

Social Response to Age-Gap Sex Involving Minors: Empirical, Historical, Cross-Cultural, and  
Cross-Species Considerations

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Bruce Rind, Ph.D.

## Introduction

In the United States and Great Britain in particular, but also increasingly in other Western nations, mobilizing against and punishing sex offences involving minors has gone from an occasional, unsystematic effort some 40 years ago to a consuming obsession today. To many, this change is welcome, based on the belief that age-gap sex with minors is uniquely injurious, pathological, and criminal. By this thinking, harsh and even extreme measures are often seen as justified. In the US—on this issue, the trendsetter for the rest of the world—adults involved in *non-coercive* sexual episodes with minors, who might have been punished only with probation in the 1970s, today often receive sentences of decades or more in prison. Those who get out often face permanent shaming via public registries on the internet, exposing them to attacks, threats, harassment, property damage, and loss of housing and employment. More and more they also face onerous zoning restrictions that exile them from communities and force them to reside in trailers outside town or under bridges.<sup>1</sup> To critics, however, this hyper-attention and harsh response reflects a moral panic built on unfounded assumptions, dubious ideology, invalid science, media sensationalism, and political pandering.<sup>2</sup> They contend that the response is becoming more and more inhumane and draconian. Additionally, they complain, the overreaction is spilling over to non-sexual relations between the generations, poisoning them through the unwarranted suspicions it fosters and weakening them by forcing participants to be artificially distant from one another, much to the disadvantage of youths.<sup>3</sup>

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<sup>1</sup> Hubbard, T. (2009). The sex offender system: Punishing *homo sacer*, the new internal enemy. Unpublished manuscript. Also, see Appendix for detailed case descriptions and trends in the US.

<sup>2</sup> See, for example, Jenkins, P. (1998). *Moral panic: Changing concepts of the child-molester in modern America*. New Haven, CT: Yale University Press, and Nathan, D., & Snedeker, M. (1995). *Satan's silence: Ritual abuse and the making of a modern American witchhunt*. New York: Basic Books.

<sup>3</sup> See, for example, Furedi, F., & Bristow, J. (2008). *Licensed to hug: How child protection policies are poisoning the relationship between the generations and damaging the voluntary sector*. London: Civitas, and Russell, J. (2009). Fear and suspicion are no way to build a good society. *The Guardian*, February 4. Retrieved from: <http://www.guardian.co.uk/commentisfree/2009/feb/04/society-regulation>.

In this talk, I will critically examine some basic assumptions that underlie this response: for example, that age-gap sex with minors is, *by nature*, pathological, coercive, and harmful. This examination will be multi-perspective, involving empirical, historical, anthropological, and zoological data. At a time when ideological considerations hold such sway in this domain, a broader approach promises to be far more scientifically informative than the current narrow reliance on clinical and forensic reports.

### **An Examination of Basic Assumptions: Empirical Considerations**

Severe punishments and onerous restrictions might be appropriate if sex with minors is as intrinsically harmful as advocates, therapists, the media, and politicians often assert. Let's examine the basic assumptions scientifically.

Child sexual abuse (CSA) became constructed as a critical issue beginning in the mid-1970s. By the early-1990s, hundreds of clinical and forensic studies claimed that CSA causes all sorts of severe psychological maladies. A dozen or so review studies summarized these findings, concluding that CSA causes intense harm pervasively among victims, whether boys or girls. In the later 1990s, several co-researchers and I critically examined these claims. We argued that clinical and forensic samples are anomalous and cannot be trusted to tell what happens in the general population.<sup>4</sup> So, we examined nationally representative samples, which are far more generalizable, and we analyzed them statistically (i.e., meta-analytically) for precision.<sup>5</sup> What we found can be explained as follows. If, by various common definitions, 2 persons out of 100 *without* a CSA history fall in the clinically significant range on symptoms of psychopathology,

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<sup>4</sup> This is a standard criticism of clinical and forensic research many categories of human behavior—for example, in homosexuality. Here, it was argued that homosexual patients under therapy, or homosexual prisoners, by definition have problems, and that homosexuals outside therapy or prisons may not. This was the argument of psychologist Evelyn Hooker, who in 1957 published a groundbreaking study that showed for the first time that homosexuals not under therapy or in prison were not beset with psychological problems.

