


Childhood ‘Innocence’ is Not Ideal: Virtue Ethics and Child–Adult Sex

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Abstract Malón (Arch Sexual Behav 44(4):1071–1083, 2015) concluded that the usual arguments against sexual relationships between adults and prepubertal children are inadequate to rule out the moral permissibility of such behaviour in all circumstances. Malón (Sex Cult 21(1):247–269, 2017) applied virtue ethics in an attempt to remedy the postulated deficiency. The present paper challenges the virtue ethics approach taken in the second of Malón’s articles by: (1) contesting the view that sex is an exceptional aspect of morality, to which a virtue approach needs to be applied; (2) contesting the view that virtue ethics succeed, where other arguments fail, against the moral admissibility of child–adult sexual relations; (3) proposing that such relations can be seen as virtuous in the context of an alternative view of what constitutes virtue.

Keywords Child–adult sex · Children’s sexuality · Evolutionary psychology · Paedophilia · Sexual development · Virtue ethics

Introduction

The first of Malón’s related pair of articles on the moral status of sexual relationships between children and adults (Malón 2015) concluded that Kantian (deontological) and utilitarian (consequentialist) ethical analysis leave open the possibility that such relationships may be morally admissible, provided they are mutually desired and neither harmful nor exploitative. In such circumstances, which the author

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admits could sometimes be a reality, the only case against them would be prudential, rather than moral, based on the possibility of harm arising from the consequences of breaking strong social taboos and legal sanctions, consequences which for child and adult alike may include shame, guilt, stigmatisation and trauma; the child may also be punished, both informally and formally, while the adult often faces severe punishment.

Taking a virtue ethics approach in the second of his papers (Malón 2017), the author questioned not only the permissibility but also the moral desirability of child–adult sex. The present response does not take issue with the first paper but challenges the second.

This second paper proposes that sexual activity is so different to other activities that its moral status cannot be adequately assessed in the usual way, i.e. within a set of moral principles and/or judgments that may be applied in any other circumstances. As such, this plea for “sexual exceptionalism” amounts to special pleading; and, like other instances of special pleading, it may expect to find favour only if the argument for making an exception is overwhelmingly strong and clear. It will be argued here that this is far from established, either by the author in question directly or by the source that gives the most elaborate exposition of the virtue ethics on which he relies (Scruton 1986).

The special pleading in question draws its inspiration from Aristotle’s time-honoured but, as I will argue, potentially too culture-bound approach to ethics, a potential all too fatally realised by at least some neo-Aristotelians, including Scruton and Malón. Aristotle’s willingness to privilege “credible opinions” (*endoxa*), i.e. the conventional wisdom of his day, is a recipe for culture-bound bias, to which he notably succumbed when he attempted to defend the ethics of slavery. The temptation for others to do so is manifest in his own description: “*Endoxa* are those opinions accepted by everyone, or by the majority, or by the wise—and among the wise, by all or most of them, or by those who are the most notable and having the highest reputation” (Aristotle 2015). Bearing in mind the current opinions of the “great and the good” (to say nothing of popular opinion) on paedophilia, to begin a consideration of the moral standing of child–adult sexual relations by privileging mainstream current opinion is bound to load the dice to the extent that an alternative view cannot be fairly considered (Rind 2002).

I will argue that conventional opinion is overly privileged by Scruton (and, by extension, Malón) and that his resort to “persuasive definitions” (Stevenson 1963) compounds the problem.

This response challenges Malón’s virtue ethics, as applied to child–adult sexual relationships, in three ways: (1) by contesting the view that sex is an exceptional aspect of morality, to which a virtue approach needs to be applied; (2) by contesting the view that virtue ethics succeed, where other arguments fail, against the moral admissibility of child–adult sexual relations; (3) by proposing that, far from necessarily condemning child–adult sexual relationships as falling unacceptably short of virtuous ideals, a virtue ethics approach is capable of seeing such relationships as instantiating an ideal, or at least constituting one element of such an instantiation.

The focus, in accordance with Malón’s approach, will be on prepubertal children except where otherwise stated. In his earlier paper, he refers to “prepubescent”

children; in his later one the terms “prepubescent” and “prepubertal” are both used (Malón 2015; Malón,2017). The context in all cases suggests that he means not just children who are nearing the start of puberty but possibly younger ones as well. I, too, wish the word “prepubertal” to be construed in this inclusive way in what follows.

The Illusion of Sexual Exceptionalism

Malón makes a neo-Aristotelian case that for an adult to engage sexually with a child would be an expression of bad character. It would indicate that the desires of such a person were not being directed towards whatever encourages human beings to flourish, including his own flourishing and that of the child in question. A virtuous person, in Aristotle’s philosophy, is one whose character is such that he will tend to behave in ways that are in accordance with human flourishing, so active paedophiles, on this view, cannot be virtuous; they are vicious.

They are vicious, specifically, because sex is conceived as having a purpose not fulfilled through child–adult sexual relationships; pedagogically it is wrong to lead children away from the right functioning of sex; only conformity with the true teleology of sex can be expected to lead to human flourishing.

But what is the true teleology of sex? For some traditionalists the answer is obvious: procreation. Thus limited, however, we would be obliged to declare the viciousness of masturbation, homosexuality, contraception and much else. Those who would seek to single out child–adult sexual relationships as vicious need to specify what it is about these relationships that *intrinsically* goes against the proposed teleology of sex in such a way that human flourishing is compromised—as opposed to such flourishing being compromised by hostile social mores and laws. Malón attempts this, not by attempting to revive procreation as the sole purpose of sex but by rejecting “liberal-permissive sexual ideology” based on “a sensualist concept of sex as a desire for physical-genital pleasure”. He is right, in my view, to reject as an ideal what might be called “mere hedonism”, but I will argue that (a) child–adult casual sexual pleasure as “play” is morally permissible and (b) that child–adult sexual encounters, especially when they are part of a deeper relationship than might be suggested by the word “play”, need not be inimical to lives lived with the highest of ideals, and may indeed help define and contribute to those ideals.

The chief basis upon which this case will be made is empirical, but I will begin by critiquing the arguments from virtue ethics that “sex is different” (i.e. morally exceptional), and that the ethics of sex need to be grounded in “an erotic ideal”. Malón tells us these themes take us into the realm of “complex concepts” and that there is “no standard, shared idea of what they mean” (Malón 2017, p. 250). This admits, but understates, a problem exemplified in the contribution made by radically conservative philosopher Roger Scruton, on whose thinking Malón particularly relies.

For the purposes of moral inquiry, Scruton explicitly repudiates the scientific investigation of human sexuality (Scruton 1986, p. 212), seeing any such exercise in detached, objective study as fit only for explaining the behaviour of the

“lower animals” (*ibid.*, p. 33). In doing so, he hobbles his inquiry from the outset, restricting himself instead to a subjective approach, grounded in phenomenological description and conceptual analysis, aimed at capturing what is distinctive about human experience. This in itself might be of great value, but in the process he develops strained definitions that enable him to claim, for instance, that animals are incapable of experiencing either “arousal” or “desire”.

In fairness, this non-empirical approach belongs to an extensive philosophical tradition that includes Kant, who distinguished the world of human experience from the world of scientific observation. In the first, as Scruton says, “we exist as agents, taking command of our destiny and relating to each other through conceptions that have no place in the scientific view of the universe...Kant described the first world as ‘transcendental’, the second as ‘empirical’” (Scruton 1986, p. 4).

Arousal and desire, already mentioned, and erotic love together constitute the three basic phenomena of human sexuality on which Scruton focuses. As for sexual intercourse, even Scruton does not go so far as to define it in such a way that denies the birds and the bees do it. In turn, those who are sceptical of human sexual exceptionalism may readily admit that signs of non-human animals falling in love may exist only in anthropomorphic fantasy.

So is erotic love a critically distinctive feature of human sexuality that demands its own ethics?

The ethically charged claim is that for humans, unlike other animals, sexual relationships can only be fit and proper, in the sense of “fully compliant with human flourishing”, to the extent that they are fully cognisant of the other person as a person, as an individual, not just as a body. Thus “...the object of desire is not a body or a person, but rather the totality of the other as an embodied person. It is also a desire that requires reciprocity, desiring to be desired as embodied beings by our object of desire” (Malón 2017, p. 4). To the extent that desires fail to meet this standard, it is claimed they are abnormal and perverted.

Scruton claims that sexual arousal and desire are characterized by individualizing intentionality, aimed at the unique, irreplaceable individuality of the other person. Taking the problematic case of the excited sailor who storms ashore looking for a woman, he says arousal may begin in thoughts that “flit libidinally from object to object. But when these thoughts have concentrated into the experience of arousal their generality is put aside”. But is this true? Scruton tries to explain away such behaviour in high-flown terms:

His condition might be described as desire for a woman, but for no particular woman. Such a description, however, seriously misrepresents the transition that occurs when the woman is found and he is set on the path of satisfaction. For now he has found the woman whom he wants, whom he seeks to arouse and upon whom his thoughts and energies are focused. It would be better to say that, until that moment, he desired no woman. His condition was one of desiring to desire. And such was his need that he took an early opportunity to gratify his longing: to exchange the desire to desire for desire” (Scruton 1986, p. 89).

Bearing in mind that Scruton is explicitly attempting what he calls a “shallow description” of what ordinary people feel, it may be felt this is over-complex. Rather than phenomenology, it is a philosopher’s glove puppetry. The more likely reality is that

...we are held captive by the myth of personal sex, to glue our desires to persons. The glue we use we manufacture out of a confusion of sexual desires with genuinely person-requiring relations like love, fidelity, and loyalty... (W.J. Earle, quoted in Primoratz 1999, p. 27).

