

Identifying and Criminalizing Male Teenagers for Sexual Abuse¹

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Sexuality is everywhere. From the drive for reproduction and through extreme pleasure, it enhances happiness and self-esteem, but transgression is also implicit in eroticism. Diversification of criminal offenses through legal categories and specialized jurisdictions, particularly regarding youngsters, shows a consistent pattern to define formally, either in a therapeutic or in a juridical sense, sexual matters as an object of regulation and public control, rather than private. Teenagers, who are usually the weak party when confronting adult agents of social control, become vulnerable targets for deviant and criminal labels. Narratives from institutionalized teenagers sentenced for sexual abuse provide texts that allow an evaluation, interpretation and characterization of the situation by those who acted and suffered the consequences of sexual transgressions. Data from this study come from ten interviews carried out with teenagers sentenced for sexual abuse, who were 14 to 16 years old at the time of the offense. All the cases, except one, involved known and closely-related victims, in the presence of situational favoring conditions, such as being out of the reach of parents or guardians, and sexual arousal coming from exposure to visual sexual stimulation. Over-intimacy, while associated with conflict, seems not to be the crucial variable for explaining it. Intervention and reporting to the police ranges from their own family or that of the victim, often closely related by spatial proximity, family links or convergent activities. Women, as third parties, mostly respond to the situations and manage the conflict and its outcomes. Cases do not reveal pathological or dangerous offenders but youngsters pushed by hormonal drives within convergent factors, such as explicit sexual content in the media or on the internet and lack of supervision by parents or guardians.

Keywords: Intimacy, narratives, third parties, youngsters, matrisociality

Identificação e Criminalização de Adolescentes do Sexo Masculino por Abuso Sexual

A sexualidade está em toda parte. Desde o impulso para a reprodução até o prazer extremo, ela aumenta a felicidade e a autoestima, mas a transgressão também está implícita no erotismo. A diversificação das infrações penais por meio de categorias legais e jurisdições especializadas, especialmente em relação aos jovens, mostra um padrão consistente para definir formalmente, seja em um sentido terapêutico ou jurídico, as questões sexuais como um objeto de regulamentação e controle público, em vez de privado. Os adolescentes, que geralmente são a parte fraca quando confrontam os agentes adultos de controle social, tornam-se alvos vulneráveis para rótulos desviantes e criminosos. As narrativas de adolescentes institucionalizados condenados por abuso sexual fornecem textos que permitem uma avaliação, interpretação e caracterização da situação por aqueles que agiram e sofreram as consequências das transgressões sexuais. Os dados deste estudo são provenientes de dez entrevistas realizadas com adolescentes condenados por abuso sexual, que tinham entre 14 e 16 anos de idade na época do delito. Todos os casos, com exceção de um, envolviam vítimas conhecidas e intimamente relacionadas, na presença de condições situacionais favoráveis, como estar fora do alcance dos pais ou responsáveis e excitação sexual decorrente da exposição à estimulação sexual visual. O excesso de intimidade, embora associado ao conflito, parece não ser a variável crucial para explicá-lo. A intervenção e as denúncias à polícia são feitas por suas próprias famílias ou pela família da vítima, muitas vezes intimamente relacionadas por proximidade espacial, vínculos familiares ou atividades convergentes. As mulheres, como terceiros, em sua maioria respondem às situações e gerenciam o conflito e seus resultados. Os casos não revelam infratores patológicos ou perigosos, mas jovens impulsionados por impulsos hormonais dentro de fatores convergentes, como conteúdo sexual explícito na mídia ou na Internet e falta de supervisão dos pais ou responsáveis.

Palavras-chave: Intimidade, narrativas, terceiros, jovens, matrisocialidade

Sex, deviance and criminalization

Sexuality is everywhere. From the drive for reproduction and through extreme pleasure, it enhances happiness and self-esteem. Eroticism, its governing energy, can be submitted to disparate ends and purposes, such as commerce, politics, drug dealing and atrocious tantrisms, while it can also be an expression of a divinity force acting on carnal bodies to generate the words for redemption (BRICEÑO GUERRERO, 2016). The will for transgression is also implicit in eroticism (VARGAS LLOSA, 1978). In the digital era, sexual contents overcome others on the internet and the social webs. Foucault (1978) has argued that in the last three centuries there has been *a steady proliferation of discourses concerned with sex... an institutional incitement to speak about it... through explicit articulation and endlessly accumulated detail*; thus, a policing on sex developed through regulation via *useful and public discourses*, overcoming an ancient approach centered on censorship, repression and, at most, confessions as a private matter on which priests had almost exclusive control; medical and juridical instances became crucial and displaced religion, promoting clinical examination and theoretical elaboration as the new grounds for approaching sexuality (FOUCAULT, 1978).

