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IN THIS NEWSLETTER:

INVITATION FOR THE ANNUAL IPCE CONFERENCE

The next I.P.C.E. - MEETING
WILL BE 23, 24 AND 25 AUGUST
1991 in the Netherlands.

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The logo for the IPCE newsletter is centered on the page. It features the letters 'IPCE' in a large, bold, sans-serif font. Below 'IPCE', the word 'newsletter' is written in a smaller, lowercase, sans-serif font. The entire text is enclosed within a circular border composed of horizontal lines, with a vertical dashed line bisecting the circle.

IPCE
newsletter

INVITATION

With this newsletter we invite you and your organization to take part in the next I.P.O.E. Conference.

The conference will be held in HAARLEM, near Amsterdam, in the building of the N.V.S.H., Ripperdastraat 11, 2011 KG Haarlem, phone during the conference: 023 - 326602.

The conference building can be reached as follows:

Travelling by train, you can take the train to Haarlem. The building is just 5 minutes walking from the North entrance of the railway station (look at the information statue in front of the station)

Traveling by car, take a look on the map in these newsletter. From the area of Amsterdam just follow the signs to HAARLEM.

We will start this conference on Friday the 23th of August 1991.

You're welcome from 16.00 p. for the informal part of these meeting!

Saturday the 24th (11.00 - 17.00h.) and Sunday the 25th (11.00 - 16.00) will be filled with the formal agenda. The evenings can be filled with informal meetings.

The topics that will be discussed at the conference are:
*Recognizing the distinction between sexual abuse and mutually desired relationships between adult and young children or adolescents.

*A serious approach to sexual abuse.

*How to be taken seriously by adversaries and media.

*Contributing to the alteration of the opinion of others.

Questions to be contemplated before the conference are:

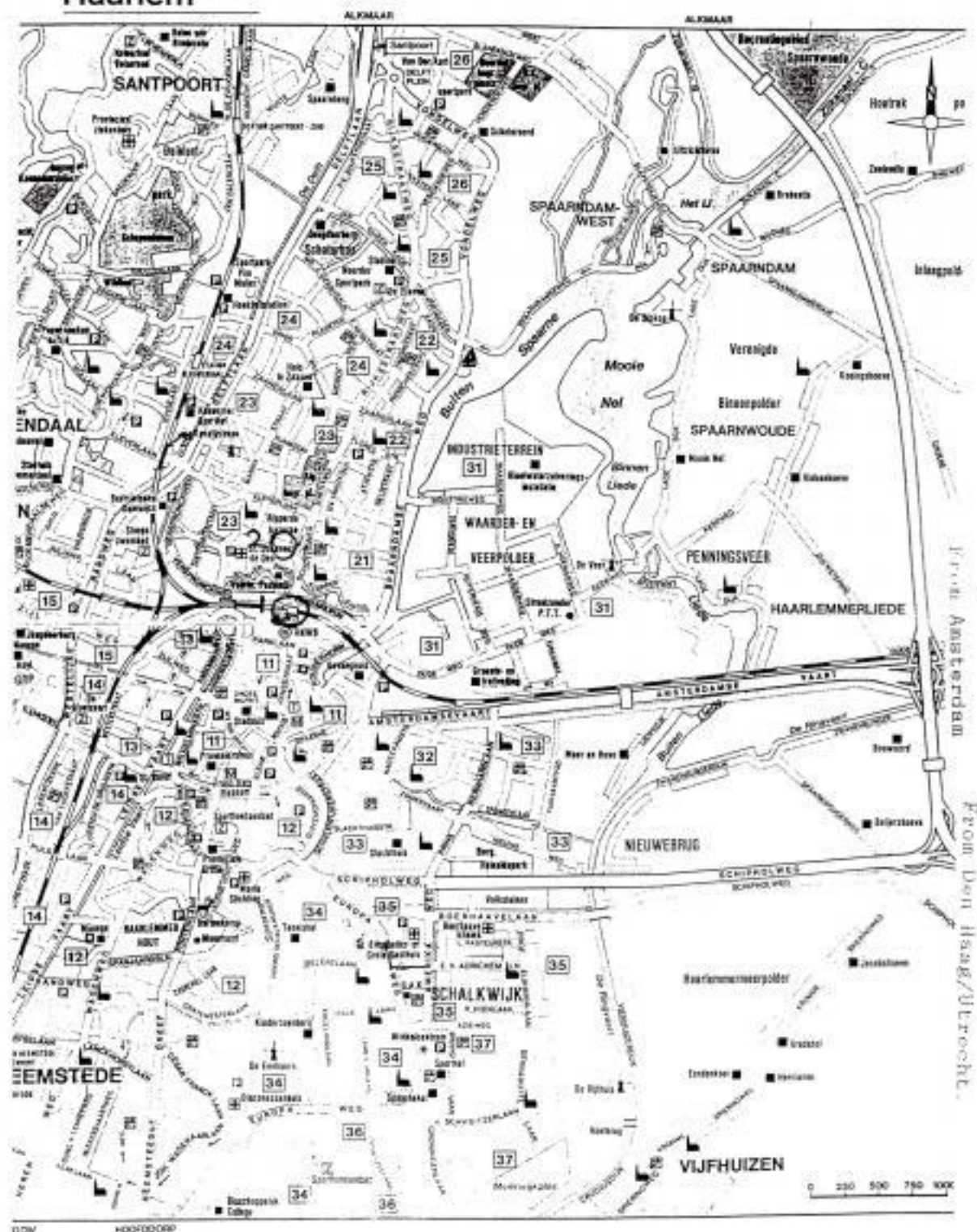
1. What is sexual abuse?
2. What are mutually desired relationships?
3. Where are the boundaries?