Or, to put it more poetically, as Yeats did: “...only God, my dear./Could love you for yourself alone/And not your yellow hair” (Yeats 2000, p. 249).

Nor is this solely a male view. As writer Olivia Fane, a former probation officer and sex therapist, has argued:

Sex is not about souls. We have sexual desire when we want to have sex, not when we love someone. If that wasn’t the case, it would be the oldies who were all having rampant sex after 40 years of a happy marriage, who’d be the writers of agony columns advising those poor young people how being kind and considerate and bringing a cup of tea to their partner in bed will really get the pulse racing (Fane 2017).

If this shoots down a virtuous view of sexual desire, it leaves love standing as a candidate for special ethical evaluation; but not its erotic aspect, however so defined. Attempts to bind ethical sex to love have been found wanting for many reasons (Primoratz 1999, p. 31). Lust without love, for instance, has been portrayed as selfish and inconsiderate, but this does not follow logically. As Hume noted (Primoratz 1999, p. 32), it is perfectly compatible with kindness and goodwill—albeit Scruton berates his “grotesque caricature of the human mind” (Scruton 1986, p. 315). Nor is it the case that a loving relationship is necessarily free from selfishness and exploitation:

Lust is not by nature self-sacrificing, as love is; but it is not inevitably selfish, in the sense of disregarding the rights and feelings of others—as a desire, it is neutral, and it may or may not be satisfied in a selfish way. Genuine love can have a very selfish element—a desire to control and dominate another person spiritually in ways that are much more exploitative than the mere temporary use of his or her body (A.H. Lesser, in Primoratz 1999, p. 32).

Scruton actually admits this problem, albeit without facing up to its implications, when, in speaking of a couple in a loving relationship, he says that “In self-defence—which in this case means defence of our shared self-building—I may destroy your good. I may fight against your career, your friendships, your activity—everything, in short, that gives you the chance to live happily without me” (Scruton 1986, p. 240).

This is not to dispute that loving relationships in the broader sense, in which the erotic component may fade with time, are fundamental to human flourishing.

A companionable, cooperative, secure partnership grounded in love is the solid foundation on which to undertake the great enterprise of conceiving and raising a family. It is sometimes objected that casual sex destroys the capacity for experiencing sex as part of a loving relationship. As an empirical claim, though, this is simply not true, a point to which I will return.

Coming back to our none-too-fussy sailor, it might be objected that, to the extent that he falls short of individualizing intentionality, he does not *truly* experience sexual arousal and desire, but instead mere animal appetite. As Primoratz noted, any such shortfall would fail to sit well with Scruton's proclaimed aim of providing a phenomenological account of human sexuality. It would suggest that he and those who share his approach seek to impose a norm rather than describe one, using "persuasive definitions" as a primary stratagem (Primoratz 1999, p. 28).

Furthermore, the skilfully constructed but fragile house of cards of which Scruton's phenomenology is comprised is not the biggest of the problems for Malón's appeal to modern virtue ethics. A far more glaringly salient one now that Kantian universalism has had well over two centuries in which to thoroughly permeate our ethical thinking is the cultural parochialism of virtue ethics. For Aristotle, the *endoxa* of his day included, as noted above, the generally accepted view that slavery was acceptable, to say nothing of the subjugation of women and much else that would be unacceptable in modern society. It was thus possible for a man to flourish as a human being and be esteemed as a virtuous person, of good character, despite non-adherence to any principle capable of mounting a vigorous challenge to what might otherwise be regarded as abominable behaviour.

In our own era, likewise, despite the availability of universalistic ethics (a characterisation that fits consequentialist as well as deontological systems) and their application, for instance, to a heightened concern for animal welfare, it is apparently consistent within virtue ethics for a man of good character also to be a person who enjoys killing animals for pleasure. All that is required in order to meet the standard for such a gentleman of easy virtue is to belong to a culture in which one's fellow hunters (and perhaps women, in these enlightened times) just happen to share one's *endoxa*—opinions with "credibility" that arguably owes more to "groupthink" than to ethical evaluation. Not that my purpose here is to condemn hunters, or anyone else. I presently seek to evaluate virtue ethics itself, not its practitioners.

However, one might wish that virtue ethicists would extend the same liberality to those who do not share their views. But the whole point of Scruton's virtue ethics seems to be harsh condemnation of those who fail to be enthused by his extremely narrow creed, especially his view of what is right and "normal" sexual conduct. While he does not go the whole Orwellian hog by recommending the establishment of a Ministry of Love with the sole function of stirring up hatred, his elevation of erotic love to sacral status is made explicitly at the expense of what he sees as unworthy expressions of sexuality, which must be denounced with deliberately hateful, vilifying terminology, such as "perversion" and "obscenity", bolstered by strong adjectives such as "disgusting" and "vile".

Malón, admittedly, does not use overly emotive language—although he does entertain a single "despicable" (Malón 2017, p. 254)—but he draws heavily on those who do, including and by no means limited to Scruton, who is at the modern end

of a long line of largely theologically-oriented thinkers whose similarly ferocious rhetoric has terrified generations of youngsters, translated as it has been into the threat of hell-fire resulting from their “self-abuse” or “impure thoughts”, especially of a homosexual nature. Scruton’s own approach, as a philosopher, is secular, but his radical embrace of erotic love, rather than the theologically traditional emphasis on procreation in the teleology of sex, does nothing to impede an extremely narrow, censorious view of the virtuous ideal. In this view both masturbation and homosexuality are seen as morally suspect, if not perverted, along with a wide range of other sexual activity that many today would see as perfectly normal. Indeed, the concept of perversion is even extended to the intellectual realm, so we learn that “... in its perverted forms—in the forms of rationalism and Enlightenment—reason wars against mystery, and prepares the conditions for its own eclipse” (Scruton 1986, p. 71). While it is true that not every virtue theorist need be as extreme as Scruton, the theory’s ultimate grounding in traditional *endoxa*, including those derived from theological dogma and entrenched over centuries of clerical domination, blinkers it against rational, principled objection. While this may constitute a useful immunisation against *novel* intellectual follies of a utopian kind (a very dark possibility when pursued by authoritarian regimes, as hinted at in the word “eclipse”), insufficiently grounded in empirical reality, by the same token its most salient potential is for stoking the smouldering embers of *past* excesses.

Virtue Ethics and Child–Adult Sexual Relations

Malón’s particular contribution with regard to child–adult sexual relations sets out by identifying three potential lines of argument against paedophilic behaviour made available by the virtue approach. They are considered under these headings: (a) perversion and obscenity; (b) the sexual bond; (c) erotic neutralization and “extended” incest.

Perversion and Obscenity

The author begins the first of these themes by focusing on ideas of normality, particularly those of Thomas Nagel and Roger Scruton.

However, Nagel’s short essay explicitly eschews moral evaluation (Nagel 1992, p. 51). He writes: “We make judgments about people’s beauty or health or intelligence which are evaluative without being moral. Assessments of their sexuality may be similar in that respect.” His analysis does not support a virtue ethics approach. The implications of Nagel’s defence of the concept of sexual perversion as an unnatural sexual desire appear more medical than moral. On homosexuality, for instance, he says that whether it is to be considered a perversion “depends on whether homosexuality is produced by distorting influences that block or displace a natural tendency to heterosexual development” (Nagel 1992, p. 50). From a heteronormative perspective, this seems to hint at homosexuality as a misfortune rather than a blameworthy inclination.

Scruton, by contrast, who does not hesitate to be harshly judgemental, sees moral prohibitions where Nagel, even with regard to child–adult sex, spoke only of practical limitations. According to Scruton, the child is not yet a person but only its prelude—a highly contentious assertion which is then made to bear the weight of a dubious empirical claim about children’s capabilities. In Malón’s words, “the interpersonal reciprocity of normal eroticism is impossible in the child, and paedophilic desires are intrinsically perverse” (Malón 2017, p. 251).

Two objections immediately present themselves.

Firstly, Scruton’s view that a child is not a person is sustainable only by courtesy of a strained definition of the word “person”. In general usage, any human individual is a person. Are children then not human? More restricted definitions may be reasonable in specialist usage in such contexts as philosophy and the law but we need to be wary: slavery was defended in the United States on the grounds that slaves were not persons but property. Even a commercial “body” may be “incorporated” and recognised as a person that may be held legally responsible for its activities, as Scruton acknowledges. Sensate animals such as dogs and horses should also be accorded personhood according to philosophers who have championed their rights, or at least “liberation” (Regan 1983; Singer 1976). While this too is controversial, no one argues that children are insensate, and that personhood should be denied them on that basis.

Personhood might more reasonably be withheld from children as a basis on which they can be held legally responsible for their actions, at least until reaching an appropriate age, such as the age of criminal responsibility—which is currently 10 in England and Wales, but about to rise to 12 if a bill introduced to parliament in 2017 by Lord (Navnit) Dholakia, is accepted (Dholakia 2017). But why they should not be regarded as persons specifically for the purpose of sexual activity requires independent justification. Instead of asserting a priori that children are not persons, therefore they cannot do x , or have type of relations y , with another person, their capacities for x or y first need to be established empirically, and their personhood status then determined accordingly.

