplay can be defined as a form of visual, fantasy depiction of child sexual abuse but, due to the interactive nature of the online environment of Second Life, sexual ageplay may be a special case for consideration. This is not only because without users saving the images it may be difficult to make a legal case for possession, but also because it combines elements of both the use of child abuse images and online networking whilst introducing an additional dimension to the equation: that of role-playing fantasies.

This paper will question whether prohibition of fantasy images under the Coroners and Justice Act 2009 should explicitly include obscene, pornographic abuse interactions as acted out through sexual ageplay in Second Life. Using the Ministry of Justice's justifications for prohibiting possession of fantasy depictions as outlined above, the research evidence to support these claims of harm causation will be examined. In so doing, the paper will explore the research evidence to suggest that the activity causes harm and, as a consequence, whether limiting the freedoms of people may be justified. Researchers have often noted the challenges of embarking on critical discussions of efforts to curb sex offending due to the sensitive nature of the topic, with social morality frequently being the basis of social and legal action in this area (Ost, 2009: 1). This paper seeks to examine the issue of sexual ageplay in line with crime prevention work in less emotive areas; taking a dispassionate evidence-based approach. As such, it is beyond the scope of this paper to consider the moral arguments surrounding the (un)desirability of this activity.

2. Background to ageplay

Second Life is a virtual massively multi-player online environment developed, owned and operated by Linden Lab (Russell, 2008). Established in 2003, users create avatars (animated characters) that they control in the virtual world of Second Life. These avatars allow users to interact with one another in real time, communication is through instant typed chat and messaging or voice and video calls. It is an adult only environment in which users, when creating a Second Life profile, have to register their age. There is a separate 'world' for adolescent users (Teen Second Life), in which only they, Linden Lab officials and approved adults (for example, company representatives and educators) have access (Wilson, 2009). This paper will focus solely on sexual ageplay between consenting

adult users as this is the form of interaction within Second Life that is contentious; however it is noted that the age verification procedures are limited and child and adolescent users have been found in Second Life (Meek-Prieto, 2008). Such sexual and sexualised interactions between adult and child users carries a further set of issues to consider which will not be discussed here (*c.f.* Wilson, 2009).

Unlike most online worlds, Second Life is not a game with rules and objectives. Rather, it is a free-form computer-generated environment in which users, through their avatars, can act out a life not unlike they would in the real world, except that in Second Life there are no physical laws and they are not bounded by issues such as employment, social networks or status. As such, this ostensibly anonymous environment allows users freedom to act in ways which they may feel unable to in the real world; perhaps acting out fantasies or role playing different avatars, such as male, female, animal, mythological creature, furniture or as differently aged characters. The practice of an adult user creating and operating as a child avatar is referred to as 'ageplay'. Although ageplay may have no sexual connotations it is a contentious issue within Second Life as a significant number of users do so for the primary purpose of simulating sexual activity between child and adult avatars. Thus, sexual ageplay is not simply an image of virtual child sexual abuse (a sophisticated drawing of abuse), but it is the *act* of simulated virtual child sexual abuse: sexual ageplayers manipulate their avatars to interact and engage in sexual acts within the online world.

3. (De) Problematising Sexual Ageplay

In May 2007 a German police investigation into allegations of trading child abuse images in Second Life uncovered markets of photographic and pseudo-photographic child abuse images alongside virtual prostitution rings trading sex with child avatars (operated by

consenting adult users) (BBC News, 2007). This investigation brought to light the practice of ageplay and later that year Jason Farrell, an undercover investigative journalist for Five News, reported on sexual ageplay in a section of Second Life known as Wonderland (named after an earlier online paedophile group, The Wonderland Club, that had been closed down by collaborative international police effort in 1998 (Russell, 2008)). Although Wonderland is not the only forum in which sexual ageplay occurs in Second Life, it is one of the larger and, since the investigation, most notorious user groups dedicated to this activity. Farrell described the group as a 'virtual paedophile ring' (Sky News, 2007), however, Linden Lab responded to the report by claiming that there was no evidence that Wonderland violated Second Life's rules (Reuters, 2007). Despite this, Farrell's reports sparked international police investigations into Second Life and Wonderland in particular, including by England and Wales' Child Exploitation and Online Protection centre (CEOP) (Mann, 2008).