But, still, transgression persists. The multiplication of psychiatric categories defining and describing sexual deviance and its treatment (see section 2, below), and the diversification of criminal offenses through legal categories and specialized jurisdictions, particularly regarding youngsters, show a consistent pattern of defining formally, either in a therapeutic or in a juridical sense, sexual matters as an object of regulation and public control, rather than private. Recent discussions on gender preferences and identities, while aiming to define admissible, tolerable and intolerable sexual behavior, contribute to fix the subjects and circumstances under which sexual preferences should be accepted. Youngsters in general, and teenagers in particular, who are usually the weak party when confronting adult agents of social control, by empowerment deficits (GABALDÓN, 2015), become vulnerable targets for deviant and criminal labels. This article intends to show this pattern through narratives from institutionalized teenagers sentenced for sexual abuse. This method appeals to the recognition, for the human sciences, of the importance of *an evaluative understanding that is constitutive for phenomena* (APEL, 1980); narratives conform texts that allows an evaluation and interpretation by the researcher, while they reflect the assessment and the characterization of the situation by the subjects involved who both acted and suffered in the first place the legal consequences of the sexual transgression.

This is, nevertheless, half of the matter. Vulnerability is a complex issue which goes beyond the legal or medical labels and the psychiatric nosography, and even the demographic group to

which those labels are preferably imposed and enforced. Situational and contextual variables define who is to be identified, labeled and treated as deviant and criminal. From early approaches related to the labelling perspective (GOFFMAN, 1970; BECKER, 1988; LEMERT, 1996), we have arrived at broader theories related to the source of conflicts and to who will suffer and to what extent their consequences. Intimacy, for example, concerns the relational distance between people, and sexual behavior could be considered a case of *over-intimacy*, causing conflict between those directly involved or with relatives and proximate people to the injured party (BLACK, 2011). Third parties, considered as *all individuals or groups who intervene in any way in an ongoing conflict* could become crucial both in supporting those involved and in settlement of conflicts, acting as informers, allies or surrogates through friendly or repressive peacemaking (BLACK; BAUMGARTNER, 2007). Moralism, *a principle of social repulsion*, implies heavy censorship close to hostility, being a direct function of remoteness and superiority, while intimacy itself would reduce its severity (BLACK, 2007). These considerations inform the analysis of the cases for sexual abuse for which the sample of institutionalized teenagers in this study were pointed at, reported, accused, prosecuted and sentenced within the criminal jurisdiction for youngsters in the Miranda State, Venezuela, between 2022 and 2023. Miranda State, one of 24 states, is located in the north central area of Venezuela, with a population of 4.088.343 and a density of 336,5/km²; it is the fourth populated state in the country with a surface of 7.950 /km². Most of the cases in this study come from the Valles del Tuy region, in southwest, and Altos Mirandinos, including the state capital, Los Teques, in the northwest. By 2020, main socio-demographic data showed: access to potable water, 89%, access to safe disposal of garbage, 99%, population below 15,20%, population 15-64, 70%, population at extreme poverty, 59%, juveniles 12-17 attending school, 85% and comprehensive employment, 57% (UCAB, 2020).

Sexual behavior and deviance could have, among juveniles, differences in motivation and situational conditions from what is usually addressed regarding violent or predatory behavior. The latter has been usually approached through aggression and lack of self-control (REISS; ROTH, 1993; GOTTFREDSON; HIRSCHI, 1990) or through achievement claims or conflicts and turfs among peers (BIRKBECK, 2006; GABALDÓN; SERRANO, 2001), and even frustration or rage as a source for negative emotions (AGNEW, 1995) or claiming territories as effective or symbolical spaces for domination (PEREA, 2003; KATZ, 1988). These perspectives are anchored to a tradition of *alternative codes* (WILKINSON; FAGAN, 2001) developed through subcultural perspectives during the 1950s and 1960s in the United States (COHEN, 1981; CLOWARD; OHLIN, 1996; WOLFGANG; FERRACUTI, 1967). Within this context, juvenile crime has been conceived as rebellious and

defiant, demanding swift and exemplary response from formal social control, either through anticipatory measures confronting dangerousness (FLOUD; YOUNG, 1981) or afterwards through criminal jurisdiction, recently under the adversarial model developed by the International Convention of the Rights for Children (ONU, 1989) due to the hegemonic influence of central countries within the juridical globalization. There is little development in this literature on women participating either as victims, as offenders or as support or disputing figures in juvenile crime.

In Latin America, links between women and crime usually are discussed around the idea of *vulnerability*, either through crime networks (LEITE, 2001; FRANCIA, 1998), ethnic discrimination (LIMA, 2004), patriarchal structure (PORTELLA *et al.*, 2011) or judicial prejudices (LASSALLE, 2020). Feminism has permeated these issues emphasizing inequality and oppression associated to gender, pointing to a theory holding that women should be the base for all social knowledge (LENGERMANN; NIEBRUGGE-BRANTLEY, 2002). *Feminist criminology* proposes that gender conforms both crime and social control, allowing research methods to recognize differences of power among researchers and subjects for study and giving voices to the powerless in order to promote justice (CHESNEY-LYND; MORASH, 2013); *intersectionality*, combining race, class or ethnicity, as any other status marker, become central for defining identities and interactions within gender arrangements. Even quantitative approaches related to victim surveys within the so called risk society have led, according to some feminists, to avoiding the contextual meaning of oppression of women by treating data as pure individual variables (MILLER, 2010). Feminine figures could be a relevant mediating factor in juvenile crime through support and reinforcement from childhood to adulthood; women could, also, contribute to relevant tasks for mediating and controlling violence in urban settings (ZUBILLAGA *et al.*, 2013), though still is lacking broader framework for explaining how such participation produces specific outcomes. In the context of this research, participation of women in unraveling and responding to sex-oriented behaviors concerning both male and female, younger or older, belonging or not to their own families, and from different positions, posit questions related to matrisociality attributed to the urban popular family in the Caribbean and, specifically, in Venezuela (HURTADO, 2003) and its influence in patterns of social control (GABALDÓN; SERRANO, 2022): feminine figures face ambiguity regarding control of their sons or subordinate male relatives, since they rely on the function of males as *providers* while they should also participate, and even substitute their male partners in supervision and guidance for children and youngsters.