<sup>5</sup> Rind, B., & Tromovitch, P. (1997). A meta-analytic review of findings from national samples on psychological correlates of child sexual abuse. *The Journal of Sex Research*, 34, 237-255.

then only 3 out of 100 with CSA do. This is a very small difference and dramatically contradicts the expected 70 or 80 out of 100 that comes from standard therapeutic discourse and media hype.<sup>6</sup>

In our most comprehensive meta-analysis, we examined 5 dozen college samples, with results identical to the national samples.<sup>7</sup> The more extensive college data permitted causal analyses that suggested that very little of the increase from 2 to 3 out of 100 could be attributed to the CSA. The increase instead was associated mostly with poorer family and peer environments in the CSA samples. The results also showed wide differences in reactions to CSA by boys versus girls: two-thirds of boys responded positively or neutrally, whereas two-thirds of girls responded negatively. In short, the meta-analyses strongly contradicted the standard picture of CSA by using more representative samples and more precise methods of analysis. As a footnote, many advocacy groups were furious at our meta-analysis of college studies, eventually prompting the US Congress to condemn it in 1999. But 10 years hence, despite intense scrutiny, our results stand solid.<sup>8</sup>

To be sure, there are many who have had negative CSA encounters and have been disturbed by them—these are the ones who tend to come to the attention of clinicians. What is important to note, though, is that many others, in response to episodes that fall under the standard definition of CSA, have not been bothered by them at all or have even reacted positively and remember them well. This information is available in numerous non-clinical, non-forensic

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<sup>6</sup> Rind, B., & Tromovitch, P. (2007). National samples, sexual abuse in childhood, and adjustment in adulthood: A commentary on Najman, Dunne, Purdie, Boyle, and Coxeter (2005). *Archives of Sexual Behavior*, 36, 101-106.

<sup>7</sup> Rind, B., Tromovitch, P., & Bauserman, R. (1998). A meta-analytic examination of assumed properties of child sexual abuse using college samples. *Psychological Bulletin*, 124, 22-53.

<sup>8</sup> See, for example: *American Psychologist* (2002). Interactions among scientists and policymakers: Challenges and opportunities. Vol. 57, March; Rind, B., Tromovitch, P., & Bauserman, R. (2001). The validity and appropriateness of methods, analyses, and conclusions in Rind et al. (1998): A rebuttal of victimological critique from Ondersma et al. (2001) and Dallam et al. (2001). *Psychological Bulletin*, 127, 734-758; and Rind, B. (2006). Meta-analysis, moral panic, congressional condemnation, and science: A personal journey (pp. 163-193). In D. Hantula (ed.) *Advances in social & organizational psychology: A tribute to Ralph Rosnow*. Hillsdale, NJ: Erlbaum.

studies, but is almost always ignored, denied, or censored in the media and by professionals. In my published reviews of these studies, I have found that sizable majorities of heterosexual teenage boys sexually involved with older females and of gay or bisexual teenage boys with older males viewed these relations positively at the time and in retrospect, and saw themselves as willing, consenting participants. Additionally, they did not feel disadvantaged with respect to power—quite the opposite: these youths often felt power in these relations that they never experienced in non-sexual relations with adults. Additionally, heterosexual teenage boys involved in pederastic relations with men that occur within the context of friendship and in some way promote the youth’s development also tend to respond positively.<sup>9</sup> This research shows that the socio-legal construct of “informed consent” does *not* relate well to how minors react—instead what crucially matters is *their* perception of whether they were willing.<sup>10</sup> Other types of age-gap sexual relations tend to be more negative, but still have a diverse mix of reactions from negative to positive.

### **The Social Construction of Basic Assumptions: Historical, Cross-Cultural, and Cross-Species Considerations**

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<sup>9</sup> See, for example: Rind, B. (2003). Adolescent sexual experiences with adults: Pathological or functional? *Journal of Psychology & Human Sexuality*, 15, 5-22, and Rind, B. (2001). Gay and bisexual adolescent boys' sexual experiences with men: An empirical examination of psychological correlates in a nonclinical sample. *Archives of Sexual Behavior*, 30, 345-368.

