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TECHNOLOGY AND SEXUAL ABUSE: A CRITICAL REVIEW OF AN INTERNET GROOMING CASE

Marie Eneman

University of Gothenburg, eneman@chalmers.se

Alisdair A. Gillespie

De Montfort University, agillespie@dmu.ac.uk

C. Stahl Bernd

De Montfort University, bstahl@dmu.ac.uk

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TECHNOLOGY AND SEXUAL ABUSE: A CRITICAL REVIEW OF AN INTERNET GROOMING CASE

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Single author's name

Affiliation

Address

e-mail

or

Marie Eneman

Department of Applied IT
University of Gothenburg, Sweden
eneman@chalmers.se

Alisdair A. Gillespie

Department of Law
De Montfort University, UK
agillespie@dmu.ac.uk

Bernd, C. Stahl

Department of Informatics
De Montfort University
bstahl@dmu.ac.uk

Abstract

Online grooming is an activity that leads to sexual abuse of children. For this reason a number of pieces of legislation governing grooming have been created on international and national levels. The present paper discusses a specific case that has received a lot of public attention and been regarded as a high-profile grooming case in Sweden. This particular case is of special interest for the purpose of this paper since it caused the creation of the Swedish so called grooming offence that was implemented 2009. It discusses the English and Swedish legal interpretations of this case in order to then engage in a critical discussion of the legislation. Drawing on the concept of critical research, the paper builds on the ideas of ideology critique and boundary critique to show how such seemingly clear-cut issues as the prevention of sexual abuse of children still require careful attention to underlying assumptions and beliefs. The paper makes an important contribution to the understanding of information and communication technology as a means of behaving in unacceptable way. It makes theoretical and practical contributions to current debates surrounding use and governance of such technologies.

Keywords: Critical research in IS, Ethics/ethical behavior/ethical quandaries, Internet use, Regulation

Introduction

There is growing societal concern regarding the risks that children could be exposed to when interacting with other people through information and communication technologies (ICT). Research (Livingstone and Haddon, 2008) shows that children use ICT to communicate with those known and unknown to them. Furthermore the technology is considered important for children when establishing relations with other people (Livingstone and Haddon, 2008). Social networking sites that provide the opportunity for real-time conversation, communication taking place in, for example, chat rooms or instant messaging programs (for example Windows Live Messenger, ICQ) are popular and frequently used among children. There are undoubtedly a number of benefits with this new way of establishing contacts, but there are also potential risks and negative consequences that need to be further investigated. Grooming is a topical example of how ICT can be used in a harmful way to exploit children (Ost, 2009; Craven et al, 2007). The term grooming refers to the process where a child is befriended by an adult in an attempt to gain the child's confidence and trust in order to lower the child's inhibitions in preparation of sexual exploitation and/or abuse online and/or offline. During the grooming process, the offender attempts to get 'emotional control' over the child. Grooming has been the principal approach of facilitating abuse for a very long time (Ost, 2009). It can take different expressions where the adult, through different strategies, induces the child to take part in sexual conversations, sending sexual images, posing in front of a web cam and/or carrying out sexual activities in front of a web cam (O'Connell et al, 2004; Gillespie, 2008; Davidson and Gottschalk, 2010). The media tend to suggest that grooming is a new phenomenon related to Internet, and yet we know that it is not. The process of grooming a child for sexual abuse is long-established (Gillespie, 2008). Technological innovations, such as the Internet, have however created new opportunities for adults with a sexual interest in children to groom children. The technology has affected the individual grooming behaviour in certain ways. By using ICT the user can conceal the real identity more easily and portray themselves in a way that better fits the purpose. The technology provides the opportunity to post detailed personal information that can be accessed by other users, for example by adults when looking for potential victims. In addition the technology facilitates fast and anonymous communication with a large number of persons despite the geographical distance.

There are several cases in Sweden where the offender has established contact with the child through ICT with the purpose of sexually abusing the child at a later stage. One illustrative case that will be analysed in this paper is the so called 'Alexandra Man', a man who portrayed himself as a woman with the name Alexandra to establish contact with young girls whom he later sexually abused. This case has received a lot of attention in the media since it was the first case in Sweden where a person has used technology to get in contact with a high number of girls that he later sexually abused in different ways. Consequently, this case is an illustrative example of how ICT could be used as a contact medium for adults to get in contact with children for sexual purposes. This particular case has been chosen since it caused the creation of the new Swedish so called grooming offence that was implemented 2009. Furthermore, the case is also highly interesting for the purpose of this paper due to that it illustrates the authentic grooming behaviour of a man in relation to a high number of young girls.

Grooming is an issue that has emerged in recent years due to technological innovations and poses legal issues to governments (Gillespie, 2008). The European Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (Article 23), which has been signed by most Council of Europe States including Sweden, requires countries to adopt laws relating to the 'solicitation of children for sexual purposes'. The Convention's solicitation offence states: "Each party shall take the necessary legislative or other measures to criminalise the intentional proposal, through information and communication technologies, of an adult to meet a child who has not reached [the relevant age] for the purpose of committing any [sexual act] where this proposal has been followed by material acts leading to such a meeting." Article 23 has been influenced by the so-called "grooming" law adopted in England & Wales which primarily relies on criminalising the meeting of children with an ulterior intent to have some form of sexual activity with a child (Gillespie, 2008). The legislation was one of the first pieces of legislation within Europe and has been in force since May 2004, with several hundred prosecutions arising since that time. The English offence can also act as a proactive tool for law enforcement agencies in that it can be used to identify those who not only communicate with a child but also seek to have contact with children (Ost, 2009). By itself, however, it cannot tackle those situations where there is no physical contact between the adult and the child (or planned contact) although alternative laws may apply to these situations. Sweden has recently (1 July 2009) introduced a new legislation called "Contact with children for sexual purposes" ("Kontakt med barn i sexuellt syfte" (Lag(2009:343)). Whereas the English model primarily focuses upon criminalising the physical meeting the Swedish model focuses upon the contact between the adult and the child#, for example via ICT that aims to enable a later sexual abuse of

the child. The purpose with this new offence is to enhance the protection of the child by reducing the risk of being sexually abused. Since the legislation was enacted, 1 July 2009, there have been about 100 reported cases related to the offence, but no prosecutions to date.