My present approach diverges from personality disruptions, deficits and gregariousness associated with behavioral codes in conflict with the predominant social morality. Newer approaches

reveal the operation of law within a social space where the relative position of the interacting subjects becomes crucial for predicting the *quantity*, i.e., the intensity of the juridical response, understood, in the end, as the level of coercion and deprivation it implies for the passive subject of the decision. In classic research on police routines in three North American cities at the end of the sixties, last century, Black (2007) identified the relational distance between claimants and addressees as an important variable for predicting both the police intervention, as the intensity of the decision on the ground: arrest rate increased as the more distant the parties involved in a dispute were, and the willingness of police officers to accept the parents' opinion was likely in case of conflict with minors under their supervision. Research in Venezuela, at different times and under different governments, also shows increased coercion towards youngsters by the police as soon as social status and claiming power of the former decreases (GABALDÓN, 2015). Other assessments in Latin America point toward similar direction (FERNÁNDEZ, 2019; RAMÍREZ HERNÁNDEZ, 2020; SAVE THE CHILDREN, 2018) both regarding police behavior as imprisonment treatment. In the context of this research, a judicial decision is considered a formal social control reaction which can imply privation or limitation of liberty, while the right of defense is impaired in a criminal process, thus meaning an increase of the *quantity* of law experienced by teenagers prosecuted for sexual abuse.

Trends in psychological and therapeutic approaches on sex abuse

Discussion about sexual offenses towards and by children and youngsters, within the Anglo Saxon culture, seems to be mostly centered on psychological and therapeutic discourses about individual deviance from patterns of sexual behavior widely shared by the general society, as Foucault (see above) would predict. Some of these discourses emphasize lack of empathy and difficulties among offenders for unraveling and recognizing others' needs, which would make them prone to invade others' privacy without considering negative effects nor experiencing remorse (CALLEY; GERBER, 2008). Even acknowledging that recidivism barely is 13% in a period between 4 or 5 years, predictors for sexual offenses are postulated to be characterized by *deviant sexual preferences, early involvement in sexual abuse and the search for male and female victims who are strangers*, while dynamic factors associated would be tolerant attitudes towards sexual aggression, sexual concern, uncontrolled environment at the moment of release, accessibility to potential victims and lack of cooperation and supervision (HANSON, 2000). A review of the literature for the United States up to 1995 showed, that among offenders there appeared greater social isolation as compared with their peers; the offenders belonged to dysfunctional families with recurrent violence between mates and towards children; they suffered victimization by sexual abuse during

childhood and lack of schooling (KELLEY; LEWIS; SIGAL, 2004). Other studies suggest that sexual abuse experienced by young offenders is between 20% and 50% similar to other kinds of other juvenile offenders, while their families would show scarce supervision by parents and a high proportion of conflicts and intrafamily violence (LETOURNEAU; BORDUIN, 2008). Some argue that most predictive variables for sexual abuse are age and vulnerability of the victim, as well as accessibility by the perpetrator, suggesting a situational instead than a deviant personality approach (LEVENSON; MORIN, 2006).

These kinds of studies assume, on the one hand, the collection of series of data, high institutionalization of offenders by criminal justice and a medical clinical way for intervention, which in cases reach the proposition of extreme measures, such as chemical or surgical castration under the premise that reduction of testosterone levels dramatically reduces or even extinguishes the sexual drive (LIPPKE, 2011). But in Latin America these recommendations are not supported by research, while juvenile sexual offense is a relatively recent issue and is mediated by panic and moralistic discourses about deprivation, abandonment or neglect, without offering evidence sustaining those claims. In this article I propose a qualitative approach towards the significance of the sexual behavior of teenagers who were pointed out and prosecuted for sexual abuse, a broad category which, within the Venezuelan legislation for youngsters, include both violent and non-violent incidents, either with or without penetration, carried out by youngsters aged 14 up to 18 years old, who can be sentenced with internment and other consecutive restraining measures up to ten years.