Although Linden Lab has since issued statements banning sexual ageplay (Linden, 2007), currently the legal status of this activity is unclear. Digital images representing child abuse are illegal in a number of countries (such as England and Wales, the Netherlands, Germany and Greece), although some countries, require the digital image to be like a photograph (so almost indistinguishable from images of real abuse) before it can be ruled illegal (Kierkegaard, 2008; Levy, 2002). The interaction of undertaking virtual child sexual abuse between consenting adults (operating adult and child avatars) has not been specifically legislated on (either in England and Wales or internationally). Thus, to date, police investigations have focussed on the surrounding illegal behaviours (for example, distribution of photographic abuse images) and used Second Life forums, along with similar online user groups, as mechanisms to identify potential child abuse networks (Mann, 2008). However, these investigations are hampered by the cross-border,

international nature of the investigations, abuse and networks. This brings in not only issues related to policing jurisdictions, but also conflicting definitions of legal terms such as 'child', 'under-age', or 'child pornography', which complicate the investigation and prosecution of online activities.

Sexual ageplay became a topic of criminological concern because police investigators assumed a link between sexual ageplay and the increase in risk that ageplayers will commit real world child abuse offences. This connection was stated concisely in a press report by Jim Gamble, then Child Exploitation and Online Protection centre (CEOP) chief executive and lead on child protection for the Association of Chief Police Officers (ACPO): 'the "virtual" environment is simply an extension of the real, physical world […]' (CEOP, 2009: online). But is it? What evidence is there to show that activity such as sexual ageplay is worrisome?

3. 1 Proposition One: real child abuse images may be disguised as fantasy images.

The first proposition can be dismissed as not relevant to sexual ageplay, as ageplay is an interaction within a virtual world between avatars which results in a transitory fantasy image created through this interaction of players, rather than a still or moving recorded image that has, or could have, been manipulated. In addition, any fantasy images derived from depictions of real world abuse are already illegal under the Criminal Justice and Immigration Act 2008 (Johnson and Rogers, 2009).

3. 2 Proposition Two: fantasy images are found alongside collections of real child abuse images and so are indicative of risk of offending.

Although there has been no research into the statistical relationship between engaging in sexual ageplay (or, indeed possessing other fantasy images) and creating, downloading or

possessing photographs or pseudo-photographs of child sexual abuse, emerging anecdotal evidence does point to a co-occurrence. This relationship between sexual ageplay and non-fantasy abuse images is evidenced by the original police investigations into Second Life networks of people trading such images who also engaged in virtual child prostitution rings (sexual ageplay for money via Linden dollars) (BBC News, 2007). More generally, organisations which work with sex offenders and/or the victims of child sexual abuse (such as police and probation services, charities, campaign groups and professional bodies) responded to the Government consultation (Ministry of Justice and Northern Ireland Office, 2008: 13) that fantasy depictions are 'frequently found alongside images showing the sexual abuse of real children and is often possessed by offenders.' However, it was also noted that this fantasy material was sometimes used by offenders as a 'safe' (prior to the 2009 Act) alternative to illegal images, suggesting that offenders will either find new legal alternatives or that they chose to use this material knowing that it was not real and so were conscious of avoiding causing harm or engaging in a market which causes harm to children (although there is no evidence for a demarcation in the markets of suppliers, creators and distributors of real and simulated child abuse images). Johnson and Rogers (2009) posit the idea that collections of fantasy images of child sexual abuse may have been used precisely because they were legal; users of the material choosing this in preference to the illegal possession of photographic or pseudo-photographic images. They query why, in the absence of evidence that viewing this material causes future harm, such behaviour should be regarded as problematic. Taylor and Quayle (2003) also discuss the issue of collecting child abuse images, but conclude that such behaviour, eased by quick access to large amounts of material on the internet, may lead collectors to seek increasingly extreme material to maintain the excitement gained by new and novel images.