It has recently been highlighted that the academic empirical research of grooming is surprisingly limited (Gillespie, 2010; Davidson and Gottschalk, 2010), especially within the field of information systems insofar that there is a lack of work that emphasizes the importance of problematizes the technology. The aim of this paper is to critically examine whether the new Swedish grooming offence can be seen as a useful response to tackle the problem of online grooming. Furthermore the paper will question whether the public discourse and assumption of the Alexandra case as a typical grooming case could be misleading by using the concepts of ideology, hegemony and boundary critique. As has been argued elsewhere (Stahl, 2008; Eneman, 2010) ICT has a dualistic nature and can provide means to facilitate criminal behaviour, but the same technologies can also be used by law enforcements to monitor criminal behaviour online and furthermore the technology can also provide vital evidence when an individual is prosecuted for an offence. Such evidence will be used for the analysis in this paper. The empirical material used to explore the offender behaviour is based upon an authentic case in form of court and police record of a man, called the 'Alexandra man', convicted in Sweden 2007 of a number of sexual offences of children he contacted on the Internet. It should be noted that the case of the 'Alexandra man' was before the Swedish 'grooming law' was enacted. This means that the offender was not prosecuted for the 'contact behaviour' but for several other related sexual offences, which are described in later in the section where the case of the Alexandra Man is presented. In addition, the head of the IT Crime Section at the Swedish National Criminal Police has been interviewed to gain the police view regarding the new offence. This paper contributes to the theoretical field of critical information systems research (CISR) by highlighting harmful usage of ICT, i.e. to sexually exploit children, and illustrating how it can be furthered or hindered by legal developments (Eneman et al 2009; Stahl, 2008; Howcroft and Trauth, 2005). Furthermore the paper aims to contribute to the debate of this topical issue with and thereby support policy developments by demonstrating the grooming behaviour and assessing whether the law is capable of tackling this issue. The result of this study is likely to be of considerable interest to government agencies, child protection professionals and criminal justice areas. This paper is organised as follows: in the next section the phenomenon of grooming is presented followed by description of the research approach. The next section presents the case of the 'Alexandra Man', followed by a description of the theoretical field of Critical Information Systems Research (CISR) and the concepts used in this paper, i.e. ideology, hegemony and boundary critique. This is followed by a discussion and then the paper is closed by a conclusion.

What is Grooming?

There is no single definition of the term 'grooming' and indeed the term itself has been criticised for concentrating on one particular type of sexual contact with children (Gillespie, 2008) rather than recognizing that the majority of child sexual abuse takes place within the family. That said, the term has become widely accepted even when used in a non-clinical sense (Gillespie, 2008) and it will continue to be used in this paper. For these purposes grooming can be said to be the solicitation of children for sexual purposes, something that is neither new nor particularly hi-tech (Ost, 2009). Indeed the issue of grooming has been identified for a considerable time (Howitt, 1995) and is a common strategy to be found with both intrafamilial and institutional abuse (McAlinden, 2006).

There are many different approaches that offenders can adopt when sexually abusing a child, but it has been noted that many adhere to a 'cycle of abuse' (Howitt, 1995; Terry and Tallon, 2004) and that grooming forms part of this cycle. In some instances it will not be the child that is groomed but rather the parent, whereby the offender will seek to establish the parent's trust, eventually being placed in a position where he has access to the child to abuse it (Craven et al, 2006) or there may be situational grooming where the physical environment is shaped to allow the surreptitious abuse of a child. However the form of grooming that has attracted the most recent attention involves a child and it can be summarised as the process of befriending a child so as to persuade them to acquiesce to sexual contact (Craven et al, 2006). By doing so the offender seeks to create a position whereby the victim believes that she is in a relationship with the offender and sexual contact is a natural extension of this. Internet grooming does not differ but the anonymity that is brought about by ICT allows the cycle to progress quicker (O'Connell, 2003) as it provides a simple manner in which adults and children can have sexualised discussions (Quayle and Taylor, 2001). Indeed the anonymity of ICT means that adults can assume the persona of a child by disguising their real child and then befriend them over the Internet, with the child victim believing they are in a relationship with another adolescent.

There is some evidence that Internet grooming is beginning to change its dynamics, with less emphasis on an adult persuading a child to meet for direct sexual contact, and instead the focus is on grooming the child to produce child pornography. Some offenders are persuading children to send sexually-explicit pictures of themselves or to sit in front of a webcam and either strip or, in some cases, perform sex acts in front of the webcam (Gillespie, 2006). The offender can then record these images and use them for the purposes of sexual gratification or distribute them to others. In some instances they will also use the indecent photographs of the child as blackmail to persuade a child to perform more sexually-explicit conduct, including contact abuse. The consequences for a child who sends sexually-explicit photographs of themselves can be quite serious since it is known that once child pornography finds its way into cyberspace, it is impossible for it to be recovered (Taylor and Quayle, 2003) and the child has to live with the consequences of such exposure for the rest of their lives (Palmer, 2005).

Legal Responses of Grooming

As recognition of Internet grooming grew there was concern about the viability of existing laws to counter grooming (Ost, 2009). A problem with many laws is that they criminalised only the sexual abuse of a child and accordingly where law enforcement officers became aware of an offender grooming a child, they could only intervene after the child was the subject of a sexual assault. Obviously this potentially placed children at risk of harm and countries began to consider how their legal systems could evolve to counter this threat. The United States of America was the first country to consider this issue and both Federal and State measures were eventually introduced (Gillespie, 2001). The United Kingdom empanelled a government advisory group (the Home Secretary's Task Force on Child Protection on the Internet) who, *inter alia*, considered the issue and recommended the introduction of a new law (Gillespie, 2008). Over recent years the number of countries who have adopted legislation to tackle online grooming has grown with countries such as Australia, Canada, New Zealand, Norway and Sweden all adopting laws.