Narratives from offending teenagers: ethical and methodological issues

Use of narratives produced by offenders has extended within criminological research in recent times. In Latin America, among youngsters, it has been used for the analysis of the reconstruction of situations and perceptions on homicides (SERRANO; GABALDÓN, 2020), for exploring views about sanctions and treatment of inmates (FERNÁNDEZ, 2019) and perceptions about medical and mental health categories, introducing, as a matter for research, experiences, knowledge, emotions and meanings which, being the product of subordinate subjects, as is the case with the younger criminalized population, usually are neglected or diminished (CARCELLER-MAICAS, 2018; GABALDÓN, 2021). Interviews with these youngsters allow qualitative information for developing new concepts and approaches in areas generally difficult to assess through quantitative research. Sollund (2008) has argued that the ideal informant is prone to sympathy, contributing to a productive rapport with the researcher and somehow

compensating the position of hierarchy and superiority of the latter. In the case of qualitative research, the reliability of instruments such as interviews depends mainly on the potential for reconstruction of the facts in the words of agents themselves as part of an *active discourse*, instead of replicability on an indefinite number of informants (MUCHOKI, 2011).

Data from this study comes from ten interviews carried out with teenagers, 14 to 16 years old at the time of the offense, who were sentenced for sexual abuse. The purpose was the analysis of the situational dynamics of the event, its moral dimension, the context of family rapports and consequences from sentencing, through a semi structured interview which deals both with the episode leading to the incrimination, freely described by the interviewee, and conditions favoring the criminal prosecution and the sentence. Perceptions about the criminal process, adjudication and punishment were also part of the interview. An intentional sample was selected on the basis of willingness to talk about their cases, among those serving time at a specialized juvenile facility in Miranda State, in north-central Venezuela, all of them coming from poor neighborhoods.

Interviews were carried out from June 17 up to December 12, 2022, by the author and a female colleague and lasted for one hour on average. We registered them by voice support in two mobile phones simultaneously, preserving the language, expressions and nuances from the register at the moment of the transcription. Identity protection and confidentiality were preserved by assigning a pseudonym to each of the teenagers. The semi-structured interview began with a presentation of the study as an academic initiative not related to the authorities who intervened both in the criminal process and in supervising the incarceration period; it emphasized the voluntary disposition for the conversation and its null effect on harshening or aggravating their legal standing, while they had the option of finishing the conversation at any time or refusing to answer any given question. We mentioned a certificate of participation that would be awarded upon completion of the interview. Then, we asked for a free statement by the interviewee on what was the event leading to his arrest, prosecution and sentencing, including any circumstance he would like to mention, without interrupting his speech. Once he stopped and gave no sign of continuing, we asked about how his own family and that of the injured party reacted as a consequence, and, subsequently, about any sexual instruction received both in the family or at school, about how the police, prosecutors and judges behaved, about what he expected to do when released from custody and on which would have been the worst and the better moments he went through in this situation. The interview concluded by asking how he felt during the conversation and what he would recommend for improving it. All of them said at the end that they had been comfortable and were confident that results from the study could enhance

better understanding and, possibly, amelioration of teenagers' situation regarding sexual issues. The protocol replicates, with some changes, one applied before by the author for researching homicides in a qualitative and constructive perspective targeting the exploration of offenders' experiences regarding behavior and circumstances, consequences and informal social control reactions by third parties (GABALDÓN, 2018).

In the following sections I will address the central questions proposed in this paper: firstly, the condition of the sexual behavior in terms of *over-intimacy* and invasiveness regarding the passive subject of the offense; secondly, the reaction of third parties, particularly close relatives to the victim, since they *intervene in an ongoing conflict*, both in terms of social distance and *social repulsion*. I rely for this purpose on the accounts from offenders coming from the youngest and feeblest subjects involved in a situation governed by adults, giving thus value to the voice of those who usually are scarcely heard when decisions are adopted leading to their arrest and the prosecution of their cases (SERRANO; GABALDÓN, 2020).

The events and their circumstances as narrated by sentenced teenagers

I will present a brief of each of the cases, succinctly describing what happened and under what circumstances, according to their own words. Although most of the information comes from the free initial speech, additions and complements emerged from other segments of the interview.

Botellita, 15 years old at the moment of the event, said he had been together with a brother and two girls, 13 and 9 years old, when as a result of a game of bets he became aroused and had sexual intimacy with the older girl, but shared only kisses with the younger. He then elaborated:

... I was at daddy's home and, uhmm, a brother of mine who was confused about his sexuality... there were also two cousins, well, not really cousins... together, and they began to play challenges (a game like Truth or Dare)... I refused at first because I was older, but then, I don't know, malice came into my mind... I let the situation develop and "every one was involved with each other", but I paid the consequences because I was the older... they begun to issue challenges and one of them spoke about the bottle... let's do this.. that I saw something on the internet, and the older girl said "let's play the bottle..." and I was amazed... "no, no, not the bottle 'cause if your mom knows that it's me, who is your cousin, well, not really your cousin, they are going to blame me for provoking you"... (and the older girl): "it doesn't matter, let's play and I will say nothing", then let's play.. it became usual, well not as usual but.. it exploded out of nowhere, 'cause it was not as to reach an extreme... everything was going well, I had spoken to them not to do that.. I already was in a relationship with another girl... but everything happened... I was intimate with the older girl, but my brother and the other girl only kissed... I also kissed the younger girl, but then nothing else happened.