Secondly, the assertion that children are incapable of reciprocal sexual relations is empirically unfounded. Where is the evidence? A comparison with animals is again suggested. Dogs appear to be perfectly capable of reciprocity in loving relationships with human beings, often to the extent of being every bit as devoted and loyal in their affections towards their owners as their owners are towards them, and perhaps even more so. Again, even the personhood-restricting Scruton has acknowledged this (Scruton 2013, 2014). Dogs may lack a sophisticated appreciation of the other’s “intentionality”, on which Scruton sets so much store as a qualifying criterion of moral agency within sexual relations, but this appears to be no barrier to reciprocity in what many would consider to be its morally essential features. There should be mutual affection and attention to the other’s wishes. What else is needed, really? It may be thought this analogy is insufficiently close because dogs are not sexual partners of their human masters. But they can be. Dogs are not shy about expressing sexual interest in humans, and when their owner reciprocates that interest a sexual (and loving) relationship may develop, as has been attested in *Dearest Pet*, a book by Dutch controversialist

(and children's writer!) Midas Dekkers, and endorsed in a review by philosopher Peter Singer (Dekkers 2000; Singer 2001).

If even a dog can experience the requisite feelings in a reciprocal relationship of interpersonal (in all but name) character, why would a child be incapable of doing so? Few would deny that a child's loving reciprocal relationship with its own parents is fully interpersonal, after all. This is not to say that sexual relations between parent and child are unproblematic, but this fact does not in itself indicate that any such problems are attributable to sex being ethically *sui generis*.

An alternative hypothesis might focus on issues capable of resolution within an ethical framework that pays no heed to "intentionality", there being no ethically relevant need to do so. For Scruton, as Malón says, some essential traits of the person include "self-awareness, continuity or responsibility, as well as the authority and sincerity of the first person". The moral output of these traits is what ought to concern us, not the psychological quality of "intentionality" that goes into them. The one point of distinct moral reference is responsibility: as the case of the business corporation shows, not even being a living, breathing entity is an indispensable requirement when it comes to being held responsible. But for the purpose of ethically evaluating sexual relations, it is not the child's responsibility that is primarily at issue but the adult's, just as it is primarily adult humans who bear responsibility for the ethical treatment of animals they own or control. In both cases, children and animals, (human) adult responsibility is the focus of ethical concern because (human) adults are the ones whom we seek to hold to account.

However, having accepted Scruton's view as to the ethical necessity of what I have called "sophisticated appreciation of the other's 'intentionality'", Malón finds himself confronted with a paradox: some sexual conduct between children has been accepted (especially in the twentieth century, although less so now) as normal and healthy despite the absence of a capacity for any such intentionality (de Graaf and Rademakers 2011). He seeks to resolve this paradox by means of identifying a number of factors that appear to distinguish children's sexuality from that of adults, after saying that "Maybe sexual play between children is morally acceptable for us only as far as it is not threatening to the 'sexual innocence' of participants" (Malón 2017, p. 251).

Malón does not define "innocence", nor does he defend the concept against the charge that it represents a state of ignorance in which children are deliberately kept by adults in order to control them. Drawing on Scruton again, he does more to admit the charge than reject it, saying "our image of sexual development is intimately related to the process of initiation into adulthood. The value of virginity and its loss, for example, is connected to the division separating the child from the adult" (Malón 2017, p. 251). What is left unstated in this valorisation of virginity is its role in the control by men of women's sexuality in traditional patriarchal societies.

This valorisation has been contested not only from an explicitly feminist perspective in recent decades but also from the standpoint of evolutionary development, even though the burgeoning discipline of evolutionary psychology is sometimes wrongly seen as offering a theoretical underpinning to patriarchal thinking. Darcia Narvaez, a psychologist who has focused on moral development over the lifespan, is one of a growing body of scholars who have drawn quite different conclusions from

“ev. dev.”. Taking issue with Hobbesian assumptions grounded in humanity’s Holocene past (quite recent in evolutionary terms), Narvaez draws on palaeoanthropological research to claim that we have been wrongly “projecting onto the past a scenario like today’s of sexual restriction and competition, assuming sexual competitiveness for virginity, and emphasizing the timing of first sexual behavior.” Hobbesian evolutionary psychology, she says, “assumes mate competition and male desire to control female reproduction to ensure genetic dominance.” Among the small-band gatherer-hunters of the past, in contrast, “sexual relations are widespread with experimentation at all ages.” Also, “As with our bonobo cousins, individuals do not wait for the right fertile mate. Sexual relations are more about pleasure than control” (Narvaez 2013, pp. 342–343). The implications for good parenting and pedagogy in today’s world are profound and will be considered below when I come to an assessment not just of what constitutes normal child sexuality in WEIRD societies (Western, Educated, Industrialized, Rich, Democratic), but what is most natural for children and all of us based on our evolved psychology (Henrich et al. 2010; Hewlett and Lamb 2005; Konker 1992).

Who benefits, then, in post-patriarchal societies, from the continued defence of “innocence” and virginity? In what respect is the radical separation of childhood from adulthood functional and healthy, as opposed to the alternative, and surely more realistic, view that children’s capacities and understanding develop gradually over time, in relation to sex as much as they do with everything else? While there is an unarguable case for saying that the beginning of reproductive capacity marks a clear developmental landmark, there are also grounds for claiming this is something children need to be made aware of beforehand, and that it may be beneficial (as discussed below) to practise intimate relationships well before the time when there might be reproductive consequences.

In support of the radical separation of childhood from adulthood, Malón imposes limits on children’s sexual capacities that owe little to empirical investigation. He downplays children’s sexual interest as largely mere “curiosity”. Even when they seek orgasm, we are told, this does not “have the same structure in children as in adolescents or adults” (Malón 2017, p. 252). On this point he cites a paper by human rights lawyer Helmut Graupner in which a case is made for extending sexual rights to adolescents and lowering the age of consent to 14, while suggesting that younger children may not be ready (Graupner 1999). However, the facts presented in the paper are compatible with a more radical interpretation. Children, says Graupner in a research-backed comment, are “basically capable of the same range of physiological sexual acts as adults are” (*ibid.*, p. 30). Evidence for this has been encyclopaedically assembled and fully referenced in terms of capacity and extent of prepubertal orgasm; also, the sexual behaviour of prepubertal children has been observed in parental, preschool and ethnographic contexts as well as quantified retrospective reports (de Graaf and Rademakers 2011; Janssen 2002; Larsson and Svedin 2002).

Crucially, says Graupner, for some prepubertal children “their sexual contacts with (adolescents or) adults are a positive experience which they highly enjoy despite the imbalance in power” (Graupner, *op.cit.*, p. 33). While the distinction between prepubertal children and those in puberty’s earlier or later stages is not always made clear, this finding is supported for the former as well as the latter in

both qualitative (Burns 2015; Leahy 1991, 1992; Rivas 2013; Sandfort 1984) and quantitative research. Quantitative studies show that those childhood and adolescent sexual experiences with adults that were retrospectively reported as having been consensual are not generally associated with negative outcomes (Arreola et al. 2008; Carballo-Diéguez et al. 2012; Constantine 1981; Coxell et al. 1999; Dolezal et al. 2014; Kilpatrick 1987, 1992; Sandfort 1992; Stanley et al. 2004) and may be reported in very positive terms as relationships characterised by “warmth, pleasure, affection, humor, and even lustiness” (Okami 1991). Sometimes the child “victim” in cases that come to the attention of the authorities feels that that the law is oppressive and that the notional offender does not deserve to be treated as such (Leahy 1996).

Continuing to focus on Malón’s distinction between the normal and the perverted, I will argue that while such a distinction will inevitably appeal to entrenched traditionalists, its implications are inimical to human flourishing. In particular, the distinction is one which licenses harsh and unjustified intolerance. While this is not obvious from Malón’s own reasoning, it becomes more apparent from a closer look at Scruton’s work, characterised as it is by what would be called “hate speech” if directed against an ethnic or religious minority. “Like the bestial man and the necrophiliac,” he says, “the paedophile cannot surrender himself to the full challenge of another perspective, but must confine his attentions to that which he can also control” (Scruton 1986, p. 296).

Nor is this blatantly emotive language justified by strong, or indeed any, empirical support. With the backing of no cited research whatever, Scruton pronounces that paedophilia is not a sexual orientation like any other. Yet it is an uncontroversial commonplace that people generally become aware of their sexual orientation; they do not choose it. Paedophilia is no exception, as science is increasingly coming to accept (Seto 2012). If they do not choose it at all, then they do not choose it in order to follow an evil path. Research on the personality characteristics of paedophiles has discovered no such negative attributes. Paedophiles have emerged as “gentle and rational” (Wilson and Cox 1983, p. 122). They are not lacking in general empathy (Puglia et al. 2005). Little clinically significant pathology is found among either “paedophiles” or “sex offenders against minors” (Okami and Goldberg 1992). When Scruton tells us “the paedophile” (a suspect construction, like “the Jew” and “the Negro”) is motivated by a controlling impulse, he is supported by nothing beyond his own air of authority.

There are more *ex cathedra* pronouncements of this kind. In a book otherwise replete with learned footnotes citing sources and authorities, the section on paedophilia as a perversion has none at all. Lacking scientific support, Scruton turns for his “facts” to a writer of fiction, Boris Pasternak. Citing Komarovsky’s seduction of the young Lara in *Dr Zhivago*, Scruton seems not to have noticed that Komarovsky is the product of the author’s imagination, deliberately created as a vile, exploitative character. So it is hardly surprising that Lara ultimately feels used, and tries to shoot him. Scruton, in his turn, is seduced and led astray by Pasternak, as many readers no doubt have been, into believing that to be a “paedophile” is necessarily to be an evil monster. Such readers are also deflected from thinking about all the *uncreated*, as it were, paedophilic characters in the real world whose motives and behaviour might

be much more attractive. Lara is actually depicted as a physically mature 16-year-old in the novel rather than a prepubertal child, although this is the least problematic aspect of Scruton's use of the episode to exemplify the supposed perils of paedophilia (Pasternak 1958).