Concern of criminalising online grooming was also reflected at the International level. Whilst the Council of Europe's Convention on Cybercrime (CETS No 185) which was drafted in 2001 was silent as to this behaviour, perhaps reflecting knowledge at the time, the later Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse (CETS No 201) requires signatory states to introduce legislation to tackle this behaviour (Article 23). This has been followed by the new proposed EU Directive on Combating sexual abuse, sexual exploitation of children and child pornography (COM (2010)94) which will, when passed, repeal Council Framework Decision 2004/68/JHA. Article 6 of the Directive will criminalise the solicitation of children, this seeking to criminalise grooming.

The approach adopted by the Council of Europe and the EU is to follow the model adopted in the United Kingdom which is primarily to seek to tackle those who seek to meet a child for the purposes of sexual grooming (Ost, 2009). An advantage of such laws is that where it can be shown that an offender has the intention of sexually assaulting a child, it allows the police to arrest and detain the offender before they are able to sexually abuse the child. In this way it is a step-forward from the previous position. However it will be obvious from the preceding section that detailed grooming that a single criminal offence is unlikely to be appropriate in tackling all forms of grooming and thus legal instruments will seek to create a series of offences that can be used to tackle this behaviour (Gillespie, 2006). For example in England and Wales, the law will criminalise not only those who seek to meet a child, but also those who incite a child to engage in sexual activity, those who show pornography to a child and those who incite a child to take child pornography (Gillespie, 2006). Separate provision is made for those who seek to groom or incite a child to engage in sexual behaviour for payment. The same approach is adopted by the Council of Europe. Whilst Article 23 tackles the solicitation of children, Articles 18-21 of the Convention on the Protection of Children Against Sexual Exploitation and Sexual Abuse establish a series of offences to cover behaviour that relates to the inciting of a child to engage in sexual activity, the involvement in child prostitution, child pornography or the participation of a child in a pornographic performance. This network of offences will cover situations where a child is groomed over the Internet for the purposes of sexual exploitation, either by contacting the child offline or through online behaviour.

An issue of some topicality in respect of legal approaches to child grooming is that it should be possible for the law to operate proactively (Ost, 2009). By this, it is meant that law enforcement officers can pose as a child and respond to those who are seeking contact with children online for sexual abuse (Gillespie, 2008b). The law enforcement officer will respond as though they are a child whilst recording the full transcript of the conversation and seeking to identify the child. Where a suspect asks 'the child' to perform a sexual act in front of a webcam or seeks to meet a child offline for sexual contact this will provide sufficient evidence for the police to arrest an offender for attempting

to groom, incite or abuse a child. Some question the ethics of this (Gillespie, 2008b) and whether it is the creation of crime rather than the detection of crime, but supporters of such operations argue that it identifies those who are seeking to sexually abuse or exploit children and allow them to be identified and arrested before a child is abused.

The Swedish Legal Response

This paper is specifically considering the approach that Sweden has adopted to criminalising grooming. In July 2009, Sweden introduced new legislation entitled “Contact with children for sexual purposes” (“Kontakt med barn i sexuellt syfte” (Lag(2009:343)). Whereas the English model primarily focuses upon criminalising the physical meeting the Swedish model focuses upon the contact between the adult and the child, for example via ICT that aims to enable a later sexual abuse of the child. The purpose with this new offence is to enhance the protection of the child by reducing the risk of being sexually abused during a following physical meeting. The design of the Swedish offence requires (i) that an arrangement, between the adult and the child, has been made regarding a physical meeting and (ii) that any action has been taken that support the meeting. Actions that are suggested, by the text of law, to constitute useful evidence are for example booked transport tickets or the booking of a hotel room. The text of law suggests that this offence could be used pre-emptively, which could be questioned since the Swedish police is not allowed to carry out proactive operations in the same way as in England. The new Swedish offence was strongly criticized when it was circulated for consideration. The criticism highlighted that the number of convictions are expected to be very few considering the obvious difficulties involved in proving that the contact has been made for a sexual purposes. Furthermore, the critical voices claimed that the offence could not be expected to have a significant preventing effect due to the low penalty. The penalty of this new offence is fine or prison for one year. Questions were also raised whether the law should criminalise the contact stage since the communication of a potential meeting does not necessarily mean that there will be a meeting. The critics indicated that this could be viewed as a form of thought crime. Since the legislation was enacted, 1 July 2009, there have been about 100 reported cases related to the offence, but still no prosecutions to this date.

Research Approach

The research approach used within this study has been analysis of documents, namely the court and police records of a convicted offender and the text of law regarding the Swedish ‘grooming legislation’. In addition a Detective Inspector has been interviewed to obtain the police view regarding this issue. Noaks and Wincup (2004) argue that court records can be useful in providing important information on criminal justice issues for qualitative researchers. The court and police record used in this study deals with an offender convicted of a number of sexual offences (described in next section). The material used in this study consists mainly of chat conversations via MSN between the offender and some of the young girls. Content analysis (Noaks and Wincup, 2004) was used for the data analysis. The documents were read and re-read to identify patterns and themes of the contact behaviour. The material was first read through and during the second reading the material was coded into different categories describing different elements of the grooming behaviour. The court and police record of this case is extensive and constitutes about 2000 pages. The text of law regarding the Swedish ‘grooming legislation’ was analyzed in a similar way as the court and police record to identify and re-construct it. The semi-structured interview with the Detective Inspector, who is the head of the Child Protection Team at the Swedish National Criminal Police, was focused upon the practical implications of this new legislation for the police in their work. The interview lasted about two hours and was recorded and later transcribed. Content analysis was used to identify and structure the material in relation the formulated research question.

Critical and Ethical Reflections

The limitations of the court and police record should be noted. This material represents the behaviour of one person that has been convicted for a number of sexual offences. It should be acknowledged that arrested and convicted sexual offenders only represent a fraction of all the individuals committing sexual offences (Quayle, Erooga, Wright, Taylor & Harbinson, 2006; Noaks & Wincup 2004). Furthermore sexual crimes have a very low reporting rate. This study follows the ethical rules and guidelines for research, formulated by the Swedish Research Council. Another important consideration for this study has been to ensure the confidentiality for all the persons that are described in the court and police record. All identifying information has been removed or changed to ensure this.