Riochico, 16 years old at the moment of the incident, said he had been falsely accused of lasciviously touching a 4-year-old child when they were together gathering fruit from an orchard near home. He then elaborated:

...next to our home lives a neighbor, dad never liked us going there because they had had problems... one day I went there and together with the boy went to the other house, to gather fruit... then his mother said to my mom that I had touched her son, I don't know what else, and my mother, hysterically came onto me and slapped me while yelling: "what have you done?" and I replied that nothing, but she insisted: "what are you telling me?, let's talk" and we went there and asked(the neighbor) "what happened?" and she, "you did this", "did what?, I did nothing, I don't know, what a mess"... then I went back home, watched tv and watered the plants... Afterward the police came demanding that I go with them to the station, which I agreed to; I took a shower, got dressed and went with them. From that moment I remained under arrest...

Conversador, 16 years old at the time, said he had tried to sexually abuse a 3-year-old girl when she came into a shop where he used to work, but he cut off the intent and asked her to leave immediately. He added, showing shame:

I tried to abuse a girl 3 years old... I tried but it didn't happen... It was quick... It didn't happen in the end... I released her, thus, told her to leave right away... she was from the same area, used to live nearby... I was tending a shop and she came in... it happened, then, I tried. . .

Leal, 16 years old at the time, said he had been confronted by his mother, on the request of an aunt, mother of the alleged victim, a girl 12 years old who later left the country, on the basis of lascivious acts, which were never proved. He then elaborated:

Mom came with her sister asking me to tell the truth, and I asked, "What truth?" While she insisted on me being truthful with her... let's go to the bedroom... I asked her to calm down... then her sister, who is my aunt, asked me if it was true that I had abused the girl, while I replied; by god, I did nothing! try proving it!, and she again: "you apparently abused her, and though the girl in question said this is not the case, her mother insists" And I replied that this girl did not even hang out with me, and when we met, we did it always in the presence of my mother and dad", and they insist again: "tell us the truth, these people are going to report you to the authorities..."

Lector, 16 years old at the time, said he had had consensual sexual intercourse, only once, with a 13-year-old girl who allegedly used to come after him, and who accused him afterwards of sexual abuse, when he reacted angrily and took her forcefully by her neck, thus contributing to his prosecution and sentencing. He then elaborated:

...the girl was 12 or 13 years old, I don't remember well... she used to sexually come after me for a time and I commented on it to her father, who, according to her and some other people, sexually abused her, and who didn't care because he believed we were fiancées... one day I had sexual intercourse with her, and then, since I didn't care anymore about her, she invented the abuse story, and everyone was willing to fuck me up. Thus I became angry and went after her, trying to kill her... with my hands, strangling her, but I stopped when she was fading away... I left her nearby on a lawn... as I was to be charged with attempted homicide, I decided to plea bargain for sexual abuse and avoid a possible sentence of serving time for ten years...

Fañoso, 14 years old at the time, said he was looking at sexual content on the phone while his sister, 6 years old, was looking at comics in bed, when he became aroused and approached her, pulling off his and her clothes, and rubbing at her, without penetration. He further added that

when her teacher at school was in a classroom, his sister told her: *my brother touched me...* finally acknowledging it and with shame: *I came into bed and did harm to her.*

Humillado, 15 years old at the time, said he had been with his sister, 10 years old, watching a video, when he became aroused and began touching her, without going ahead because of fear and repulsion. He further elaborated:

I was watching a film with my sister, since my brothers went out to watch cartoons, at noon, and fell asleep. I did what I had to do with my sister, but I didn't like it because I was afraid... we were four, my grandmother used to beg, my mother was in Colombia and my father was working in Caracas... I was touching her normally, it was the first time and I got much afraid... I didn't abuse her with penetration, no; she said she agreed, but I got a sensation of fear and trembling, and I didn't pursue it... it is a big house, our brothers were sleeping in the living room, and in the bedroom, because no one could hear, there it happened. I felt like cold, warm, sweating and trembling, I went outside into the street where I began crying...

Aislado, 16 years old at the time, spoke about having been watching pornography on the phone together with the 13-year-old son of his godmother, where he used to watch her children, when he became aroused, and both became involved in consensual touching without consummating sexual intercourse. He added:

I used to work with my baptism godmother and went on weekends to her home to take care of her three children, one of them 13 years old... he used to watch a lot of pornography... one day he was showing me some and we started to experience what was in the video. It was the only time it happened... after a month he told his mother that I had abused him, but what I did to him, he did also to me... and a week later my godmother reported me to the police. I used to see him frequently, only for touching, for a short time, about three minutes, I stopped' afraid of the bad thing I was doing... after an argument about a game we became angry... I didn't touch his penis, but only the buttocks, both of us touched each other.

Liceísta 1, 14 years old at the time, said he had agreed to fellatio performed by a school mate girl the same age, at home, and after having being solicited several times. He further added:

The girl talked to me wanting to have oral sex, and I told her "no, I don't want to do that", so I went home... she came after me at eight in the evening insisting on doing it, while I, though at first refusing again, finally consented, and we went and did it... she did it and that is it, it happened...