<sup>10</sup> Constantine, L. L. (1981). The effects of early sexual experiences: A review and synthesis of research. In L. L. Constantine, and F. M. Martinson (eds.), *Children and sex*. Boston: Little, Brown, pp. 217-244. Constantine showed that reaction depends on perception of willingness and whether the minor had absorbed the moral negatives about the sex. If the minor both saw himself or herself as willing and had not absorbed the moral negatives, then he or she would likely respond positively; otherwise, negatively or neutral. Rind et al. (2001) in footnote 7 showed how non-clinical research since Constantine has confirmed his conclusion. “Informed consent” is a legal construct that varies widely across nations, from 12 to 18, and in the US is at the high end (16 to 18). In the psychological literature, it has been assumed without any empirical evidence that informed consent relates directly to how persons react to sex. The unexamined assumption is that people under the US age of consent of 16 or 18, by nature, will react negatively to age-gap sex, but those age 18 and above will react well. This is a serious conflation of moral and legal constructs with a scientific construct. Rather than informed consent, the scientific construct of “simple consent” (was the minor willing in the minor’s own perception) is the one that has predictive validity with respect to reactions (Rind et al., 2001).

How did beliefs about harm become so extreme? In brief, in the US before the mid-1970s many researchers thought the behavior was immoral but the harm, in the absence of aggravating circumstances, was minimal. But then came sexual victimology, an advocacy movement that worked hard to establish that adult-minor sex must be seen as off-limits at a time when virtually all other formerly taboo forms of sex were becoming tolerated as a consequence of the sexual revolution. Victimologists saw all age-gap sex involving minors as equivalent to men raping women or having incestuous relations with their daughters—that is, they saw a stark scenario of exploitation of the weak by the powerful, with enormous trauma and psychic damage for the victim. But this extrapolation was overly deductive and anecdotal, rather than scientific. Additionally, it was heavily ideological, serving as a means for certain feminists to campaign that male sexuality and power must be tightly controlled because they are so dangerous. This framing of age-gap sex as the ultimate abuse led to various panics in the 1980s—claims of satanic-ritual-sexual abuse in over 100 daycare centers and claims of recovered memory in thousands of psychotherapeutic patients. These sensationalistic cases stamped the belief firmly in the psyche of our culture, spreading from the US to overseas, that adult-minor sex is uniquely destructive. They also set off a wave of spiraling aggressive interventions. Despite the fact that ritual abuse and recovered memories have since been rejected by mainstream researchers as iatrogenic at best or outright frauds at worst, their effects remain solid in terms of most people believing that age-gap sex involving minors is a unique destroyer of mental health.<sup>11</sup>

Historical and cross-cultural research shows that socially integrated sexual relations between adolescents and older persons throughout history and across culture have been rather

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<sup>11</sup> See, for example, Angelides, S. (2004). Feminism, child sexual abuse, and the erasure of child sexuality. *GLQ, 10*, 141-177, Angelides, S. (2005). The Emergence of the Paedophile in the Late Twentieth Century. *Australian Historical Studies, 126*, 272-295, as well as Hubbard (2009) in footnote 1 and Jenkins (1998) and Nathan & Snedeker (1995) cited in footnote 2.

commonplace. Until modernity, girls often were married between ages 12 and 15, often to significantly older males.<sup>12</sup> In numerous cultures, pederastic relations between men and adolescent boys were institutionalized as a means of developing and educating the youths.<sup>13</sup> In various other societies, women were expected to sexually initiate young adolescent boys.<sup>14</sup> It follows that the notion that sex between adults and adolescents under age 18 is intrinsically abnormal and criminal is a modern view socially constructed from contemporary values rather than deduced from natural history.