This study is part of a wider ongoing project regarding child pornography and grooming, which is approved by the Ethical Committee at the University of Gothenburg.

The Case of the 'Alexandra Man'

The so-called 'Alexandra Man' (B.T.) was 31-year-old, single man, when he was convicted of a number of sexual offences against 56 young girls between the ages of 12 to 17. Several of the girls were younger than 15 years old and evidence shows that the offender was aware of the age. The offender had Iraqi citizenship although he had lived in Sweden since 1992 and received permanent residence rights in 1993. The offences that he was convicted of were: rape, assault, sexual coercion, aggravated sexual coercion, sexual exploitation of minor, aggravated sexual exploitation of minor, sexual molestation and seduction of youth. The sentence from the district court (July 2006) was 11-years imprisonment and deportation. The sentence was appealed and the court of appeal (April 2007) reduced the sentence to 10-years imprisonment and deportation. In addition the offender was liable to pay 2,4 million SEK as damages. It should be noted that the 'Alexandra Man' never confessed being the same person as 'Alexandra' but claimed that 'Alexandra' de facto was another person that he had been in contact with regarding her escort service. The offender had previous convictions, having been convicted on two separation occasions, of sexual molestation (1999) and the seduction of youth (2002). The 'Alexandra Man' lived in a city in the South part of Sweden where he owned an Internet café together with a male colleague. The police investigation shows that he had used computers at his café as well as private computers in his flat when interacting with the girls.

Behaviour of the 'Alexandra Man'

The behaviour of the 'Alexandra Man' is illustrated by quotations from the data material (e.g. chat conversations via msn). All the used quotations in this section illustrate the interaction with girls below the age of 15 year. B.T. started to use the character of 'Alexandra' in 1999, but has also used other characters such as masseur, photographer, and magician to establish contact with girls on the Internet. The main character was however 'Alexandra' a good-looking woman, 25 year-old, with a background as a professional model and currently running an escort service agency. By posing as 'Alexandra' he succeeded to establish contact with a large number of young girls on popular social networking sites for children and/or teenagers. When he had established contact with a girl in a public chat room he quickly suggested that they should continue their communication more private via MSN. By using the disguise of 'Alexandra', a young pretty woman, B.T. managed to obtain the girls confidence, e.g. establish a feeling of trust. Several of the girls stated that they considered 'Alexandra' as a friend that they could trust. Furthermore several of the girls initially thought that 'Alexandra' was offering model jobs. B.T. was not intimidated by the fact that several of the girls were as young as 12-13 years, instead he (when posing as 'Alexandra') encouraged further contacts and told the girls that there were other girls in the same age working for her as escort girls. 'Alexandra' managed to get the girls to communicate about sexual-related issues and persuaded them to send indecent images and movies of themselves, posing sexually via the web cam and carrying out sexual activities in front of the web cam. The girls were offered three different ways to earn money through the escort service agency:

Alexandra: Shortly described you have THREE options to earn money through us: 1-Images (you can earn between 50-200 kronor for each series, i.e. 16 images) 2-Web shows (where you earn 100 kronor each THIRD minute but you need to have a web cam for that) 3-dates, our most payable 'service' where you can earn up to 3.000 kronor in CASH for each commission..which sounds most tempting? We work 'almost only' with younger men '23-27 who earn very much money and want to enjoy life but due to that they for different reasons have 'sensitive' positions like politician, managing director, chief or so...therefore they do not dare to look for 'girls' on their own...we fix these contacts and get VERY MUCH money for it as well...so it is never any 'desperate repulsive old men' if you were afraid of that :P

Child: it sounds ok, but I think I start with the images...to see how serious it is..

Alexandra: send a couple of images of yourself so I can get a better understanding of how you look ...because then we can start with the fun: namely to discuss prices ;)

Child sending over images

Alexandra: more..any in full figure? more? more in full figure?

Child sending over more images

'Alexandra' collected information about the girls' sexual preferences, e.g. what each girl was willing to do sexually and was good at regarding sexual activities. She said the information was required for the escort service database and that she was the only person who had access to it. Additionally mobile number was required. Based on this information B.T. created sexual profiles of the girls and the database contained over 150 girls when the offender got caught.

Alexandra: do you want me to create a profile of you and contact you later?

Child: ok..but to that "profile" what information do you need??

Alexandra: a couple of questions..it only takes 10 minutes

Child: ok

Alexandra: telephone number?

Child: I don't like giving that away

Alexandra: but if I can't have your number that means that we don't trust each other and if we can't do that due to a silly number how can I then trust you with dates??? Was going to try and arrange a telephone contact for you with a nice man tonight!

Child: but?? Can you PROMISE that you don't give my number away without talking with me first?

Alexandra: Absolutely!

In several cases 'Alexandra' persuaded the girls to carry out web cam shows with the motivation that she had a customer that was interested of meeting the girl for sexual intercourse for the payment of 3000 kronor but that the customer wanted to see the girl performing a show first. As can be seen in the following quotation 'Alexandra' not only persuaded the girl to pose for a customer but also instructed the girl during the show. 'Alexandra' told the girls that she had to monitor everything regarding the show and that the customer would be connected via her computer and therefore she could guarantee that the customer could not record the show. When discussing payment the girls were always informed that the payment was totally dependent on how far they were willing to go.

Child: How much will I get for it?

Alexandra: How much depends on WHAT you are willing to do and so on..

Child: I don't know if I want to do the web cam thing..hm

Alexandra: you need the money..this is the only offer I have right now..it gives 100 kronor for three minutes..

Child: 100kr for three minutes?

Alexandra: mm...you can choose to 1. get the money paid to your bank account if you have one or 2: get them in form of 'refill codes' for your mobile phone or 3: sent home in an envelope

Child: now?

Alexandra: mm...it is too dark...do you have more light?