Robust evidence on the relationship between fantasy images and real world abuse images is scarce and inconclusive. However, the argument here additionally implies that ownership of child abuse images (be they photographic or not) are directly correlated with a likelihood of real world contact offending. Whilst many retrospective studies on convicted sex offenders have found a degree of correlation, prospective studies tend to be much less clear (Ost, 2009; Quayle and Taylor, 2003. As this argument blurs into that of proposition 4, the issues will be dealt with in more depth below.

3. 3 Proposition Three: fantasy images can be used as a grooming mechanism with children.

There is no research published to show that fantasy images are used in grooming child victims for sexual abuse in the real world, however, it is difficult to relate this argument to sexual ageplay as the images created through these interactions are transitory (Mann, 2008): the images can be saved and used, but this removes the significant interaction that characterises sexual ageplay in Second Life and the images become simply a fantasy depiction of abuse rather than an act of simulated abuse.

Although there is some research evidence that similar activity in a variety of online multi-player environments has been used to groom child users who have either legitimately or illegitimately entered the online space (*c.f.* Lyta *et al.* 2010; Wilson, 2009), such behaviour in Second Life is beyond the scope of this paper. As defined above, sexual ageplay is an interaction between consenting adult users, operating child avatars and as such sexual ageplay, by definition, cannot be a form of online grooming as no real children are involved. Thus, the question for this paper is not whether grooming takes place in Second Life, but if sexual ageplay is, or can be, used to this end in the real world. It is conceivable that a user may enter into sexual ageplay online whilst with a child in real life, using the

interaction as a way of normalising the behaviours for the child. However, such behaviour does not need to be made illegal in new or extended legislation as meeting a child following grooming was first prohibited in the Sexual Offences Act 2003 s15 (1), as were a number of other grooming related activities. Depending on the conduct of the adult, encouraging a child to watch sexual ageplay on a computer screen would constitute an offence under one of these sections (such as s9 through to 15), suggesting that further legislation on these grounds is unnecessary. However, despite that there is no evidence, either research or anecdotal, to suggest that sexual ageplay is used to facilitate offences under the Sexual Offences Act 2003, the possibility of this behaviour indicates the need to ensure that identified sex offenders are prohibited from this activity.

3. 4 Proposition Four: viewing fantasy images of child sexual abuse may reinforce inappropriate feelings towards children.

The debate about whether viewing real pornography (of adults and/or children) and the relationship this has on viewers' behaviour and attitudes has been lengthy and remains unresolved. The lack of a clear direction from empirical research has led many writers on virtual child pornography and sexual ageplay to disregard the argument from their considerations (*c.f.* Levy, 2002). However, the issue remains central to assumptions on which laws are based, not only in England and Wales but internationally. In the United States (In *Ashcroft v Free Speech Coalition* 2002) the research evidence linking non-photographic images of child sexual abuse to harm (either in terms of the creation of the image or harm through encouraging the commission of child abuse offences in the future) was found to be insufficient on which to base legislation (and in so doing, limit the constitutional right to free speech) and, thus, the argument for proposition four was unsubstantiated (Malamuth and Huppin; 2007). The research evidence was judged insufficient in terms of: 1. the body of evidence does not point to one clear finding and 2.

much of the research (especially early research in the field) has been criticised as being of very poor methodological quality.

Specifically in respect to the criminalisation of fantasy images of child abuse, Nair (2010: 227) argued that this proposition as presented in the consultation documents prior to the Coroners and Justice Act (NOMS *et al.* 2007; Ministry of Justice and Northern Ireland Office, 2008) was tantamount to an Orwellian offence of "thought crime", and thus criminalisation was disproportionate to the harm caused by the offence. This view was acknowledged in the consultation response document but dismissed in favour of the anecdotal evidence presented in favour of the four supportive arguments for criminalising fantasy images of child sexual abuse (Ministry of Justice and Northern Ireland Office, 2008:13). Nair criticises the government for failing to determine the likelihood of risk or level of harm that fantasy images cause to individuals or society more generally. Whilst he acknowledges the challenges of this, the lack of evidence is cited as a reason not to implement premature and repressive legislation, although others (such as Quayle and Taylor, 2003) argue for preventative action based on the precautionary principle. However, the relationship between fantasy sexual ageplay and subsequent real world contact offending or possession of photographic abuse images may be more indirect than strictly causal. For example, Lanning (2001 cited in Beech *et al.*, 2008 and Ost, 2009) summarizes the position that child abuse images viewed or distributed online may desensitise the viewer, validate deviant sexual desires and behaviours, and so lower internal inhibitions to real world offending. Thus, viewing fantasy images and/or engaging in sexual ageplay may be the 'gateway' into more serious offending.