The Sexual Bond

Sexual experiences between children and adults, Malón says, following Underwager and Wakefield, “always involve a reductionist experience of human eroticism that is limited to genitalisation, and that may lead to a type of damage that is not perhaps empirically evident and does not appear as any type of diagnosable pathology, but is displayed in the formation of an erroneous concept of sexuality and an incomplete or unsatisfactory sexual development of the child, which thereby puts at risk the child's capacity for intimacy and to be emotionally connected to another person” (Malón 2017, pp. 252–253; Underwager and Wakefield 1994).

To the extent that we put a high value on personal freedom, any proposed restrictions on our actions demand strong evidence that they are necessary for the avoidance of significant harm. What is offered here, though, is merely speculative. That no such evidence exists is implicitly admitted (“damage that is not perhaps empirically evident”). All that we have is a vast but massively misleading body of victimological literature in which psychological problems are attributed to childhood sexual abuse when other aspects of the victims' family backgrounds—notably when they have been neglected and unloved, and the household has been characterised by chaos and violence, including towards themselves—are far more strongly associated with later pathology (Hines and Finkelhor 2007; Konker 1992; Rind et al. 1998).

Evidence does exist, however, of adults not merely “surviving” but thriving following a history of childhood sexual “abuse”. Far from showing deficits in their capacity for intimacy or emotional connection, there are those who report close, happy marriages and families raised with every sign of success. Nor is the evidence confined to absence of damage: child–adult sexual relationships have been reported as not merely pleasurable at the time but also emotionally beneficial, and sometimes profoundly so.

The psychoanalyst and theorist Heinz Kohut, for example, who grew up in Vienna in the 1920s, was a boy of 10 when his parents' marriage was deteriorating. He felt he “survived the fragmentation of the family quite well, in no small part due to the lucky presence of a warm-hearted tutor named Ernst Morawetz, who entered his life just as his mother left it” (Strozier 2001, p. 23). The relationship became sexual, at first kissing and hugging, then tender mutual fondling, and mutual oral sex.

Far from damaging his capacity for intimacy and emotional connection, the relationship expressed both. He idealized this tutor, who was a “‘spiritual leader,’ able to share his ‘almost religious’ love for nature, as well as teach him about literature, art, and music” (*ibid.*, p. 24). Kohut later entered what appears to have been a long and happy marriage—his wife, Betty, was reportedly devoted—and father of a son, Tom. Of his relationship with Morawetz, Kohut would say: “...it was in some ways psychologically life-saving for me. I was very fond of the fellow” (*ibid.*, p. 24).

Biographical accounts of this nature may be dismissed as anecdotal and relatively sparse but they are extremely significant as “black swan” evidence. Furthermore, systematic collections of self-reports on similar lines are now available (Rivas 2013; Burns 2015). These accounts give a strong indication that there is no inevitable connection between pleasurable early child–adult sexual encounters and any later failure of sexual development. Thus it becomes incumbent on those who claim that all swans are white (every child participant in such encounters will fail to develop satisfactorily) to explain away the existence of these black swan sightings.

Accounts such as this also call into question the nature of the proposed linkage between early sexual pleasure and later inability to develop intimacy and emotional bonding. Why would it be so? Might they not be entirely independent variables? Or, if there is a connection, could it be a positive, not a negative, one? Would it not be more reasonable to hypothesise that deficits of intimacy and bonding, far from being caused by pleasure (whether sexual or otherwise) in the close company of others, result instead from unpleasant, negative experiences of such closeness, whether through being sexually assaulted or raped, or from an upbringing in which parental warmth and loving intimacy were deficient—this being a view with long-established, and growing, support in the scientific literature from a range of disciplines, an early landmark being John Bowlby’s classic studies on attachment and loss, with work now extending into neuroscience and palaeoanthropology (Bowlby 1969, 1973, 1980; Fry 2013; Hewlett and Lamb 2005; Narvaez 2009, 2012, 2013, 2016).

Malón tells us that “... the genuine pedophile, while he may be motivated by feelings of sincere love, concern for the child and the promise of commitment, will always be condemned to seeing sexual desire split from a long-lasting sexual love” (Malón 2017, pp. 254–255).

But as Olivia Fane has attested, long-lasting *sexual* love is largely a myth even for normal couples. Why should it even be seen as a vision of the *ideal* when the valued characteristics of long-lasting loving relationships tend to have little or nothing to do with sexual attraction beyond the first few years? Early passion turns, ideally, to affection and loyalty, just as Fane has described above.

There is now strong empirical evidence to suggest that sexual attraction within marriage tends to last around 7 years, thereby validating the long-held popular notion of the Seven-Year Itch (Dalton 2000; Kurdek 1999). Allowed to run its natural course, paedophilic desire for a particular child in all probability has a very similar lifespan.

Malón continues: “The pedophile desires not the person, but the person at a stage in their life in which they have not yet fully developed as a person” (Malón 2017, p. 255). We have already seen, above, that such development may be morally relevant if the child is to be held to account (the age of criminal responsibility was mentioned) but it otherwise lacks traction as an ethical issue.

The focus on sexual desire in this context is actually a distraction from what really matters. Olivia Fane again:

Nowadays, for people who have been married for a long time, sex is the minefield that separates them. Everyone feels they ought to be having it, ought to be enjoying it, that it ought to be an expression of their love. They

are too tired for groundbreaking sex, but they hunger for affection. Human beings crave to hold and be held, but we stay on our side of the bed in case a sexual performance is demanded. It's all a very sad and sorry story.

How did we get here? Where did we go wrong? Why are so many relationships just so fragile?

Love and erotic love are two very different emotions. I would argue they are almost contrary. Love proper is to do with the other person: it is about the care, respect and understanding of that human other. Love like this grows, it cannot help it. The more of yourself you invest in another person, the more you receive. You become as one: their pain is your pain, their joy, yours too. Erotic love, on the other hand, is about wanting something.

The French are right: you cannot desire what you already have (Fane, *op. cit.*).

The significant difference between paedophilic relationships and marital ones (whether straight or gay) is that marriage or other forms of long-term relationship do not arise as an issue. Most heterosexual couples (and many gay ones) want to raise a family, a goal that necessitates commitment to a long and stable relationship in order to provide a secure setting for children to grow up in. In the absence of any possibility of reproduction or adoption, there is absolutely no need to set up either long-term sexual desire or a commitment for lovers to be together permanently as an ideal from which it is morally deficient to fall short. It is simply a misconceived target.

What matters, ethically, in a child–adult relationship, is that it should not be broken off abruptly in a way that leaves the child feeling discarded. The easy assumption is that this is precisely what the callous, evil paedophile does, but there is no evidence to suggest this is a typical outcome.

Contrarily, there is significant testimony that the bond between child and adult in a paedophilic relationship typically changes its character as the child grows older, in a manner that has key features in common with the growing independence of a child from its parents (Burns 2015; Rivas 2013). The parent–child bond in the child's infancy is characterised by great intimacy, especially between mother and child. Typically both parents, in a modern family, tend to be playfully physical with their children in their “cute” pre-adolescent years. Adolescent bedroom grunge, surly conversational minimalism and rebellious ideas mark a break from this pattern, as the young begin to search for an independent identity. Parents become an embarrassment; youth wants to go its own way. But go where? Strikingly, the very first port of call may well be a friendship, growing into a sexual relationship, not with a paedophilic adult but a *hebephilic* one (Brongersma 1986; Hines and Finkelhor 2007; Sandfort 1987; Leahy 1991, 1992).

Parents tend not to frolic on the carpet with their adolescent offspring, and are less likely to hug or kiss them unless there is an obvious need to comfort or reassure at a time of emotional crisis. Teenagers often seem a good deal less winsome and cuddly than younger siblings, and may even become downright unlovable. But a bond remains. And love returns, along with parental pride in whatever their child achieves in later life. These are all commonplace observations that I think few would dispute.

This changing pattern is not wholly dissimilar to the dynamics within a paedophilic relationship. Children will inevitably outgrow their sexual attractiveness to the exclusive paedophile when secondary sexual characteristics develop, such as genital hair. Additionally, the onrush of developmental hormones may temporarily blight their looks through the ravages of acne. They are unlikely to be deliberately ill-mannered, as they tend to be with parents, because their adult lover is less likely to be an authority figure against whom a revolt must be mounted, and because it was a relationship the child chose and is not obliged to maintain. But they will in all probability find themselves in the grip of erotic desires that are no longer met by the kind of relationship the paedophilic lover is likely to give. Typically, in a paedophilic relationship, it is the *child's* body, not the adult's, that is the principal centre of attention: the child is physically desired, and desires to be desired. There may also be active desire for the adult's body but this is less often a compelling feature. With the onset of puberty, this changes. The youngster will become more sexually seeking than before. In the case of man-boy paedophilic contacts (or more rarely woman-girl ones), the younger party will typically find themselves beginning to desire the opposite sex (Brongersma 1986; Lautmann 1994; Leahy 1991; Li 1990; Wilson and Cox 1983).