*Alexandra: take of all your clothes and get down on your knees with your backside towards the camera...on the chair I mean...the customer wants a show with "doggy style" and sway-back as "come and f**k me"*

'Alexandra' offered the girls to meet her "best customer" (e.g. B.T.). The girls were told about the excellent qualities of this customer, i.e. that he was wealthy, very nice, had a luxury car and that he was extremely sexually skilled. When a girl accepted to meet her 'best customer" it did not take long before B.T. (now in the character of 'Alexandra's' customer) contacted the girl on her mobile phone, MSN or email to arrange the physical meeting.

Child: by the way, who is this man that you have arranged a date with??

Alexandra: has he called?

Child: yes he has

Alexandra: he is called B.T. ...one of our best customers actually...he is very popular among our girls;)

Track Title

Alexandra: he is a very nice person and has very funny humour ...I really like him and can't imagine that you wouldn't have fun and enjoy his company

Child: I'm sure I will...;) but was a bit surprised when he rang since I thought we had an agreement that I wanted to wait with 'dates'

Child: but are you aware of my age? and are the men?

Alexandra: yes

Alexandra: write EVERYTHING that is ok for you to do/that you are willing to do ;)

Alexandra: write EVERYTHING that you are 100% sure that you can do..and then you can also write what you 'maybe' can do...then we can discuss prices

*Child: I don't want a**l sex*

*Alexandra: can he f**k you as much and as hard he wants?*

Child: not too hard

Alexandra: and it is settled now that you will meet him tomorrow evening?

Child: yes we will meet at the (XXXX) and then we will go home to his place

As showed by the quotation it was explicitly agreed before the meeting that they were going to have sexual intercourse for payment, i.e. that B.T. (in the role as the best customer) should pay the girl for the sexual intercourse. The payment consisted of a few hundred kronor. Furthermore, the girls expressed in the material that they felt bound by their promise to 'Alexandra' and did not want to disappoint her, e.g. that they had an agreement with her to meet and have sexual intercourse with her "best customer" (B.T.). Some of the girls did however regret the agreement when they met B.T. but several of them still carried out the agreed activities. There were however some cases that involved violence and even rape when the girl initially did not approve to have sexual intercourse with B.T. when they met. Threats have also been used when a girl have tried to end the contact and refused to continue meeting him for sexual purposes. In some cases were the girls have sent indecent images and films and/or posed via webcam (and B.T had recorded the posing) he threaten to make that material publicly available on the Internet if they did not agree to continue to meet him.

Critical Social Information Systems Research

So far the present paper has very much concentrated on the legal interpretation of grooming. The main aim of the paper is not, however, to engage in a legal debate, but to gain an insight into a high-profile misuse of ICT from the point of view of an IS scholar or practitioner. This perspective needs to be informed by legal expertise but it should also look beyond the law and appreciate organizational and societal aspects that precede and inform the law or that are not subject to legal considerations. In order to provide a theoretical basis for such a wider view, the paper uses a critical perspective.

The term "critical" has many different meanings and a history going back to the ancient Greeks (Harvey, 1990). One can argue that critical theory is not really a theory at all but rather a collection of interlinked principles (Howcroft & Trauth, 2004). Klein (2009) suggests using the term "critical social information systems research" (CSISR) to set the particular tradition described here apart from other usages of the term "critical". We contend that CSISR is characterised by one main feature, namely the intention to change social reality and promote emancipation, which sets it apart from other research approaches and traditions. This central feature can explain most if not all of the characteristics of CSISR which are discussed in the literature.

Emancipation implies an intention to facilitate change. Critical social theory aims to "bring about real change in the human condition" (Lee, 1991, p. 276). This intention to change reality is based on the recognition of the problems caused or perpetuated by the status quo, of structural contradictions and existing restrictions, oppressions, and domination (Orlikowski & Baroudi, 1991). The starting point of the critical approach is thus not to gain an unbiased view of an external reality but the perception that the reality we live in is not perfect and can be improved (Klein & Myers, 1999). There is thus an important aspect that refers directly to the researcher's motivation for doing research and his or her perception of the world. To put it differently, "critical stance is focused on what is wrong with the world rather than what is right" (Walsham, 2005, p. 112).

What is wrong about the world from the critical perspective is that human beings are not given the opportunity to live the best possible lives they could or to achieve their potential (Klein & Huynh, 2004, p. 163). The term "emancipation" denotes the attempt to give people this opportunity, to allow them to live up to their potential. CSISR tends to focus on the specific way in which information systems can have alienating or emancipating effects (Cecez-Kecmanovic, 2005). There are many attempts to provide a more detailed definition. Hirschheim, Klein & Lyytinen (1995, p. 83), for example, define emancipation as "all conscious attempts of human reason to free us from pseudo-natural constraints." Hirschheim and Klein (1994, p. 98) suggest that emancipation has a psychological and an organisational dimension. It is plausible to assume that alienating circumstances can be found in the environment as well as the agent. Emancipation therefore needs to address issues of "false or unwarranted beliefs, assumptions, and constraints" (Ngwenyama & Lee, 1997, p. 151). Waring (2004) seems to suggest that emancipation is about avoiding or overcoming conflict. In any event, it is difficult to clearly describe what constitutes emancipation. Attempts to define it substantively run the risk of turning into a dictatorship of the intellectual (Stahl, 2006), whereas more procedural approaches can lead to outcomes that the critical researcher can view as undesirable (Broadbent & Laughlin, 1997).

Given that the central aim of promoting emancipation may be practically problematic and epistemologically impossible to ascertain, critical scholars tend to focus on more modest goals which are nevertheless conducive to emancipation. In a first step they typically aim to lay the groundwork of social change by exposing the status quo from an unorthodox position. CSISR therefore needs to come to a sound understanding of social reality, often going beyond the perceptions of the individuals who are involved in the situation. Restricting and alienating conditions need to be understood in a first step (Varey, Wood-Harper, & Wood, 2002) in order to then be exposed as such. An underlying assumption of this approach is that individuals, in many cases members of organisations, fail to see that alternative social realities are conceivable. Once these are pointed out, they are nevertheless capable apprehending them and using their newly found view of the world to develop to their own advantage (Cecez-Kecmanovic, 2005). Exposing alienation, domination, and oppression implies a challenge that contains the opportunity to overcome them (Howcroft & Trauth, 2008).