As the research that has been undertaken (both experimental and retrospective case reviews of offender histories) has considered the connection between viewing

photographic and pseudo-photographic images of child sexual abuse, and as this cannot be equated either with viewing fantasy images or with engaging in the act of virtual sexual ageplay, it is argued here that the research to date is suggestive at best. More pertinent findings may be garnered from recent work into online paedophilia forums and chat groups, which indicates that it is not so much the images that reinforce inappropriate feelings towards children and promote real world contact offending, but the social networks that sharing and trading images creates that is significant. Levy (2002) argues that this is the power of the internet: that isolated individuals can relatively easily contact vast numbers of people world-wide who share similar interests or values. These interest groups serve to legitimize and reinforce shared views, and can encourage members to explore more deviant activities. O'Halloran and Quayle (2010) argue that the power of such groups is the sense of community that is invoked by membership. This sense of belonging helps to reduce the stigma and shame that may be felt by individuals who are aware of their socially deviant interests. This leads to a 'them and us' shared identity that enmeshes members within the group and opposes them against outsiders. Levy (2002) suggests that this is a form of radicalisation, in the same way that political, religious or hate groups can radicalise members through group polarisation.

In applying this work to sexual ageplay it is evident that the significance of this behaviour, particularly within the Second Life environment, is that of group identity and community membership. In essence, sexual ageplay creates an online community who act out shared fantasies, and in so doing function in the following ways:

3.4.1. Sexual ageplay provides a support group which: a. legitimises deviant sexual interests which helps to lower internal inhibitions to further, more serious offending (Malamuth and Huppin, 2007); b. helps 'promote' sexual interest in children and

encourage others at the fringes of the group (Durkin, 1997); c. share information about how to commit offences or to conspire together to commit offences (Durkin, 1997). Durkin refers to this function of online groups as "social consolidation" (Durkin, 1997: 16), and highlights the significance of this to the formation of supportive deviant subcultures which enables members to normalise and validate each others' sexual interests. Durkin *et al.* (2006: 598) comments that "the internet is an unprecedented source of support for those with the most devalued sexual identities – a place where they can readily receive affirmation and reinforcement".

Durkin (1997 and in Durkin and Bryant, 1999) found that the talk between offenders' using paedophile interest group forum centred on rationalising deviant interests and supporting members' cognitive distortions. Elliot and Beech (2009) argue that the rationalisations employed by offenders engaging in fantasy only abuse tend to be in respect to the harmless nature of the activity, but that repeated engagement and emersion in the online culture of the group may lead to the individual developing rationalisations towards sexual abuse of children more generally (such as that children enjoy sexual activity with adults). Similarly, Lambert and O'Halloran (2008) found that members of a female sexual abuse web group used the community engendered through this contact to reinforce cognitive distortions and seek acceptance of deviant sexual interests. The importance and relationship of these rationalisations to the cycle of offending behaviour is recognised in models of sexual behaviour and through cognitive therapies, which have been accredited for use with child sexual abusers within the Sex Offender Treatment Programmes (Ost, 2009). However, Johnson and Rogers (2009) argue that however concerning online groups maybe, this does not legitimise the criminalisation of consensual simulated abuse against virtual children without evidence of real world harm caused by this behaviour.

3.4.2. Sexual ageplay provides a virtual environment to act out sexually deviant fantasies.

Elliot and Beech (2009) suggest that the visual medium of internet child pornography is easily utilised by (potential) sex offenders as a masturbatory tool which reinforces deviant sexual interests. Quayle *et al.* (2006) suggest that masturbation to fantasies acted out online or aided by abuse imagery reinforces the fantasy and deviant behaviour as it alleviates individuals' negative mood states (with known sex offenders being more likely to resort to sexual behaviour as way of altering their mood). However, Lacombe (2008) challenges the assumed significance of deviant sexual fantasies to sex offending. Drawing on observations and interviews with sex offenders in a cognitive behavioural therapy programme he noted that offenders were forced to admit the central significance of fantasy to pre-offence planning such that they sometimes constructed fake fantasies in order to be perceived as engaging in the programme.