The paedophilic bond, like the parental one, thus tends to slacken quite naturally as adolescence draws on. But there is no reason why either bond should break. Anecdotal evidence that paedophiles and children may remain good friends after a sexual relationship has ended is to be found in their being invited years later to the child's wedding. In the case of Jimmy Safechuck, former child friend (and probably lover) of the late entertainer Michael Jackson, the nuptials were even held at Jackson's famously palatial home, Neverland (O'Carroll 2010). Safechuck has posthumously sued Jackson's estate over alleged childhood sexual abuse but his account is entirely compatible with its having been a de facto consensual relationship at the time (Dimond 2014).

Erotic Neutralization and "Extended" Incest

What lies behind the prohibition of incest, according to Malón, "is a powerful need to sexually neutralize certain areas and human relationships, particularly family relationships... From this perspective, the prohibition of family incest could be a manifestation of a broader need for certain areas and institutions to be categorically closed to the development of any sexual bond, as this threatens their meaning and normal functioning. This would affect other relationships occurring in other areas like school, the military, work or friendship" (Malón 2017, p. 256).

Specifically, the incestuous sexual bond "threatens the necessary relationship of authority that must exist between parents and children. Incest implies a reversal of the hierarchical order of bringing children up, for example placing the daughter in charge of covering the needs of the father" (*ibid.*, p. 256).

The example given here plainly highlights a moral failing of the father, but should it be characterised as a sexual one? Feminists will recognise this scenario as part of a much broader pattern of patriarchal power abuse in which wives, as well as

children, are made to obey the husband and do his bidding in ways attentive to his needs, at the expense of their own, in all matters, not just sexual activity. As a question of general, rather than sexual morality, such abuses fall squarely within the realm of deontological ethics. A man fails in his duty to any member of his family if he exploits them selfishly. The paedophile who respects children would have no hesitation in deploring such an attitude, just as he would distinguish a consenting relationship from a rapacious one.

The example is unfortunate, because it detracts from a strong point in which the *legitimate* role of authority is salient, not its abuse. In this model, good parents teach their children good values and try to set an example through their own good behaviour. An implicit assumption within this is that unless they are firmly in control, adults will not be able to keep their children on the right path. It is often said, and with some justice, that sexual behaviour itself involves a loss of control: “surrender” to desire reveals to a sexual partner, whether adult or child, the desiring party’s need for the other, a need that makes them vulnerable to the other’s power—but only in a consensual relationship—to withhold their willingness to meet that need.

Taking his argument beyond the family, Malón speaks of a “generational solidarity or agreement, where my equals deserve me to respect, care for and educate their sons and daughters”, a role that demands, just as the family one does, that the adult must always remain in control, and hence must eschew a sexual relationship with a child (*ibid.*, p. 257).

However, even if this argument is admitted to have some merit—which I think it does—it may be thought to place excessive emphasis on the value of hierarchy. It is a view which, rather than being based on present-day norms, harks back to the very old expression (with classical origins) “familiarity breeds contempt”, invoked to caution those of higher social rank against the danger of friendliness towards underlings, especially servants, who might be encouraged “to get ideas above their station”. This anxiety to maintain hierarchy extends far beyond sexual relations, as Malón explicitly acknowledges, when he asserts that “the normal parent–child relationship is profoundly threatened” by friendship, or at least by friendship based on equality between parents and child (*ibid.*, p. 256).

But there are degrees of friendship. The family, after all, has given us the word “familiarity”, with its suggestion of legitimate informality, friendliness and intimacy within a family. By contrast, putting friendship between the generations under suspicion of impropriety is not necessarily an improvement. The authority of the Roman *pater familias* included the legal power of life and death over his wife and children. This may have worked wonders to discourage over-familiarity between the generations but is probably not a model we would wish to emulate. A less extreme alternative is to be seen in the strictly hierarchical household of the Victorian well-to-do classes, in which the servants would address the patriarch and matriarch as “sir” and “ma’am” respectively, while the children would call them “pater” and “mater”. The children of such families can hardly be said even to have *known* their parents; they found the love and support they needed, if they were lucky, from their nurses and nannies; the fact that such surrogacy was needed speaks volumes for the inadequacy of the emotionally distant parenting in question.

Two other empirical considerations arise in relation to generational hierarchy.

Firstly, it is evident that, unlike sex between adults, mutually acceptable sexual contacts between child and adult in general do *not* involve a total surrender to the body by the latter. Instead of “grand passion”, as it were, paedophilic sexuality tends to be expressed playfully, in a manner that reflects and reciprocates the child’s own sexuality. Such acts, as is well attested in the forensic literature, overwhelmingly tend to be limited to what adults would call “foreplay” (Gebhard et al. 1965; Howitt 1995; Mullen and Fergusson 1999). While it is fair to say that the adult’s need for the child’s body may be apparent to the child, the playful nature of the acts in question is such that those needs are not prioritised over the child’s, and engage no intrinsic grounds for the adult’s loss of either control or authority. There is also a parallel in the way an adult plays football or “play-fights” with a child: it is done on the child’s terms, so as to maximise the benefits and enjoyment the child derives from the activity. This strengthens the bond between adult and child. The popular conception of the paedophile, contrarily, is embodied in the image of a man who plays football with a toddler but plays as if the toddler were an adult.

There is thus nothing contradictory or incompatible between being a child’s lover and also an admired counsellor, as the example of Heinz Kohut shows. Terry Leahy, who interviewed 19 younger partners (10 female, 9 male) with positive sexual experiences in childhood and/or adolescence (at ages ranging from 8 to 15 inclusive) with an adult, spoke of an emerging picture of relationships “in which the adults made themselves available as companions for the child and in which they entered into the child’s subculture; a subculture that is signified verbally by the terms ‘play’ and ‘games’, and the relationship term ‘friends’. In the sexual contacts, the same children’s subculture was ascendant” (Leahy 1991), a theme also extensively observed elsewhere in the literature (Okami and Goldberg 1992). It is also worth noting that the relatively small proportion of child–adult sexual encounters in which full intercourse is a factor (which typically involve teenagers), are not associated with deleterious long-term outcomes, contrary to common belief (Laumann et al. 2003).

Secondly, it is not difficult to see that reversals of hierarchy sometimes work well in practice. The most efficient and inventive organisations increasingly benefit from a “bottom up” stream of ideas, rather than “top down”. This applies even to relations between “wise” elders and “foolish” children. It is hardly a rarity, for instance, for mum or dad to find themselves chastised for failing to buckle up their seat belt in the family car, or sternly warned about the dangers of smoking. Deliberate reversals of the prevailing hierarchy play a vital part in enriching relations between the generations. When a parent, straddled by a delighted toddler, pretends to be a horse, they submit to the authority of the little rider, who commands them imperiously to go left, or right, or to “gallop” straight ahead. While this sort of role reversal is clearly great fun for the child, it also meets a parental emotional need to be needed, and can be fun for both parties.

Even role reversal designed solely to meet the parent’s need can be significantly beneficial to the child. A classic example is to be seen in the movie *Jaws*, when the father, with the weight of very adult responsibilities threatening to overwhelm him, appeals to his little son, saying “Come here. Give us a kiss.” When the child asks why, he replies “Because I need it.” The child, in meeting that need, is doing

important work and will benefit from the sense of having made a contribution (Spielberg 1975).

It might be added that, unlike Scruton's artificial use of literature to condemn paedophilia based on an invented and untypical monster, this little vignette from Hollywood speaks an undeniable truth. Its appeal is to the personal experience of its audience, not their fearful imaginings. It is phenomenologically authentic: millions of hearts, it can safely be said, have identified instantly with the father's feelings. Scruton's phenomenological investigations, by contrast, although they are unquestionably painstaking, may also be thought painfully remote from what most people actually think and feel, in the twenty-first century at least.

Some Further Misconceptions

Having presented his three core arguments from virtue ethics, which I have critiqued above, Malón revisits them to ask "if these approaches are convincing and if they can help us to clarify the ethical dilemmas posed by these experiences and make our attitudes and scientific statements and controversies more comprehensible" (Malón 2017, p. 258). He does this under two main headings, "The Science of Abuse and Moral Beliefs" and "The Educational Dimension".

My task from this point onward is twofold. Firstly, having exposed, I hope, the limitations of the virtue approach in general and its specific application to child–adult sex, some further misconceptions, as I see them, introduced under the science and education headings remain to be considered. Secondly, while I do not feel mutually acceptable child–adult sexual relations should be condemned for failing to meet the virtuous ideal of intergenerational relations proposed by Malón, this does not mean that those who hold the view that ethical child–adult sexual relations are possible necessarily lack a sense of the ideal. They may simply have an alternative view of the ideal, as I will endeavour to demonstrate by sketching out just such an alternative.

Regarding "The Science of Abuse and Moral Beliefs", Malón says "science needs to be more careful about the powerful moral dimension of their inquiries into adult–child sex, as well as about the possibilities and limits of empirical findings in resolving ethical questions" (Malón 2017, p. 259). An implication here, already mentioned earlier in his paper when he spoke of "a type of damage that is not perhaps empirically evident" (*ibid.*, p. 252), is that moral harm lies beyond the reach of empirical investigation and that child–adult sex should be avoided because it *might* be harmful even though harm cannot be demonstrated.