Given the exposure of problems of the status quo, a range of possibilities of addressing these and changing social reality are conceivable. Critical scholars usually aim to bring about change in a way that is sensitive to the perceptions and preferences to the people affected, without necessarily accepting the extant world-views. In practice this means that the aim of change is realised by contributing to "transformative redefinitions" (Alvesson & Deetz, 2000). Such transformative redefinitions that allow alternative views of social realities that are more emancipatory than the status quo need to be co-created with the individuals and organisations in question (Cecez-Kecmanovic, Klein, & Brooke, 2008).

The critical approach to IS and ICT in general differs substantially from much other research in the same area. The main difference is that critical work does not aim to be functional and useful in a simplistic way. Indeed, Fournier and Grey (2000) see it as a defining feature of critical work to be non-performative, i.e. not to be employed for the achievement of organisational or managerial purposes. This does not mean that critical work has no practical import, but rather that it does not simply accept the purposes of organisations or information systems at face value.

Examples of the usefulness and practical application of the critical approach therefore require a different interpretation of what would count as an "application" of criticality. Very briefly, critical research is practical and applicable if it points a way towards the possibilities of emancipation. This is in itself problematic because of the uncertainty surrounding the very concept of emancipation as well as the difficulty of measuring and validating it.

There are nevertheless numerous examples of real-life applications of the critical approach to ICT and IS. Such examples typically aim to expose problematic practices or assumptions to provide the basis for improved processes or discourses. A much-discussed issue is that of rationality (Avgerou & McGrath, 2007). Doolin (2004), for example uses a Foucauldian lens to undertake a critical assessment of a medical managing system and to show how power and resistance play an important part in the development of such a system. A similar narrative is developed by Hanlon et al (2005) when exploring the use of ICT in the UK National Health Service. These papers follow a classical publication by Bloomfield and Coombs (1992) which started the discussion of rationality in healthcare settings. Examples of critical research go beyond healthcare ICT. Klecun and Cornford (2005) discuss the possibilities of using critical ideas for the purpose of IS evaluation. There are, furthermore, a number of studies that use the Habermasian idea of discourse in the ideal speech situation as a yardstick to explore how real information systems could be improved to come closer to this deliberative ideal (Janson & Cecez-Kecmanovic, 2005; Heng & De Moor, 2003).

As this brief summary has shown, there are different topics and theoretical approaches that can be used for a critical analysis. The following section will outline some of the central ones that the present paper will use for the analysis of the Alexandra case.

Ideology and Hegemony

Two central ideas worth exploring in more detail because of their relevance for critical thinking are ideology and hegemony. Ideologies are particular and dominant worldviews that advantage some and disadvantage others (Freedon, 2003; Hawkes, 2003; McLellan, 1995). Ideologies are not simply falsehoods. Rather, they constitute central parts of the shared worldview of a society or group (Stewart & Gosain, 2006). As such they can often even be supported by empirical evidence (Gouldner, 1976). They are accepted by that group or society as correct descriptions of reality. However, from a critical perspective they can be seen as partial and alienating. Good examples of ideologies are the stereotypes linked to race and gender. Such stereotypes, if generally accepted, structure the actions available to members of a particular race or gender, which can be oppressive. Not surprisingly, much CSISR work concentrates on such ideologies (Howcroft & Trauth, 2008; Kvasny & Trauth, 2002; Wheeler, 2005). Critical scholars can provide alternative descriptions and conceptualisations that allow different understandings, which allow for a higher degree of emancipation.

This should not be misunderstood as positing that there is an ideology-free way of understanding the world and that criticalists have found the golden path to it. Ideologies are part of all collective constructions of reality and therefore a necessary consequence of a social constructivist worldview. They may even have positive consequences when they allow for the development of positive views of experiences (McAulay, Doherty, & Keval, 2002). What critical thinking has to offer to address ideologies is reflexivity. Being open to question one's own assumptions means that one has the ability to recognise where these assumptions have ideological and alienating qualities and thus prevent emancipation. It also means that alternative concepts and views can be developed which overcome these problems. Addressing ideology is not a simple solution but an ongoing process which pervades critical research.

Ideologies can only persist if they evade critical questioning and analysis. They must blend into the background in order to remain stable. The mechanism by which this is achieved is sometimes called hegemony. Hegemony renders ideology invisible, often by rendering it natural and beyond discussion. The concept of hegemony is closely linked to Gramsci's work whose main question was why people acquiesced to the oppression they were subjected to (Kincheloe & McLaren, 2005).

There are many ways in which technology and information systems can have ideological qualities and hegemonic functions. Ideologies may be socially accepted views such as the legitimacy of hierarchical management or of the imperative of profit maximisation. Technology can then serve as hegemonic means by supporting and rendering invisible such ideologies (Saravanamuthu, 2002; Feenberg, 1999). At the same time, technology itself can have an ideological status, for example when technology is equated with progress and progress is assumed to be unquestionably desirable or when technology embodies contested social regulations, for example through digital rights management. Hegemonic means to uphold the ideological quality of technology can then be drawn from the environment in the form of customs, agreements, or the law (Thomson, 1987).

Boundary Critique

While the concepts of ideology and hegemony are widely recognised as central to critical research, they are also contested. According to Alvesson and Deetz (2000) the following three aspects, of ideology critique, are commonly subject to critique: (i) ideology critique is often applied ad hoc and reactive, e.g. research studies tend to describe why things did not happen in the past rather than predict anything about the future, (ii) ideology critique appear to be elitist. Certain central concepts such as 'false consciousness' etc presuppose that there exist fundamental limitations regarding insight and common sense among the individuals that the critical researchers aim to emancipate, (iii) certain studies applying ideology critique tend to simplify the descriptions of the marginalized and the dominated groups risk to be one-sided and simplified. A more sophisticated critique, from the postmodernism, argue that the focus upon a central subject is not only important for the ideology critique but also for the dominated groups and systems that benefits from it (Alvesson and Deetz, 2000).