Liceísta 2, 14 years old at the moment, said he had been fellated by a girl school mate the same age, at the home of a boy school mate who granted access, when she asked him. He further added:

She called me and asked to have oral sex with me too, so I asked when and she said "tomorrow the same hour". After a week, a Friday she gave it to me at the home of another boy, who asked to be quick... After that she began to tell everyone she had had oral sex with both of us, but another girl who heard her went to the Director's office at school saying that both of the boys had raped her in the bathroom at school, and this is why both of us are under detention.

The teenagers' narratives suggest consensual sexual behavior between mates or relatives, either the same age, some younger with a slight difference of age, and in other cases on children below seven

years old. The only exception is a reported sexual advance toward a three-year-old girl which was suddenly and quickly suspended by the teenager in the middle of heavy remorse, sense of guilt and even physical distress. Another case with a six-year-old sister generated similar feelings of repulsion, and in one involving same sex partnership' some shame was expressed, even if nuanced by the experimental intent and a mutual consensual involvement. All the cases, except one, involved known and closely related victims, in the presence of situational favoring conditions such as being out of reach of parents or guardians and sexual arousal coming from exposure to sexual visual stimulation. Eight of the cases involved girls and two involved boys. In two of the former it can, plausibly, be assessed as consensual sexual intercourse with female partners within a close age range of the perpetrators, without any forensic evidence, and in two more, oral sex with the full consent of the female involved, presumably by previous solicitation from her, the same age as the accused subjects. These findings allow the exclusion of any pathology or perversion among the teenagers involved, suggesting' instead' the importance of situational factors combined with normal hormonal drives in the adolescent.

Although sexual contacts by themselves could be considered a sign of over-intimacy, thus generating conflict and social control, in this sample there were already close and proximate relations between active and passive subjects, excepting the case of the 3-year-old girl approached by *Conversador*. In the remaining 9 cases, the active and passive subjects were not only acquainted but also were frequently in each other's company, and shared intimacy beyond the sexual episodes, either by family relationships, proximity, rapport between their families or school attendance. Black (2011: 142) has argued that among already very close people it is unlikely that potential conflict emerges from too much intimacy, but in these cases it did not prevent the denouncement and prosecution of the responsible active subjects, and all of them were treated as legal offenders and swiftly punished with detention time. These results suggest that over-intimacy, while associated with conflict, seems not to be the crucial variable for explaining it. Other factors related to the effective power (superiority) of third parties and possible opportunistic gains or achievements could become crucial for predicting the development and the outcomes of the conflict.

Third parties and their role in identifying and criminalizing teenagers for sexual abuse

Accounts and comments from the teenagers suggest that intervention and reporting to the police comes from their own family or that of the victim, often closely related by spatial proximity, family links or convergent activities, the exception being a couple of cases where it was a teacher of the school they attended who raised the alarm and invoked police intervention. Moreover, in all the cases but one, they were feminine figures who led and took control of the process.

Botellita said it was the 13-year-old girl he regularly met who talked to his stepmother, who promoted the denouncement to the police and further judicial proceedings, driven by jealousy and complaints against the teenager. His biological father only told him that he was in trouble and should look for himself how to get out of it:

... she didn't tell her mother, but my stepmother... when I was reported, and then at the judge's office I didn't see her mom, but my stepmother (my father's other woman), saying "he abused my family" and furiously like a demon evil... in my own home I was told to get out of the situation by Wednesday," because otherwise we are going to report you to the police"... "how could it be" I said "if I am already asking for forgiveness, I know what I did, I admitted it, I told you yesterday, I did it but I didn't mean to hurt anyone"

Riochico said it was a neighbor woman from the house he used to visit, mother of the injured child, who told his mother about the situation and even looked for expedited justice against him:

... they called the collective patrol (colectivos) who was active at the time. To them I said: "do what you want, and if you prefer to call the police, then do it"... they are criminals, as justicieros, the child's mother called them... I thank god, because if the police had not arrived and the collective patrol had arrived first, I wouldn't be here now.

Conversador spoke about the angry way in which the little girl's mother addressed him:

In the evening the girl's mom called me really mad, asking me what happened, and I didn't know how to reply, and she told me she was going to report me to the police, and the following day she did and they came for me... She told me that she asked the girl: "what did he do to you, did he try to do this... with this?" and the girl responded "with this" (indicating the pelvic area).

Leal said the 12-year-old girl involved, despite liking him so much and being used to "playing" with him, finally went to her mother and accused him of sexual misconduct when he refused to continue accepting her advances:

One day the girl was asking me to play and I, no... not today, if you want, tomorrow, I don't know. At the time she became angry, I don't know why, she went to her mother with another friend of hers and told the mother I didn't want to play with her... that she was fond of me, a lot of things, and then, because of being jealous and angry, began to talk bad about me, when she knew these were lies.