Although research into the role of deviant fantasies has not considered the use of fantasy, graphic child abuse images, the findings are suggestive as further research has indicated that fantasy-only child sexual offenders (as opposed to those that had committed contact offences in real life) were more likely to ascribe to cognitive distortions that children are sexualised beings that can enjoy sexual activity with other children and adults (Howitt and Sheldon, 2007). However, Quayle and Taylor (2003) acknowledge that there is a lack of empirical evidence demonstrating a causal relationship between altered perceptions of children and pornography, although little work has considered child abuse images.

Sheldon and Howitt (2008) outline the various forms and functions that fantasy may have in relation to offending. Although one of these is cognitive rehearsal of offending, they argue that more generalised deviant fantasies of sexual activity with children may not have any element of rehearsal. Thus, the actions in sexual ageplay may be used differently by

different users: some may be rehearsing specific fantasies they wish to act out (offence planning) while others may be engaging in more experimental activity which is less grounded in real world desires. However, as the authors acknowledge, the role of this less purposeful fantasy is part of many models of sexual offending in which offenders move through stages in which deviant fantasies are formed and reinforced through masturbation, viewing abuse images and/or internet group communities. This process disinhibits the offender's internal inhibitions to offending until real world planning takes place.   Despite this theoretical link, Sheldon and Howitt (2008) found that there was no simple, causal connection between sexual fantasies involving children and sex offending against children. Conversely, they found that contact sex offenders report having fewer fantasies involving children than internet offenders (convicted of possession or distribution of child abuse images online) or offenders with a mixed offence history.

If fantasy related to viewing child abuse images can be linked to further offending, either through direct offence planning or indirectly through lowering of inhibitions and reinforcement of cognitive distortions, then sexual ageplay may have one of two negative consequences. Firstly, it could be argued that due to the interactive, first player nature of the virtual act it would have a stronger affect on the player than simply viewing images or discussing fantasies. This is because sexual ageplay necessarily requires the player to make real time decisions about how they would like the abuse to be carried out: the words said, the social situation, the avatars' behaviours; sexual acts simulated. On the other hand, the unrealistic nature of sexual ageplay imagery may mean that players have an additional cognitive barrier between the acts and real world offending. The virtual abuse they are simulating with avatars does not look like real people so a cognitive distance may be maintained. However, this stylised imagery which characterises Second Life may

become more realistic in the future due to changing tastes and improving computing technology.

A central question underlying the act of sexual ageplay is that of: 'is the person operating the avatar, the same as the avatar?' (Wankel and Malleck, 2010:3). One may suppose that the actions and expressed desires of the avatar in Second Life are those of the person controlling the avatar, but this does not equate to behaviour that is acted, or even desired to be acted out in the real world. Second Life, by its very nature, enables users to act in ways that would not be possible or wanted in the real world. The extent to which online personas are representative or, indeed, part of users' concept of self-identity is largely unexplored. Guinchard (2010) notes that for many users of virtual worlds, including Second Life, the 'cyber-self' is a projected image of the real self as the real person would like to be presented. Thus, the cyber-self may be argued to represent an idealised self and to overtly present aspects of the identity of the user that they feel inhibited to show in the real world (anonymity and 'unrealness' of the virtual world permitting self-expression that the user may not wish to present in the real world). This may mean that ageplayers are enabled to express aspects of their identity that they would be unlikely to explore in the real world. Whether this means that sexual ageplay reduces or increases the risk of real world abusive behaviours is unclear, but may indicate that virtual behaviours stay virtual.