A concept that is related in scope and intent to the idea of ideology and its critique but that avoids the problems of ideology critique, partly because it refers to different theoretical backgrounds is that of boundary critique. The idea

of boundary critique has been developed from a systems science perspective (Ulrich, 2001). Ulrich, drawing on Habermas's Theory of Communicative Action, argues that no argument can ever be comprehensively rational but has to rely on shared (but possibly questionable) assumptions concerning such questions as what is a fact or what is evidence. He argues that all discourses surrounding technology need to be based on boundary judgments which define the boundaries of argumentation by, firstly, delimiting the reference system that is considered relevant including the individuals or groups involved in the discourse and, secondly, by defining the range of valid applications that the arguments underpin.

It would lead beyond the confines of the present paper to elaborate on these ideas in the breadth and theoretical richness they deserve. What should have become clear from the brief introduction to boundary judgments in the preceding paragraph is that they have a similar function to ideology and hegemony as described earlier. The boundaries of the system under investigation determine what can be observed and how it can be evaluated. Unlike "ideology" and related terms, boundary has no strong political connotation and may therefore be more conducive to an open debate. Boundary judgments posit social reality and boundary critique questions this reality. It is "discursive process of surfacing boundary judgments, unfolding their implications, and examining the ways they condition validity claims" (Ulrich, 2001, p. 93). Boundary judgements can be applied to the reference system, facts and norms, which together constitute the phenomenon under consideration.

The concepts of ideology, hegemony, and boundary critique allow moving beyond the obvious facts of a case and to question implicit assumptions and unquestioned views. The overarching aim is to expose instances where individuals or groups are disadvantaged and to prepare alternative conceptualisations of social phenomena. We will now apply these ideas to the issue of regulation of online grooming behaviour.

Discussion

Whilst the 'Alexandra case' is often referred to as a grooming case it would seem to go beyond that what is commonly understood by grooming in many of these contexts. It was noted in this paper that conventional views of Internet grooming are based on the premise that an offender seeks to befriend a child with the aim of getting the child to acquiesce to sexual contact. In the 'Alexandra case' whilst the befriending did take place (through their contact with what the children thought was 'Alexandra') the aim was slightly different in that it was based on the premise of paying children to perform sexual acts rather than forming a romantic relationship with them. It would certainly be accurate to say that there has been grooming for the purposes of commercial sexual exploitation (in this instance, self-exploitation). The advances in ICT has encouraged the development of self-exploitation (Gillespie, 2010) and the 'Alexandra case' would seem to be a good example of this.

The case thus gives an immediate indication of the importance of the critical approach, in particular the concept of boundary critique appears fruitful. Grooming, like many other offences related to the sexual abuse of children raises considerable moral concern in most societies. The generally agreed need to protect children from exploitation has the potential side-effect of removing the relevant legislation from critical scrutiny. This is a core feature of the concept of ideology. Boundary critique explicitly aims to question the boundaries of the phenomenon in question. In this case one could ask about the boundaries of the particular case or the concept of grooming itself. Questions to be asked could be who counts as a child or how society draws the distinction between a romantic relationship and sexual abuse. In this context it is important to consider the variability of sexual morality, which can change significantly over time. This type of boundary critique can question the conceptual background of the phenomenon and is often linked to the question who benefits and who is disadvantaged by the social practice in question. The first question, namely who benefits, should be simple enough to answer. An immediate answer would appear to be that it is the potential victims of abuse who benefit from the introduction of a grooming offence. However, a closer look reveals that this is not as obvious as might be expected.

The Swedish offence was introduced, in part, because of the 'Alexandra case' and wider concern that the Internet could be used to groom children for abuse. However it would seem unlikely that this offence would protect children if the 'Alexandra case' was to ever happen again. As with the English offence, there is a requirement for contact to take place between the offender and victim offline. In the 'Alexandra case' by the time that any such contact took place there had been considerable sexual exploitation already through, for example, the payment of money to the child to take photographs of themselves or to perform a sex act in front of a webcam. Given our understanding of the permanent consequences of child pornography (Palmer, 2005) it could be argued that the Swedish offence is triggered too late. If the ultimate aim of the law is to prevent the sexual exploitation of an offender then in cases

such as this where there is webcam contact initially this will not be achieved, although the offence could potentially prevent a child from being sexually abused offline.

A difficulty with the offence however is that it is difficult to see how it can prevent the sexual abuse of a child rather than merely reacting to abuse that has already occurred. It was noted earlier in the paper that the English offence can be used proactively but Sellström notes that the police in Sweden are not allowed to conduct such operations, where they pose as children. Accordingly the offence can only be used where a real child is involved. Is it realistic that a case of grooming will be discovered between the chats online but before the offender meets the child offline? Whilst there is always the possibility that, for example, a parent discovers the chatroom transcripts or emails between the child and offender, or a child confides in a friend who then informs an adult or the police, it is more likely that the child will be groomed into believing that their contact is normal and that nobody will discover that the meeting will take place. Where the grooming is discovered after the child has met with the offender then this offence will do nothing to prevent the sexual abuse of a child although it will allow prosecutors to charge an additional offence, but is that the point of this offence?

The relatively low penalty that the offence attracts, i.e. fine or maximum of one year imprisonment, means that it is questionable whether the introduction of this offence serves as a particular deterrent to those who seek to groom children. Is someone who is interested in using ICT to sexually abuse a child likely to be put off by the fact that in the unlikely event they were caught before abusing a child, that they would receive a maximum of one year imprisonment or, more likely, a fine? Increasing the penalty is likely to increase the likelihood of the offender being deterred from communicating with a child. However an increase in the penalty will also assist in the policing of the crime. According to Sellström it is extremely difficult to force an Internet Service Provider (ISP) to disclose the IP-address of a suspect where the penalty for a crime is low. Knowing the IP-address of the suspect and then subsequently identifying the physical address of the suspect is essential in the prosecution of this crime and if ISPs are reluctant to disclose this information because of the low penalty then this could mean the offence is rarely used.