The historical and cross-cultural record thus shows that our impulse to characterize these relations as the ultimate evil is not an expression of some innate *a priori* truth, but one shaped by contemporary culture. In all human societies until modernity, adolescents were young adults rather than older children. They were viewed as individuals to be integrated into adult society and to actually contribute to it. In modern society as never before, adolescents have been removed as contributors to the family economy and to the wider social group. They are treated instead as beings without substantive capabilities, who must be segregated amongst themselves and catered to sacrificially as if they were young children. This view, of course, reflects current social and economic structures, in which adolescents are unwelcome competitors for adults in the work force on the one hand and in need of extensive education on the other so that they can later

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<sup>12</sup> Okami, P., & Goldberg, A. (1992). Personality correlates of pedophilia: Are they reliable indicators? *The Journal of Sex Research*, 29, 297-328.

<sup>13</sup> See, for example, Ford, C., & Beach, F. (1951). *Patterns of sexual behavior*. New York: Harper & Row; Greenberg, D. (1988). *The construction of homosexuality*. Chicago: University of Chicago Press; and Herdt, G. (1991). Representations of homosexuality: An essay on cultural ontology and historical comparison (Part II). *Journal of the History of Sexuality*, 1, 603-632.

<sup>14</sup> See, for example: Diamond, M. (1990). Selected cross-generational sexual behavior in traditional Hawaii's: A sexological ethnography. In J. Feierman (ed.), *Pedophilia: Biosocial dimensions* (pp. 422-444). New York: Springer-Verlag; Marshall, D. S. (1971). Sexual behavior on Mangaia. In D. S. Marshall & R. C. Suggs (Eds.), *Human sexual behavior* (pp. 103-162). New York: Basic Books; Oliver, D. L. (1974). *Ancient Tahitian society. Vol. 1: Ethnography* (2nd ed.). Honolulu, HI: University Press of Hawaii; and Suggs, R. C. (1966). *Marquesan sexual behavior*. New York: Harcourt, Brace, & World.

function in a highly technologized economy.<sup>15</sup> What the historical and cross-cultural perspectives show is that claims that adolescents are *necessarily* harmed by sexual interactions with adults are rationalizations for contemporary social and economic structures rather than valid scientific conclusions.

To examine this issue further, a cross-species perspective is useful.<sup>16</sup> If age-gap sex involving non-adults is, *by nature*, as disturbing as most contemporary authorities believe it is, then should we not see evidence for this elsewhere in nature—for example, in our close primate relatives? Age-gap sex in primates is commonplace but shows no evidence of the trauma many think is so intrinsic to these contacts.

Bonobos and chimpanzees are our closest animal relatives. Immature males in these two species are highly sexual, much more than immature females.<sup>17</sup> They behave sexually with other immatures and with adults of both sexes, but prefer mature females, with whom they often attempt to initiate sex. In most cases, they show sexual arousal, with erections. The mature females are quite tolerant of the young males and usually allow them to attempt copulation.<sup>18</sup> When immature male chimps are rebuffed by mature females, they typically whimper and throw tantrums. Researchers have concluded that male chimps in early puberty actually need copulatory practice with older females, else their adult copulating behavior will be inept.<sup>19</sup>

In bonobos, when a female reaches adolescence, she transfers into a new group, where she pairs up with one adult female in particular, who acts as her “mentor.” This relationship,

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<sup>15</sup> Greenberg, D. (1988). *The construction of homosexuality*. Chicago: University of Chicago Press

<sup>16</sup> Ford, C., & Beach, F. (1951). *Patterns of sexual behavior*. New York: Harper & Row.

<sup>17</sup> Females, in sharp contrast to males, do not become fully sexual until reaching maturity.

<sup>18</sup> When male bonobos reach adolescence, adult males interfere with their attempts to copulate with females, but adolescent male chimps continue to be welcomed by adult females.