This is the argument put forward by Luck (2009) who, like many of the authors so far discussed, considers the issue of harm to be central to the debate about virtual child sexual abuse imagery. He likens the act of virtual sexual abuse (sexual ageplay) to that of killing in computer games: is it immoral for a player to direct his character to murder another within a computer game? The standard response is no, because no one is actually harmed as a result of a virtual harm (Luck, 2009: 31). Luck goes on to consider that there

is no evidential difference between these two virtual acts other than the moral dislike and social unacceptability of virtual child sexual abuse, which is not a justification for legislation. This argument is based on direct notions of harm caused (or not) by the virtual behaviour. However, research on violence in computer gaming supports a more indirect conceptualisation of harm causation. For example, Starevic and Porter (2010), in a review of the research relating to violent gaming, conclude that evidence tends to point to a long-term effect on heightened levels of aggression from continued exposure to violent games due to the promotion or condoning of violence which reduces players' internal inhibitions to violence. This is a similar connection as argued for the relationship between viewing child abuse images and committing abuse on children earlier discussed. Adams (2010) argues that if sexual ageplay can be demonstrated to cause harm to the person operating the avatar or to others either witnessing the simulated abuse online or more indirectly through a connection to real world abuse, then sexual ageplay ought to be regulated. However, currently such research has not been conducted and, without this evidence, freedom of sexual expression should prevail. Nevertheless, Adams queries if sexual ageplay can be regarded as promoting child abuse and, if so: 'Is it ethical to engage in such activity, to allow, encourage or promote such activity?' (Adams, 2010: 55).

4. Conclusion

The arguments of harm causation which provided justification for the passing of the Coroners and Justice Act, within which possession of still and moving fantasy images of child sexual abuse are prohibited have been found to be lacking in evidentiary support when applied to sexual ageplay as acted out in the virtual environment of Second Life. Without rigorous research into the effects of sexual ageplay (or indeed the viewing of non-participatory fantasy images) it is premature to legislate on the grounds of direct harm causation: 'A mere notion or perception of harm is distinct from clear and present danger

of harm.' (Nair, 2010: 231). Ost (2009: 123) also argues that it is a distortion of the harm principle to extend it to the criminalisation of behaviours that carry a potential risk of future harm rather than proven harm; calling for a careful delineation of harm claims based on risk of harm as opposed to actual harm. This does not necessarily mean that criminalisation of this behaviour is not appropriate, but it is apparent from this exploration of the research evidence that, despite the evidence-based claims and arguments asserted, prohibition of sexual ageplay is based primarily on normative concepts of social morality and ethical behaviour.

However, that sexual ageplay may be indirectly harmful and lead to real world offending is tentatively suggested through work on online paedophile chat groups. Here research suggests that sexual ageplay may provide a social community which promotes and encourages individuals to graduate to contact offences in the real world through a process of rationalisation and neutralisation of inhibitions to such offending. This research is significant as it is supports the inconclusive empirical links between fantasy images of child abuse (or indeed real images) and contact offending, whilst not relying on theories and models which emphasise the importance of fantasy as rehearsal for offending (as sexual ageplay may or may not be used in this way, again indicating the need for further research into why and how users engage in this activity), and is grounded in sociological traditions exploring the role, functions and meanings of group identities and membership.

Thus, it is necessary that research into the extent, use, effects and likely risks of harm relating to sexual ageplay should be undertaken in order to clarify the dangers (or lack thereof) associated with this activity and whether banning it would be effective in preventing sexual abuse of children. Such research would necessarily have to be with current users of sexual ageplay to avoid ethical concerns about exposing people to

potentially harmful material, but should not be based solely on retrospective case studies of known sex offenders due to the biased nature of the design. Such research would be of wider benefit to the growing knowledge base on sex offending by enabling the relationships between community networks, fantasy and real world harm to be explored; throwing brighter light on to the shadowy cognitive and social processes which lay behind all sexual child abuse. In the meantime, precautionary legislation prohibiting sexual ageplay may be recommended, however, this explicitly preventative legislation would not have strong evidentiary support and thus may be open to the criticism that the legislation is a reaction to a moral concern and not demonstrated to be helpful in preventing crime (as some other legislation dealing with sexual offences has also been criticised, *c.f.* Silverman and Wilson, 2002: Thomas, 2009). It may be a more measured response, in the interim, to prohibit sexual ageplay in the registration, license and bail conditions for known sex offenders, and for those subject to sex offender orders.

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