But it is simply mistaken to assume that moral harm cannot be empirically investigated. In recent years, for instance, the concept of "moral injury" has been developed, and measured in the context of moral harm caused to military personnel who have been exposed to participation in such acts as killing or harming others in warfare, or failing to prevent immoral acts of others, or obeying immoral orders (Maguen and Litz 2016; Bryan et al. 2015). An individual's stable moral qualities, sometimes called "moral character", is the central concern of virtue ethics. Scientific assessment of these qualities has long been undertaken within the field of

moral psychology, famously so in the Milgram experiment on obedience to authority figures (Milgram 1963). Recent work in the field explicitly cites the importance of character-building and human flourishing, with Aristotle as a point of reference, taking an evolutionary development approach to how such flourishing can be best achieved in the modern world (Konker 1992; Narvaez 2012, 2016).

Accordingly, instead of relying permanently on an implied appeal to the “precautionary principle”, it is incumbent upon those who oppose child–adult sex to undertake research that would support their position. Not that it would be easy. The subtleties (or even obscurities and incoherence) of the relevant concepts derived from phenomenology, notably the interpersonal “intentionality” of human sexual desire and love, would be difficult to operationalise. Even if this could be accomplished, there is no guarantee that any such exercise of clarification would elucidate moral qualities widely agreed to be desirable or important. As Malón himself says in his conclusion, “Since there is a conflict of values on the idea of estimable eroticism to be cultivated among children, it is not strange that it is not easy to know who has really been damaged and in what way” (Malón 2017, p. 265).

One might note also that the precautionary principle can be invoked in a contrary direction, on grounds given in the “alternative ideal” explored below:

Western societies seem to have forgotten their past and often ignore the mammalian nature of their citizens, leading to systems and practices based on arbitrary belief systems... A wide-ranging approach to human development that applies a precautionary principle, taking into account the mammalian nature of human beings, would be a wiser course (Narvaez 2012, p. 154).

Our closest mammalian kin are not noted for restricting the sexual behaviour of their young, or adults' intimacy with them. Indeed the reverse is definitely the case with regard to bonobos, as has been seen above. Accordingly, being duly cautious over children's experience of intimacy, including their sexual expression with other children and adults, appears to require a positive, permissive, approach as our default setting rather than a negative, restrictive one.

As for existing scientific evidence from anthropology that child–adult sexual contacts have been normative in some cultures, this evidence is briefly dispatched by Malón as “often anecdotal and superficial” (Malón 2017, p. 260). But often it is not, and there is a great deal more of it than is given credit for. Extensive listings of the relevant cultures have appeared, complete with notes on the ethnographic sources (Janssen 2002; Werner 1986). A number of these cultures have been studied by qualified anthropologists over many years in considerable detail.

To take just one particularly revealing example, it becomes abundantly clear that in large swathes of central Africa, within the last 100 years, the consummation of marriage with child wives *before their puberty* has been utterly normal, to the extent that in some tribes it was believed that girls would not reach menarche unless they had already been sexually active. In some cultures it would have been with peers but in others it was definitely with an adult husband. Describing the Bemba of Zambia (then Northern Rhodesia), for instance, Audrey Richards says the girls “are usually bespoken at the age of ten or eleven”, adding that “at night the girl sleeps with her husband, although partial intercourse only is allowed. This form of pre-puberty

intercourse, characteristic of a number of Northern Rhodesian tribes, is believed by the people to produce the best and most stable marriages. It is not correlated, as in East Africa, with the institution of age-grades and a period of experimentation and promiscuity among the young people" (Colson and Gluckman 1951, pp. 81–82).

Monica Wilson, writing about the Nyakyusa of Tanzania (then Tanganyika), in the same volume, describes in detail a custom of early marriage in which a prepubertal girl lives mostly in her natal home and "from the age of ten or earlier, she is allowed to visit and sleep with her husband". At first they practise "limited intercourse without penetration". She adds: "We have no evidence to suggest that the girls in any general way dislike sleeping with their husbands before puberty, rather the reverse". (Colson and Gluckman 1951, pp. 258–259). Prepubertal child–adult sexual relations of this kind are unfortunately obscured by Malón's observation that "many examples of sexual relations between girls and adult males are only accepted within a marriage scenario", which could leave the false impression that these are solely examples of infant or child betrothal (and perhaps notional marriage) followed by post-menarche consummation (Malón 2017, p. 261).

Richards' reference, above, to "age-grades" in East Africa, and the contrasting absence of a role for such grades among the Bemba, may also be thought to undermine Malón's claim that "an anthropological constant is the fundamental organization throughout society into age groups or generations" (Malón 2017, p. 261). With this in mind, he suggests that the arguments on perversion and obscenity are more plausible in relation to "small children"; adolescents, he concedes, are "usually recognized to have a right to an erotic experience" but a major concern of adolescent–adult sex is "the difference in age between the participants and the nature of the relationship. It is here where the demand springs up for the erotic bond to be part of a more committed relationship that also does not threaten obligations established between individuals from different generations" (*ibid.*, p. 262). All that needs to be added to my earlier critique of the virtue ethics concepts engaged here ("perversion and obscenity" and "erotic bond" or, as earlier formulated, "sexual bond") is that these claims presently lack empirical support from a moral injury perspective and appear to be contradicted by the limited amount of "black swan" anecdotal evidence that is available to us.

Under his consideration of "The Educational Dimension", Malón refers to the "complexity and intensity" of human sexual conflicts, with the implication that the young need to be taught a special sort of morality to deal with it. He says "morality can be understood to be a table of priorities on how to be, act and live; a table containing ideals and virtues..." (Malón 2017, p. 263). There is no need to dispute this particular view of morality, with the role it assigns to ideals and virtues, in order to question whether it necessarily implies that sexual conflicts require a specifically sexual morality. Isn't it simply a matter of teaching that we should be considerate towards each other in *everything*? Sexual conflict can indeed be very complex and intense, which itself constitutes a good reason for holding fast to the simplest of moral ideas that everyone can grasp, notably the Golden Rule: Do as you would be done by. Don't be selfish. Think of others' feelings. Do the "decent" thing in the broadest sense of that word. This is Kant for everyone, one might say, including every child.

An Alternative Ideal

It has been argued above that the sexual ideals advanced by Scruton, and adopted by Malón as a suitable basis for educating children in sexual ethics, are very far from ideal. What follows is a sketch, as promised, of an alternative ideal.

Rising to the standards of this proposed alternative is not a necessary condition of ethical child–adult sexual relations, because it is offered as the vision of a social context in which ethical sexual relations will be able to flourish more easily, rather than a bar set high for individuals to surmount. As Malón has said, and I agree with him, conventional ethical systems would appear to permit the possibility of child–adult sexual relations provided they meet certain criteria, most notably that the child should be a willing participant. Malón went on to say that such relations would not be permissible on a virtue ethics basis as they fall too short of his vision of the ideal. I have already argued that virtue ethics do not give an adequate basis for condemning or forbidding sexual activity. However, contrary to the impression one might take from Malón, I do feel there is merit in setting sexuality in a more inspirational context than that of “mere” sexual pleasure. Referring to my work, he wrote:

... some authors (Guyon 1933; O’Carroll 1980) have tried to defend something similar to what Huxley described in his *Brave New World*, where children were taught from infancy to enjoy genital pleasure with an indifference that would seem strange to say the least for most of us. The problem there, from the perspective of a special sexual morality developed in this article, is that sex is treated as just another thing.... (Malón 2017, p. 264).

First of all, I would point out that *Brave New World* is a dystopian novel describing a totalitarian society in which, although sexual pleasure is encouraged, reproduction is fully controlled by the state and most women face compulsory sterilisation. My sense of the ideal, by contrast, puts a high value on personal freedom, a valuation which may in some circumstances find itself in competition with sensual pleasure as a moral good (Huxley 1932).

What Malón calls “sensualist” thinking, in which sexual desire is construed simply as an appetite for sexual pleasure (irrespective of whether such pleasure is felt for a person who is also loved for their embodied self in a more complete way), is very suggestive of hedonism, a philosophy which has become a byword in popular usage for the selfish pursuit of pleasure regardless of others’ well-being; it also suggests the superficiality of “mere” pleasure when seen as any individual’s sole personal aim in life. But some of us who stand accused of hedonism in this pejorative sense see our position holistically, as part of a wider vision, albeit one that has also been seen, with some justice, as ranging from sentimental to hypocritical. I refer broadly to the vision sloganised in the 1960s and ’70s as “love and peace”, and demonised ever since. Among these demonisers has been Scruton, warning against the pursuit of empty ideals unsupported by tradition and community:

That search for a meaning outside society — or in a society of the future which we neither understand concretely nor know how to bring about — is but another expression of the alienation that it condemns, and an attempt to

dress up the outlook of the alienated individual in the attributes of virtue. Alienation becomes prophecy, and those who still seek their consolation in the actual are seen merely as slaves of the impure institutions which they support. In truth, however, there is no way back to sexual integrity which does not involve the care of institutions, and the attempt to restore to the actual social order the concrete marks of a public morality" (Scruton 1986, p. 350).

Community is indeed surely vital. We need to belong to something bigger than ourselves as individuals, which must inevitably mean positive engagement with community values and the institutions through which they are given expression, some of which may be very traditional and "time-honoured"—but equally vital is radical reappraisal of such traditions in ways even conservatives such as Scruton might admire, such as the principled departure from England's shores of the Pilgrim Fathers, bound for America to start new communities with less "impure institutions" than the ones they were leaving behind. He might see a valid role for the "prophets", or leaders, of such communities, just as no doubt he honours the great prophets of the Bible, despite his pejorative equation of prophecy with mere "alienation".

