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Where should pedophiles live?

ASK THE PHILOSOPHER: Tim Soutphommasane | October 03, 2009

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YOU are not alone in thinking such thoughts. It is one thing to say that the likes of Dennis Ferguson must be allowed to live in the community once they have served their time in prison. It is another thing, however, for us to accept that a convicted pedophile may end up as our neighbour. What if they should lapse into their old ways?

Here the duties of citizenship, namely the demand for toleration and respect for the rule of law, seem to exist in tension with the duties of parenthood. No good parent would knowingly do anything to endanger their child. Yet it is precisely this possibility that accompanies tolerating someone such as Ferguson (or Roman Polanski, we might add) living among us.

Understandable though your anxiety is, it is a fundamental principle of our criminal justice system that someone convicted of a crime should be given the chance to live as a free citizen after they have paid their dues to society. Where we condemn criminals to a lifetime of state-sanctioned punishment, as in some cases of murder, we leave no ambiguity: we put them behind bars without parole. This, as we know, is not the case with convicted pedophiles, although they are subject to lengthy jail sentences.

Even so, it would be unfounded for us to condemn you merely for feeling discomfort about the idea of having a pedophile moving into your street or suburb. Who would not? And it would be equally absurd to prevent you from expressing your concern.

In a liberal society that values individual liberty and free speech, we should neither legislate for your thoughts nor censor your concern. On these two counts, you have no reason to feel like you have been a bad citizen.

But it would be a different matter if you decided to take the law into your own hands. There is nothing edifying about vigilantism. Little wonder so many of us felt uneasy last month watching residents of Ryde, in Sydney's northwest, venting their fury at Ferguson. It seemed only a short step away from the violence of a lynch mob.

There is, I am afraid, probably no way to avoid the conflicting feelings you have on this matter.

To be sure, some have suggested that the answer may lie in governments establishing dedicated facilities to house convicted pedophiles once they are released.

Yet this, too, raises further moral and political questions about crime and punishment. In a liberal democracy individual rights still matter; they are not negotiable. As difficult as it may be for us to accept in cases such as this, even released prisoners count as citizens and we must treat them accordingly if they abide by the law.

Perhaps that is the point. As British philosopher Bernard Williams wrote, "The difficulty with toleration is that it seems to be at once necessary and impossible." This is the eternal paradox of toleration; it is something required only for the intolerable.

Readers are invited to suggest subjects for future pondering. The email address: philosophercolumn@gmail.com

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