<sup>19</sup> For bonobos, see: Hashimoto, C. (1997). Content and development of sexual behavior of wild bonobos (*Pan paniscus*) at Wamba, Zaire. *International Journal of Primatology*, 18, 1-21. For chimpanzees, see: Kollar, E. L., Beckwith, W. C., and Edgerton, R. B. (1968). Sexual behavior of the ARL Colony chimpanzees. *J. Nat. Ment. Dis.* 147: 444-459.



which is sexually based and lasts about a year, helps the adolescent female integrate into the new group and eventually be accepted by all the other females.<sup>20</sup>

Age-gap homosexual relations among males are also quite common in apes and Old World monkeys. Pederasty in gorillas, for example, is pervasive. In this species, while one male dominates a group of females in a harem, the remaining males form an all-male group for many years at a time, in which courtship and copulation occur on a daily basis between adult and adolescent males. Several researchers directly observing this behavior have concluded that it serves to maintain group cohesiveness.<sup>21</sup> In rhesus macaques, sexual relations between mature and immature males are frequent. They often occur despite the presence of receptive females. Young males tend to welcome these contacts and may even compete for older males' attentions. The relations can be highly affectionate and appear to be functional for the immature males' development of sexual and gregarious behaviors.<sup>22</sup> Similarly affectionate age-gap male homosexual relations have been observed in various other species, such as orangutans, Hanuman langurs, and stumptail macaques.<sup>23</sup> Among Tibetan macaques, oral-genital contact between adult and juvenile males occurs on a regular basis. Sometimes the younger partner jumps onto the adult's face to initiate it; other times the adult begins the contact by turning the juvenile upside

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<sup>20</sup> Idani, G. (1991). Social relationships between immigrant and resident bonobo (*Pan paniscus*) females at Wamba. *Folia Primatologica* 57: 83-95.

<sup>21</sup> See: Bagemihl, B. (1999). *Biological exuberance: Animal homosexuality and natural diversity*. New York: St. Martin's Press; Harcourt, A. H. (1979). Social relationships between adult male and female mountain gorillas in the wild. *Anim. Beh.* 27: 325-42; and Yamagiwa, J. (1987). Intra- and inter-group interactions of an all-male group of Virunga mountain gorillas (*Gorilla gorilla beringeni*). *Primates* 28: 1-30.

<sup>22</sup> See: Carpenter, C. R. (1942). Sexual behavior of free ranging rhesus monkeys (*Macaca mulatta*). 11. Periodicity of estrus, homosexual, autoerotic and on-conformity behavior. *J. Comp. Psychol.* 33: 143-162; Hamilton, G. V. (1914). A study of sexual tendencies in monkeys and baboons. *J. Anim. Behav.* 4: 295-318; Kempf, E. J. (1917). The social and sexual behavior of infra-human primates with some comparable facts in human behavior. *Psychoanal. Rev.* 4: 127-154.

<sup>23</sup> See: Chevalier-Skolnikoff, S. (1976). Homosexual behavior in a laboratory group of stumptail monkeys (*Macaca arrioides*): Forms, contexts, and possible social functions. *Arch. Sex. Behav.* 5: 511-527; Jay, P. C. (1965). The common langur of North India. In I. DeVore (ed.), *Primate behavior: Field studies of monkeys and apes*. New York: Holt, Rinehart, & Winston, pp. 197-249; and Rijksen, H. D. (1978). A field study of Sumatran orang-utans (*Pongo pygmaeus abelii* Lesson 1827). *Ecology, Behavior, and Conservation*, 78-2. Wageningen, Netherlands: Meded. Landbouwhogeschool.

down. Both younger and older participants generally seem excited. These behaviors are never aggressive and appear to reduce tension between the them.<sup>24</sup> Similar age-gap relations occur daily and universally in Mona monkeys; the sexual interactions are almost never aggressive and appear to help the younger males integrate into the male group and to maintain group cohesion.<sup>25</sup>

When it comes to human age-gap sexual relations, the stereotype is that they are, by nature, aggressive encounters, where the older person imposes his will on an unwilling younger partner, who is traumatized and psychologically ruined. It is striking, then, that we find just the opposite in the primate data, where researchers document that eagerness and even initiative on the part of the younger animal are commonplace,<sup>26</sup> and they repeatedly describe positive developmental and social functions that these relations appear to serve—just as historians and anthropologists also have also done with regard to other times and cultures.

### **Concluding Remarks**

Age-gap sex with minors greatly misfits modern social and economic structures, and therefore the multi-perspective review just presented does not suggest that we endorse this behavior. But the review does show a significant disconnect between sweeping assumptions of intrinsic pathology and pervasive devastation on the one hand and the much less alarmist, and

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<sup>24</sup> Ogawa, H. (1995). *Wily monkeys: Social intelligence of Tibetan macaques*. University of Kyoto Press/Trans Pacific Press.