It might be noted, too, that defenders of the old ways may be claiming to defend the status quo (or "the actual", as Scruton puts it) when they are in fact nostalgically mired in a vanished past, a factor Malón hints at when he speaks of "ideals which we no longer impose on adults... while we are reluctant to stop imposing them on children" (Malón 2017, p. 260). Scruton is more explicit. His focus on the avoidance of "perversion", his insinuation that homosexual acts are morally suspect on grounds of narcissism and obscenity (Scruton 1986, pp. 310–311), and his idealisation of the permanent pair-bond with a single individual, all turn out to be leading up to the defence of what Scruton himself calls "bourgeois marriage", an institution now more honoured in the breach than in the observance (Scruton 1986, p. 363). Grounded in religious beliefs and mores that are no longer the glue of modern life serving to bind communities together, such ideals have long been no more than relics, as dead and devoid of meaning as the word "bourgeois" itself and the life of prosperous social dominion it connotes. It belongs to a nineteenth century world of male dominance, characterised by values we no longer support, ranging from enthusiasm for blood sports to wars of imperialist aggression.

So what might be plausible candidates as inspiring twenty-first century sexual virtues? Virtues, that is, consistent with "love and peace" but conceived as incompatible with the worst excesses of the era with which that phrase has been associated? Piers Benn, whose work Malón cites approvingly, says:

There are sexual goods – something which, with the slightly joyless Scrutonian strictures on sexual evils fresh in our minds, is worth stressing. Even if traditional sexual morality focused on pollution and taboo, we get as helpful an idea of what is special about sex if we think of the *goods* available within eroticism that have no equivalent elsewhere. The tenderness and intimacy that find unique expression in sexual relations are a part of sexual flourishing and the capacity for them are virtues that cannot be simply derived from other virtues (Benn 1999, p. 244).

Benn's championing of tenderness and intimacy as distinctly sexual virtues may have some merit, although it depends on what precisely they are taken to mean. Neither of these terms would usually be interpreted in a sexual way within a parent-child context, although a sexual response cannot be ruled out of normal parental feelings. It would not be surprising if brain-imaging studies were to reveal at least a subliminal sexual response when most ordinary parents stroke and hug their children—a response, in terms of brain activity that is the precursor to conscious arousal. Such findings would be in line with related findings from research into the prevalence of sexual attraction to children among “normal” adults (Becker-Blease et al. 2006; Briere and Runtz 1989; Hall et al 1995; Smiljanich and Briere 1996; Wurtele et al. 2014). Parents who profess to *know* that their love for their children is “pure” may thus be deceiving themselves—and one might note in passing that self-deceit is problematic when the claim is made from phenomenology that introspection gives us privileged access to our motivations and values.

Whether tenderness and intimacy are distinctly sexual virtues is perhaps less important, though, than whether child-adult sex can have an honourable place within the better society towards which our vision of the ideal aspires—a vision which is, in the case of at least some advocates of ethical child-adult sex, one of love and peace. The search for peace is one which would appear to require the application of traditional virtues, especially wisdom, rather than just sexual ones. Traditional moralists, certainly, are inclined to yoke “sex and violence” together as a vicious two-horse charge towards an apocalypse that wisdom would have us avoid. But the 1960s slogan “make love not war” points to a far more encouraging feature of sex, namely that its virtuous expression is tied to tenderness, intimacy and the sort of love that is all but synonymous with goodwill. It would thus seem to be at odds with hatred, aggression and war—until we remind ourselves that sexual jealousy and love rivalries are equally synonymous with fierce competition and dramatic conflict.

Crucially, though, the conditions under which such conflict thrives are not inevitable. As discussed above, ferociously enforced patriarchal codes restricting the sexual lives of women through men's control of their virginity have not always prevailed, nor has the suppression of youth sexuality entailed by those strictures. Nor have such codes, often elaborated (to include the prohibition of homosexuality and much more) and enforced through the great patriarchal religions, always been with us. These codes and enforcement regimes are not immutable. Cultures change, and perhaps never faster than in our own era, which has seen massive and accelerating transformations through a series of technological revolutions. Conservative sexual ethics such as those espoused by Scruton are bound to be under pressure in such circumstances, and the forging of new, more suitable codes, is unsurprisingly now a matter of intense debate.

Competition is not in itself the problem. Competitive sexual selection, after all, is fundamental to evolution. In modern life, too, competition is to be celebrated rather than bemoaned. It is the lifeblood of commerce, sport, technological progress and all manner of creative excellence.

It should not to be conflated with lethal conflict, though, which is by no means inevitable. There is now increasing evidence, contrary to popular belief, that our species has not always been distinguished by massive violence to its own kind.

Intra-species killings were proportionately much lower among our prehistoric predecessors than they have been at nearly all times since (Gómez et al. 2016; Wade 2016).

Humans are also cooperative animals, with the capacity to work together, using our brains and our nobler sentiments to ensure that competition does not get out of hand. As environmentalist George Monbiot has noted, humans are the supreme co-operators among mammals. Without an impressive level of altruism and trust we would not have developed social units beyond the family, never mind great civilisations. But something has gone horribly wrong, says Monbiot, writing in the context of fears over such potential disasters as global warming and nuclear war:

Our good nature has been thwarted by several forces, but perhaps the most powerful is the dominant political narrative of our times. We have been induced by politicians, economists and journalists to accept a vicious ideology of extreme competition and individualism that pits us against each other, encourages us to fear and mistrust each other and weakens the social bonds that make our lives worth living. The story of our competitive, self-maximising nature has been told so often and with such persuasive power that we have accepted it as an account of who we really are. It has changed our perception of ourselves. Our perceptions, in turn, change the way we behave (Monbiot 2017).

Monbiot wants to tell instead the story of cooperative man. So, I suggest, should we all: it will be character-building to tell it to ourselves, as well as to others. We would do well to internalise, and make habitual as a source of our behaviour, the thought that we can and should cooperate peacefully.

The specific non-fiction story I have in mind is the connection between early intergenerational intimacy (including its overtly sexual expression) and later non-violence, a connection reported long ago by neuropathologist James W. Prescott. This work, based on R.B. Textor's large cross-cultural dataset, appears to have gone unchallenged. Unfortunately, its profound implications were also long neglected; but that has begun to change, as will be seen below (Prescott 1975).

I would speculate that children whose sexuality is encouraged from early childhood onward by their parents, and who as a result come to associate sexual feelings with warmth, affection and gentleness, would grow up unaccustomed to sexual aggression and violence and would be appalled by it. Such a scenario would be favoured by those societies in which relaxed intimacy was a feature not just of parent-child relations but also of children and adolescents with their peers, or with any willing partner they might find, of whatever age. A key advantage of such arrangements is the avoidance, especially in adolescence when the sexual urge typically becomes very strong, of the deep frustration involved in years of waiting to find a sexual partner, or indeed of having any interpersonal sexual experience—frustration that will inevitably lead to pent up aggression and favour the hyper-competitive, selfish philosophy summed up in the saying “All's fair in love and war”.

It is uncontroversial that modern cultures, despite unprecedented material prosperity, with people living much longer, do not necessarily promote human flourishing in the fullest sense. A certain sickness of the soul has long been identified in

civilized societies, of a kind that may be intensifying as the pace of our departure from a lifestyle suited to our evolved nature accelerates. We are suffering, it seems, an epidemic of alienation, anxiety and related mental afflictions such as depression. There is a school of “rational optimists”, to be sure, who cleave to the Panglossian view that things have never been better for humanity (Burkeman 2017). Armed with impressive statistics, figures such as Steven Pinker have persuasively argued the case that immense progress has been made, progress which (it is hoped) is set to continue thanks to the growing size and sophistication of institutions, including global commerce, that are thought on the whole to encourage networks of human integration and cooperation (Pinker 2012).

It is an attractive but limited picture, which tends to gloss over the prospect of truly catastrophic modern perils such as extinction by nuclear war or climate change, while also exaggerating prehistoric levels of violent conflict in warfare (Ferguson 2013). It is a vision underpinned by continued dependence on a rapacious attitude to the planet and its occupants, including all its flora and fauna. It is a mindset that turns a few people into billionaires and too many others into an alienated sickness that may be turned inwards (depression, self-harm, suicide) or outwards (terrorism, random acts of violence).

While it would be simplistic, indeed probably false, to claim that all such ills are rooted in the specifically *sexual* deprivation of children and youth, the theory that broadly *sensual* deprivation plays a crucial role in future mental health, including the early experience of pleasurable bodily intimacy of a kind that cannot sensibly be denied a sexual component, now has substantial empirical support. Prescott came to the conclusion that a dearth of touch in the upbringing of children in the United States was responsible for most of them being susceptible to Somatosensory Affective Deprivation (SAD), a condition related to depression, violent behavior, and stimulus seeking. In the course of his work with the National Institute of Child Health and Human Development (NICHD), he attempted to establish basic research programs on brain-behavioural development but did not get the institutional backing he needed, perhaps because such studies threatened to undermine what many would see as fundamental aspects of American parenting culture. However, his theory has found support in subsequent research (Narvaez 2009; Prescott 1996).

While the greatest volume of research has focused on sensory deprivation in infancy and early childhood, both Prescott and Narvaez have pointed to a continuing and largely unmet need for bodily intimacy, including free sexual expression, throughout childhood and the teen years. The dangers inherent in suppressing this need was well expounded in Judith Levine's book *Harmful to Minors: The Perils of Protecting Children from Sex* (Levine 2002).