Again, a critical view of these arguments shows that they contain possible problems. The idea of punishment as a deterrent is widely accepted. At the same time it is also contentious and is based on a number of assumptions that are often questioned in the critical tradition. In order for a perpetrator to be deterred by a punishment, he or she would have to know the penalty, the probability of being caught, the probability of being sentenced and would have to be able to attribute utilities to this case as well as utilities to the act of committing the offence without being caught. On the basis of these and his or her preference relations, they would then make a decision to either commit the offence or not. This whole scenario assumes levels of rationality and information that even a perfect homo economicus would find hard to fulfill and that are even more difficult to meet for someone who has sexual urges that are generally deemed to be deviant but who still acts upon them. The usefulness of deterrence as a justification of punishment is generally problematic but seems particularly difficult in sexual offences. If this is so, then the question remains why the Swedish legislators would still pursue a novel offence.

One possible answer could be that this offence does, for the first time, allow the police to arrest an offender in circumstances where they arrange to meet a child for sexual purposes. Whilst it has been stated that there will be few occasions when these requirements will be met, protecting even one child from sexual abuse is a worthwhile endeavour. However if the offence is to be used then it is important that there is an understanding how the offence can be used. There are two requirements; (i) that an arrangement, between the adult and the child, has been made regarding a physical meeting and (ii) that any action has been taken that support the meeting. The material of the 'Alexandra man' illustrates how the offender made arrangements with the young girls to meet physically for sexual intercourse for payment. That fulfills the first requirement of the offence but the second part needs to be more clearly defined. What actions could be used as useful evidence? It has been suggested that transport tickets or the booking of a hotel room would be useful evidence. It could however be argued that transport and hotel room mainly needs to be involved when there is a geographical distance between the offender and the victim. In those cases where the offender and the victim live in the same city and are able to meet in either the offenders or the victims home, there will probably not be any evidence in form of booked tickets or hotel bookings. The 'Alexandra case' illustrates that even that some meetings involved booked tickets many of the meetings took place in the offender's home, office and in his car. The Swedish legislation has now been in force since 1 July 2009 and although there have been about 100 reported cases none has been subject for prosecution yet. According to Sellström about 40 of the reported cases have already been withdrawn due to lack of enough evidence. This further emphasizes the need for a clearer definition of what the legislation refers to with its current formulation of 'taken actions', e.g. what could constitute sufficient evidence related to the new offence.

An adequate evaluation of the new Swedish offence should be based on its application and conviction rates. Critical reflections of the conducted research is a central element within critical research. The fact that the offence recently was enacted and that no reported case has been subject for prosecution yet could arguable limit the reliability of the result of this study in this paper. Therefore further research is needed to evaluate the offence. Sexual grooming of children via ICT is an illustrative example of harmful use of modern technology and constitutes a complex challenge for law enforcement to regulate it effectively.

Of course the challenging nature of ICT-based crime arguably demonstrates that a law is not the best approach to preventing grooming. Arguably the better approach is to increase public awareness of the issue of grooming. To an extent the introduction of the new offence could be important here as it is a statement by society that the sexual exploitation of children via the Internet is unacceptable. We know from history that the criminalization of behaviours could lead to important changes of attitudes in society. An illustrative example of this can be found in the Swedish legislation regarding corporal punishment of children that was enacted 1979 and which also has succeeded to change the general attitude against the phenomenon. Hopefully the new offence discussed in this paper will give rise to similar positive effects in society.

Conclusion: Future research and contribution to ICT literature

The aim of this paper has been to critically examine whether the new Swedish offence could be seen as a useful response to tackle the issue of online grooming. Additionally the paper has also questioned whether the public discourse of the 'Alexandra case' could be regarded as misleading since it describes the case as a typical grooming case. The topic was chosen because it explores an important issue of contemporary concern, i.e. the use, misuse, and regulation of ICT. Sexual exploitation is an interesting and highly emotional topic that is not often treated in much depth by information systems scholars, even though misuse of ICT often is seen as serious problem both on an organisational and societal level.

As shown in this paper there are certain typical grooming elements in the 'Alexandra case', but there are also significant differences and therefore we argue that even though the Alexandra case is a grooming case it is not a traditional grooming case commonly understood within existing literature. Further research is however needed to enhance the understanding of this behaviour. This paper has highlighted certain difficulties with the new Swedish offence. The identified key concerns refer to the difficulties related to revealing and investigating the offence, the vague definition of what could constitute evidence, the complexity to prove the criminal intent with the contact and the relatively low penalty of the offence. Additionally, we argue that it is reasonable to believe that the legislation mostly will be used re-actively and not pro-actively as suggested by the text of law. Therefore, this paper considers that the new legislation is unlikely to protect children from harm and that other solutions may be necessary.

The critical concepts of ideology, hegemony and boundary critique have been useful to highlight the complexity involved when trying to regulate behaviour related to the use of technology. The critical approach has demonstrated that even apparently clear-cut and generally agreed social regulations of technology can raise substantial problems and need explicit reflection of underlying assumptions. The theoretical contribution of the paper is to show that critical ideas could be useful within IS research to help illuminating issues that go beyond the topic area of ICT in organizations that the majority of critical IS studies concentrate on. By addressing a larger societal concern, this paper has shown the relevance of critical concepts such ideology critique and boundary critique.

A critical reflection of the conducted research is typically seen as a central element in critical research. In this spirit, we need to acknowledge that the paper has not covered all possible angles. One aspect we have omitted was the economic one. Critical research typically aims to cover the social, political and economic context, which are seen as central for the explanation of social phenomena. In future research it should be highly relevant for IS scholar to critically examine the use of technology as a regulator model to regulate grooming behaviour online. Furthermore it would have been interesting to study the economic context of the 'Alexandra case' closer since the issue of economical aspect seem to have played a significant role between the offender and the individual girls. A future critical piece of research should also consider in more depth the variety of content of 'grooming contacts' and in what way empirical results can be used as a basis of legal and/or technological regulation. Despite the limitations with this paper, we nevertheless believe that this paper makes a substantial contribution to the debate surrounding online grooming and highlighting the relevance of critical research when applied to ICT.

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