<sup>25</sup> Glenn, M. E., Ramsier, M., and Benson, K. J. (2006). Homosexual behavior and long-term bonding in wild Mona monkey all-male groups. Paper presented at the International Association of Sex Research conference, Amsterdam, Netherlands, July, 15.

<sup>26</sup> Many biologists and others have argued that animal homosexuality is about asserting dominance, not sex. Biologist Bruce Bagemihl (see footnote 19), in his seminal work *Biological Exuberance*, has decisively refuted this view. Many species without dominance hierarchies have homosexual behavior. Many other species with dominance hierarchies do not have homosexual behavior. In species with both dominance hierarchies and homosexual behavior, it is often the subordinate animal that plays the active role. For our purposes here, male homosexual relations in primates and other mammals often involve juveniles with older males. But these relations, as just noted, are usually not based on assertions of dominance. In humans, a parallel claim has often been that such relations are based on assertions of power. The animal data contradict this. So do the non-clinical human data discussed previously. These empirical results indicate that the sweeping assertion that wielding power is the basis for human age-gap sexual relations is incorrect. Critical evaluation of this assertion instead shows it to be an ideological construction (see Angelides, 2004, 2005, in footnote 11).

sometimes even benign, findings of scientific analysis<sup>27</sup> on the other.<sup>28</sup> This huge disconnect points to moral panic as an important basis for the increasingly draconian response that has evolved over the past three decades.<sup>29</sup> Social policy should follow from sober appraisal, not hyperbole and demonization. Witch hunts seen time and again across history show that moral panic is immoral and demonization is demonic.

At a time when sophisticated meta-discussion of culture, and what we now say is its construction, is itself culturally commonplace and taken by professionals to ever higher pitches of abstraction, we may feel that we are beyond witch-hunting, that we are uniquely positioned to diagnose past irrationality from the commanding heights of theory and progress. But the passions, hate, and repression roused today in the West by age-gap sex suggest history is hardly over. We who care about sexual ethics have difficult work yet to do. Scientific perspectives that draw on knowledge from history, anthropology, and biology can help us overcome this dangerous impasse.

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<sup>27</sup> It is important to emphasize that the narrow clinical and forensic approaches alone are highly inadequate from a scientific perspective, as their findings cannot be assumed to be generalizable to the rest of the population. The broader the perspective, the better can we characterize the general population. In this review, the perspective was much broader (multi-perspective), and its findings therefore are much more properly termed “scientific analysis.” The review improved over clinical and forensic approaches not only by applying more accurately to the general population, but by critically examining the issue of causation of harm.

<sup>28</sup> It is important to add that the scientific findings indicate that different categories of minors tend to react differently to age-gap sex with older persons. Females and younger children tend to react more negatively than males and teenagers. However, minors in all categories can and do react across the full range from negative to positive. The animal data show sharp sex differences, where immature males are much more sexually interested and assertive than immature females. For boys and girls, the observation has repeatedly been made that, for boys, early age-gap sex tends to be more of an initiation while for girls it is more of a violation. The validity of this observation is bolstered by the cross-species data. Importantly, dominant assertions that age-gap sex for minors is pervasively and uniquely psychologically destructive are untrue for all categories, but especially untrue for male teenagers. The multi-perspective data show that harm is not intrinsic, but dependent on situational factors, including cultural definitions of what constitutes good or moral sex versus bad or immoral sex.

<sup>29</sup> See the Appendix that follows for a closer look on the extremes occurring in response to sex offences in the US, the trendsetter for the West.

## **APPENDIX**

In this appendix, trends in the US in terms of how it is responding to sex offences involving older persons with minors are illustrated. Here, “older persons” includes not only adults, but also minors who are older, or even the same age, as the other minors they are sexually involved with. The point of this appendix is to establish the spiraling harshness of this response. Given that the US is the world’s leader and trendsetter on dealing with sex offences, understanding these trends is important for researchers in other countries.