Lector considers the report from the family of the 13-year-old girl, who allegedly consented to the intimate intercourse, was because of his own lack of interest in continuing the relationship, as well as the family's desire to cover up a similar relationship with her stepfather:

... she told me once, as well as other friends of hers, who were saying that she continually says that she has sexual intercourse with her stepfather... and people from the barrio said that he often came with the girl like dirty, covered by dust, it was strange.

Fañoso said that he was like a scapegoat due to previous suspicions about their parents' improper sexual behavior towards his 6-year-old sister, in a case reported by a woman teacher at his school:

... my sister told about dad's touching her... that he touched and washed her... she talked to the teacher and the latter told lies, that "Mr___ and Mrs___ washed the girls, but putting a finger in her" which is not true, because mom washes her with a robe, so as not to touch her... After examination it turned out that dad and mom were discarded, but they came to me because my sister said I touched her.

Humillado said to have been reported by an uncle whom his sister spoke to about his sexual intent, and after he himself denied it, it was reported by the former:

... She told my uncle I had touched her, and mi uncle came to me and said: if you did it, tell me, because otherwise I'll go to the police... had I told him that yes, I did it, he would not have gone to the police, but I told him no, and he went to the police to report... and I am here because of this report, which was turned in two months after the conversation.

Aislado said he had been reported to the police by the mother of the 13-year-old boy whom he shared consensual mutual touching, when the mother thought it had been a case of rape:

... (his mother) thought that I had gone into his room, turned him over and raped him... when he was interrogated he was blocked, speaking forward and back... then he told his mother the truth, 'cause he thought what was happening (to me) was horrible, and told her as well that he hadn't told the truth for fear... and his mom went to the judge to withdraw the report, but she was told it was too late, that she couldn't do that.

In the case involving three teenagers, two of whom were interviewed for this project, the injured girl, 14 years old, was a school mate of both, whom, allegedly, were solicited by her, along with another mate, to consent to fellatio, to which all them agreed to; but the report, which came from the initiative of the female director of the School, was apparently due to gossip and rumors, which could have put at risk the integrity of the school as a safe and proper institution, defined the act as sexual abuse, and the accused were later sentenced accordingly. Thus, Liceísta 1 commented:

She (the 14-year-old girl) put us in prison... she took away the husbands of adult women. She accused us because of being afraid of her father beating her for continually telling every one "I did it, I did it... And the Director made a sworn declaration saying we both took her to the toilet in the school, claiming this is happening in the school.

And Liceísta 2 further added:

... they even made videos to see who performs better... she who did it to us lost her virginity at twelve... with a boy aged twenty... and the videos showed things such as "look, I do it better than you"... they don't do this because they like it, they compete.. they said: 'look, she is a sucker'.

Some patterns emerge from the above situations and accounts. Firstly, the overwhelming involvement of women as the third parties responding to the situations and conducting the conflict and its outcomes. Only in one case, that of *Humillado*, the intervention of a male figure, in this case his own uncle, determined his fate; that man reported to the police his nephew's

touching his 10-year-old sister two months after the episode and as a consequence of his refusal to acknowledge to the uncle he had done it. Part of the conversation in this case suggests that the uncle had had sexual intercourse with his niece previously, and was looking for an alibi that could cover his own behavior. When he confronted the nephew after the girl talked about the touchings, an explicit confession from the teen or a police intervention afterwards could have allowed him to evade his own responsibility. In one out of six cases, it was not only the mothers of the alleged victims concerned, females or males, who reported the abuse, but also the stepmother of the teenage offender, who decided to act against him, claiming representative power for “her family” and, presumably, because of jealousy of her stepson. In another three cases, one of them with two teenagers imputed, it was female teachers at the school the parties involved attended who decided to notify the police, in one without even previously notifying the family of the accused boys and in the case of the 6-year-old girl, due to suspicion of the parents’ involvement in improper sexual behavior towards her. All the cases show that teenagers imputed were the weakest figures within the family structure upon whom the formal social reaction hit by both police arrests and subsequent sentences. We could not access the up-to-date judicial files for these teenagers’ cases in order to assess the strength or weakness of the evidence produced, but from their accounts it seems that in most cases they were pressured into guilty pleas without clear or solid forensic evidence.

Third parties, thus, became central for defining the conflict and for devising the ways and means for its resolution. All these parties had power over the teenagers involved, and the dynamics of their interventions shows that they tried to keep control of the whole process, even when it came to be known by formal adjudicative or repressive pacification instances, like the judges and the police, though they were not always successful, as the *Aislado* case reveals: changing her mind from rape to mutual consensual touching between her 13-year-old son and the accused 16-year-old teen, did not impede the continuation of criminal prosecution for sexual abuse already set in motion after the invocation of jurisdiction. But other cases show a fluent negotiation between women in families, both from the victim’s side and from the side of the offender, in order to deliver messages, look for reprimands or possible compensations and even remission of the charges, which shows a rather horizontal relationship between third parties involved while a vertical and hierarchical one between them and the teenagers accused of sexual abuse.