The idea of a sexual “sandpit” may be invoked, where sexual and relationship learning can take place without the burden of adult responsibilities, just as, traditionally, little girls have long been able to rehearse motherhood by playing with dolls.

The Muria people of Bastar, in central India, provide just such an example. Anthropologist Verrier Elwin described the elaborate sexual apprenticeship children have, which takes place principally in a special house for the young, known as the *ghotul*. Infants and toddlers sleep in their parents' house. There are no locked doors and these little children inevitably see something of their parents' intimacies. By the

time the children are six or seven a new domestic arrangement is brought into play. The child goes off to the *ghotul*, a self-regulated domain with its own boy leader and girl leader. The little children are free to come and go as they please between the *ghotul* and the parental home. Within the *ghotul* the children are free to engage in sex rehearsal play. Adolescents are able to have intercourse as they choose, able to experiment with different partners and under no pressure to make a premature commitment (Elwin 1947).

Elwin, who spent much of his life in India, thought the arrangement worked very well. His book on the Muria appeared in 1947. In 1982, to the surprise of the academic community, it was reported that the *ghotul* system was still in existence and even expanding (von Fürer-Haimendorf 1982).

This is not to say that such an arrangement could simply be airlifted from its tribal context and dropped into modern society. One obvious concern would be girls becoming pregnant. Elwin says that in practice this was a rare occurrence in the *ghotul*, even in the absence of modern contraceptives. But the point here is to champion an ideal, not to present a manifesto with detailed policies ready for implementation.

It should be acknowledged, though, that the vision of an alternative ideal sketched out in this section is vulnerable to the suggestion that it might work very well in Cloud Cuckoo Land but not in modern society, with our ever stronger emphasis on the protection of children at the expense of their freedom and development. At first glance it looks fanciful to imagine that ages of consent will be lowered or abolished in the foreseeable future as there appears to be far stronger pressure in precisely the opposite direction. The explosive rise of the #MeToo movement in 2017 has seen immense challenges to the validity of sexual consent given by *adults* in many circumstances, never mind children, as the scope of what is meant by “rape” and “harassment” seems to get ever wider.

Some might see these trends going much further, but there are many thoughtful women, as well as men, who view this prospect with unease. Margaret Atwood, for instance, famed for her dystopian novel *The Handmaid's Tale* about women subjugated to misogyny, would hardly seem the most obvious candidate to be raising the alarm over recent developments, but she has done so, invoking the purges of the French Revolution and the Red Guard period in China (Atwood 2018). Whereas Atwood has focused on the need to maintain proper standards of evidence and justice, many other women have gone much further in expressing fears over the poisoning of gender relationships and the future of sexual freedom (e.g. Sommers 2017; Whelan 2017).

There is a crisis of gender relations and it is by no means obvious how it will pan out. Revolutionary excesses could be followed by a more moderate new era in which it will be possible to re-evaluate non-coerced cross-generational sexual relations. But that is not a theme for me to expand upon here.

A Prudential Argument

A prudential argument against child–adult sex remains to be considered. From a consequentialist perspective, it is one that can be seen as an assessment of long-term harm to

the child involved, and indeed the adult, arising from social stigma against the activity. It may also be seen from a virtue ethics perspective. As philosopher Stephen Kershnar put it:

...on an Aristotelian theory, a virtuous individual has those emotions and acts that allow an individual to flourish in some range of societies (perhaps including his own) and sexually desiring individuals with whom he is not allowed to have sex or who cannot sexually reciprocate might hinder flourishing. However, the Aristotelian theory is problematic insofar as it conflicts with intuitions that individual attitudes and acts are by themselves virtuous or vicious (Kershnar 2015, p. xx [*sic*: Roman numerals]).

This conflict is indeed profound, and affects far more than just sexuality. Even Socrates, that great exemplar of the virtuous man, was unable in ordinary terms to flourish when he was weighed in the balance by his community and found wanting. In another sense, of course, the dignified manner in which he accepted this judgement and took the hemlock constituted his finest hour, the greatest flourishing of his resolute rationality and wisdom. If we can agree that Socrates was on this occasion right and his community wrong, we might also concur with Kershnar's view as stated in an earlier essay:

In general... one must be careful about allowing prevalent moral attitudes to ground the moral impermissibility of an activity even where these attitudes lead to the activity's participants being harmed through stigmatization and shame. This is especially true where the attitudes are morally suspect. For example, consider the facts in *Palmore v. Sidoti*, 466 U.S. 429 (1984). In this Supreme Court case, a white woman, who had married a black man and lived with him in the South, was involved with her ex-husband in a custody dispute over their child. The trial court ruled in favor of the husband on grounds that in a racist atmosphere the child would likely be harmed by social stigmatization. The Supreme Court reversed on the basis that in the Constitutional context, this harm ought not to be given significant weight in deciding whether the mother should lose custody. It based its ruling on the indefensible nature of the social stigmatization. If a similar approach prevails in the moral and broader legal context, and I think it ought to, then the case for not permitting an activity on the basis of the community's distaste for it would depend on whether the distaste is independently justified. This essay supports the conclusion that unless harm is empirically shown to result from adult-child sex, the distaste for it is unjustified (Kershnar 2001, p. 128).

Unjustified distaste, I suggest, is precisely what would be reinforced by reviving the concepts of perversion and obscenity as weapons against child-adult sex.

Conclusion

As indicated by Kershnar, the ethical status of child-adult sex inevitably comes down to the empirical assessment of whether it is harmful in the broadest sense,

a concept which for present purposes I take to include any setback to a person's interests or hurt to their feelings when they have been cheated, exploited or "used". The harm, or benefit, from a mutually desired sexual interaction may be physical, psychological or moral. Evidence is needed in respect of all three, and there is no good reason why any such consequence should be beyond the scope of empirical investigation.

Not that such enquiries are unproblematic. At the theoretical level, as previously indicated, Malón is right to say that "Since there is a conflict of values on the idea of estimable eroticism to be cultivated among children, it is not strange that it is not easy to know who has really been damaged and in what way" (Malón 2017, p. 265). The problem is here formulated negatively, in a way that emphasises the problem rather than the possibility of its solution. Likewise David Archard, who references social norms more directly: "To know whether a child has been harmed we need to know how it is normal for the child to function and develop. But there simply is no universally agreed, transcultural and timeless norm of children's health and progress" (Archard 2015, p. 221). Writing in the context of practices such as painful initiation rites and genital mutilation, Archard went on to discuss the problem of cultural relativism in determining whether any particular practice should be considered abusive. Rather than just wringing his hands and filing it in the "too hard" folder, a substantive discussion followed, and ethically prescriptive assessments were put forward.

Why should the sexual dimension, by contrast, remain a closed book in terms either of open-minded theoretical discussion or, even more vitally, at the level of fact-gathering, hypothesis-forming and testing? Unfortunately, these are happening very little, especially as regards the production of quantified scientific research; on a very small scale, though, there have been richly descriptive qualitative studies of an exploratory kind, plus exhortation to study what is normal beyond the usual WEIRD baseline (Blaise 2013; Leahy 1991, 1992; Narvaez 2016; Sandfort 1984, 1987).

The multi-authored *Sexual Development in Childhood*, a prestigious (one would have thought) volume edited by a senior figure in sexology and weighing in at over 500 pages, should have been a massive contribution to the field when it was published in 2003. Instead, it was largely an exercise in authors reporting the plainly very real difficulties they had faced in getting good information (Bancroft 2003). Little appears to have changed since then, although there has been a relatively recent review of such scientific studies of normal childhood sexual behaviour as have been conducted (de Graaf and Rademakers 2011). What we do have evidence for in abundance is that research into child sexuality has become so controversial that it is almost impossible to conduct, and that this work tends to be marginalised or actively censored (Hubbard and Verstraete 2013; Lilienfeld 2002; Oellerich 2000; Rind et al. 2000). Indeed, the very concept of "child sexuality" is increasingly presented as an oxymoron (Angelides 2004).

In these circumstances, a reasonable starting point would be to begin giving fair consideration to the limited amount of evidence we do have on child sexuality, including the fact that it does not support the conventional wisdom of childhood innocence (Bancroft 2003; Leahy 1991, 1992; Martinson 1973, 1994) and does indicate that mutually desired child–adult sexual relations are not intrinsically

harmful and may be beneficial (Burns 2015; Kilpatrick 1992; Leahy 1991, 1992, 1996; Okami 1991; Rind 2003; Rivas 2013; Sandfort 1987, 1992).

What the issues raised by Malón boil down to is not the supposed inadequacy of the deontological and consequentialist meta-ethical systems where sex is concerned. We do not need virtue ethics to define the scope of the permissible. Such ethics might help us to explore the ideal, but doing so will not necessarily condemn child–adult sex.

Finally, I would note that Malón's thinking, like Scruton's, appears to be deeply grounded in the ancient but now widely contested claim that humans (and our sexuality) are so different from other animals that for ethical purposes we stand outside scientific investigation. Thus our sexuality must instead be contemplated and evaluated through phenomenology and conceptual analysis. Elaborating on the view that human and animal sexuality are part of a continuum that shares key moral attributes lies beyond the scope of this paper. It will suffice here to note that this is a rapidly burgeoning field of inquiry (Haidt and Kesebir 2010; Narvaez 2009; de Waal 1996).

Compliance with Ethical Standards

Conflict of interest The author declares that he has no conflict of interest.

Ethical Approval This article does not contain any studies with human participants or animals performed by the author.

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