### **Routinization of Extreme Measures in the US**

The US has been the trendsetter for response to sex offenses involving minors since the 1970s. Let’s consider some trends.<sup>30</sup> Many forms of non-coercive sexual contacts, which might have brought probation or even no punishment at all in the 1970s, today are often punished as severely as murder. A middle-aged Texas man was recently sentenced to 4060 years in prison for sex with teenage girls over a two year period. One young Florida man, barely out of adolescence himself, was sentenced to two life sentences and ordered to be castrated for oral sex he performed at age 20 on a preadolescent boy. A young Kansan man has spent the last 10 years in detention under civil commitment, with no prospects for release, for oral sex he performed at age 21 with a 14-year-old boy. A Texas woman was sentenced to 23 years in prison for oral sex she performed on an eager 16-year-old youth. These cases, along with many others in the US also not involving any overt force, are now bringing the kind of punishment that used to be reserved for violent homicide.

Sentencing for para-sexual offences is also often severe. In California in 2003, a man was sentenced to life in prison for sucking the toes of preadolescent boys—he never touched their genitals. In Arizona in 2007 an award-winning teacher was sentenced to 200 years in prison for

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<sup>30</sup> The following sections are based on: Hubbard, T. (2009) in footnote 1.

possessing 20 pornographic images depicting boys—it was his first offence. In 2004 in Virginia a man was sentenced to 20 years in prison for downloading 20 Japanese anime cartoons depicting sex between men and girls. In Pennsylvania, a graduate student faced 10 years in prison simply for clicking on a web page set up by the FBI, whose phony hyperlink suggested it depicted sex involving minors.

Aside from draconian prison sentences, the sex offender system has evolved in the US to be extremely invasive and dehumanizing. Registries are a staple of this system, and zoning restrictions, such as not being allowed to reside within 1000 feet of a school, are spreading across the US. Zoning restrictions are so extensive in many regions that sex offenders have almost no place where they can reside. For example, they are completely exiled from Los Angeles and San Francisco. In Miami, the only place where they can reside is under a noisy bridge—a whole community of sex offenders is compelled to stay there at night. In Georgia, men have been sentenced to mandatory life in prison for failing to register their residence, failures that were forced on them by impossible-to-meet zoning restrictions. Registries in the US are public, which creates not only permanent shaming, but exposes sex offenders to vigilante physical attacks and murder—at least 6 have been killed—as well as threats, harassment, property damage, loss of job, housing, and friends. Studies have shown that sizable proportions of registrants have suffered one or more of these dire events. For example, a 24-year-old man was murdered because he was a sex offender—his crime was consensual sex at 20 with his girlfriend just two weeks shy of her 16<sup>th</sup> birthday. A Michigan teenage boy who had consensual sex with a 14-year-old girl committed suicide after being placed on a registry despite the sentencing judge's efforts to keep the boy's name off.

Even minors who have non-coercive sex with younger minors are often subjected to severe measures—many tens of thousands have been caught up in the US sex offender system. Child “sexual assault” charges involving “victims” between 13 and 15 frequently involve *consensual* sex with other teenagers rather than adults—sometimes same-aged teens are arrested for “sexual assault” of each other. Boys as young as 10 have been compelled to put on penile plethysmographs and have been subjected to ammonia aversion therapy, a treatment long ago abandoned as unethical and dangerous in the case of homosexuals. Other “therapies” that young teens are currently being subjected to include being forced to recite daily: “I am a pedophile and am not fit to live in human society...I can never be trusted...everything I say is a lie...I can never be cured.” Moreover, some of the leading sex offender therapists recommend that parents should pry into the sexual fantasies of their 11-year-old sons, and, if these are “deviant,” should have their sons subjected to lie detectors, penile plethysmographs, and aversion therapy. Finally, despite objections from numerous professional organizations, statutes compel states to put juveniles on *public* sex offender registries, inviting—and producing—grave harm to them such as ostracism, harassment, violence, and the later inability to complete their education, find housing, and hold down jobs.<sup>31</sup>

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<sup>31</sup> Heller, A. (2009). Harming children in the name of “child protection”: How minors who have sex with other minors are abused by the law and therapy. Unpublished manuscript.