Within this context, moralism as *social repulsion* is ambiguous in these cases. In two of them it seemed to emerge with strong censure and harshness, and these are the situations where a very young child, either male (4 years old in the case of *Riochico*) or female (3 years old in the case of *Conversador*) generated very strong and intense responses, in the first case reaching to claim direct

intervention by the *community patrol*, which could have ended in a lynching of the teenager, and in the second case immediately reporting to the police once the mother realized that the teenager had rubbed his penis on the pelvic area of the girl. Although these responses can be considered as certainly of high *coerciveness*, it is nevertheless dubious that they respond to *social remoteness and superiority* (BLACK, 2007), considering that, as compared with the other cases, this dimension does not distinguish the third parties from one another. On the other hand, from some of the cases observed it could be deduced that mothers of accused teenagers didn't effectively oppose judicial procedures against them, which is consistent with a previously suggested tactic to protect in this way those accused from further retaliation and vengeance (GABALDÓN, SERRANO, 2022). This convergence between the interests of victims' and offenders' representatives further casts doubts on moralism as a divisive dimension among confronting parties involved in conflict. This research points towards a crucial role for women, both for identifying and for criminalizing male teenage offenders, instead of a recessive and back-stage position, as a superficial *machista* reading of Latin American culture and society would suggest. They occupy, seemingly, a central and decisive masterful position regarding infractions and responses to deviant behavior.

Conclusion

This article has addressed, through free and open accounts from ten teenagers accused and sentenced for sexual abuse, the facts, circumstances and third parties' intervention that led to their identification and criminalization. Although a full account of this process should take into account other complementary information, specifically coming from the judicial files, the review of the narratives from offenders has been useful for producing relevant information on the genesis and dynamics of targeting subordinate and vulnerable subjects, within the realm of families involved in conflicts due to sexual behaviors defined, not merely as inappropriate and thus deviant, but as criminal, leading to sentences which, in some cases, include long periods of deprivation of liberty. Due to the source of the information, further exploration into the legal phase of criminalization becomes necessary. This legal phase includes police activities and procedures within the criminal jurisdiction to which these teenagers were subjected. In this sense, the article deals with what we could call the *preliminary phase for criminalization*, i.e., the detection of the facts, the pointing at the suspect, the qualification of his blame and the reporting of the situation to a formal social control agency in order to apply further punishment. It has become clear that females in the context of the families involved or within the educational environment of the suspects, defined as third parties in the emerging conflict, were crucial actors for this preliminary phase of criminalization.

They seem to have been acting not merely in the interest of the assumed victims, but as actors who managed, negotiated and in the end decided, according to their own interests, to claim the intervention of strangers, such as the police or the judges, to adjudicate on the matter, without excluding, in some case, the direct promotion of repressive peacemaking, as in the case of *Riochico*.

In order to obtain the full picture of the situation it becomes useful to access the judicial files for these cases. This is not an easy task, considering privacy and confidentiality concerns with respect to the defendants involved, who are legally defined as *adolescents* and subjected to special and protective measures against stigmatization. For these reasons, in the present project, we count only on the accounts from the defendants, and, indeed, we had not only high-quality information about their experiences and visions, but side information as well about the legal decisions taken in their cases.

All the teenagers were sentenced to serving time in the correction institution: 8 years (*Botellita*), 5 years and 6 months (*Conversador*), 4 years (*Lector*), 42 months (*Riochico*), 36 months (*Fañoso and Humillado*), 18 months (*Leal*), 16 months (*Aislado*) and 8 months (*Liceísta 1 and Liceísta 2*); moreover, all of them received consecutive sentences of community service, conditional liberty and other restrictions ranging, from 22 months to 4 years. Eight of them pleaded guilty and two, *Botellita and Conservador* went to trial and got, as expected, harsher terms of confinement. Sentencing reflected ambiguity, because *Botellita* and *Lector*, processed for very similar cases, even if the second experienced the aggravating effect of further physical violence against the girl involved, was sentenced to half the time that the first one got, surely due to the latter pleading guilty. The harsh sentence for *Conversador* can be explained both by his asking for a trial and by the possible indignation due to a sexual attempt on a very young girl who was a stranger. More detailed review of the files in these cases should give further insights into the decisions for sentencing. Nevertheless, these differences in sentence harshness are not central to the main argument of this article because *third party promoters of the first phase of criminalization* don't have much influence on the sentencing process, legally defined as a public procedure under the exclusive control of judges upon request from prosecution and, albeit in practice with much less weight, from the defender's attorney.

The general picture emerging from my analysis is very different from that offered by the media, the social web and even proclaimed by the General Attorney in the country, about young sexual predators, stubborn and dangerous, deserving exemplary harsh punishment. This environment could have contributed to the judicial trends in sentencing observed in this study. Although certainly there have been some cases in which teenagers incurred in extreme violence

and homicide toward relatively young girls, these seem to be the exception and should not justify a seemingly recent pattern in adjudication which goes up to ten year sentences, combining elevated reclusion terms and other consecutive, rather than cumulative measures. As stated before, our cases in this sample reflect, instead, no pathological or dangerous people but youngsters in the middle of adolescence, critical and transitional period to adulthood, pushed by hormonal drives in confluence with situational circumstances, such as explicit sexual content on the internet or in other media, and lack of supervision by parents or proper guardians.

Notes

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