Furthermore, there will be room in the agenda to deal with subjects that the participants consider important or interesting.

No doubt the ILGA will be discussed (NAMBLA and MARTIN are members of the ILGA) because the conference this year in Mexico was cancelled..

Every contribution is, needless to say, welcome!

Haarlem



1 = Railwystation.

2 = conference location, Ripperdastraat 11.

Edward Brongersma

Morality Law — The New Text

Summary

On November 13, 1990 the the Lower House passed a law proposal revising the morality laws. Only three small right-wing parties voted against it — SGP & RPF (Christian fundamentalists) and the Centrum Democrats (neo-fascists). All the other parties voted for it with a greater or lesser degree of enthusiasm. Thus it can be expected that the proposed law will also be passed by the Upper House as well.

The most important contemplated changes are as follows:

- Rape within marriage will be an offence.
- The definition of rape is changed to include: 1) penetration of mouth and anus with violence (and so male victims are now included); 2) Threatening with acts other than violence can also be an element of rape.
- The present protection of physically handicapped persons is extended to the mentally handicapped as well.
- With non-violent penetration of minors under 12 years of age (boys and girls), the maximum punishment the judge may inflict is equal to the maximum punishment that at present can be incurred for "carnal intercourse" with a girl under the age of 12.
- All non-violent sexual contacts with a child over 12 years of age and under 16 will only be prosecuted upon complaint, unless the perpetrator has authority over the child (the prerequisites for complaint now apply only to "carnal intercourse" with a girl in that age range);
- The opportunities to make a complaint under paragraph e above are broadened;
- Under health care and social service, patients and clients receive protection against "indecent conduct" on the part of those in whose care they have placed themselves.

In what follows we will examine the significance of these changes and how they have come about.

Background

Reform of the morality laws has taken a great deal of time in Holland. During the debates back in 1970 over the repeal of Article 248bis of the Penal Code (homosexual contacts by an adult with a minor between the ages of 16 and 21), Minister of Justice Polak established the Advisory Commission on Morality Laws (original chairman Peters, later Melai) to prepare an general revision of those articles in the code which dealt with the "protection of good morals". This commission produced three interim reports (film censorship 1970, exhibitionism, nude recreation and pornography 1973, prostitution 1977) and in 1980 a final report (rape and assault, protection of youth and dependent persons). Film censorship was repealed for persons above 16 and further restricted for those under 16; the sections dealing with exhibitionism and pornography were revised in 1985; a revision of the proscription of bordellos and pimps was prepared but has not yet been enacted. In 1984 Minister of Justice Kortbals Altes submitted a law proposal concerning the so-called "serious moral offences" referred to in the final report of the Melai Commission. This proposal had the support of the Emancipation Council, but its tactless presentation to and by the media resulted in a wave of public disapproval. It was widely thought that young people over 12 years of age would have no protection whatever. Kortbals Altes came under pressure, from, among others, members of his own party which feared the effects on an upcoming election. What the State Council advised about the proposed law revision was never revealed. In any case, it never reached the Lower

House. The Netherlands Society for Sexual Reform said, "and so two years of advice, research, discussions and preparation went out window."

Rape Within Marriage

The feminists were deeply dissatisfied over this tragic turn of events. They had long fought against the words "outside of marriage" in Art. 242 and 243 of the Penal Code whereby protection against rape and intercourse in a defenceless or unconscious state is excepted when the perpetrator is a woman's husband. Stemming from the days when it was considered the husband's right to expect the sexual availability of his wife, it no longer suited today's view of marriage and the independent state of women. The exception is especially strange in that it only applies to coitus and not if the man only compels his wife "to commit or undergo indecent acts" (Art. 246: indecent assault) or abuses her in some other way (Art. 300). In the latter case, if the man who abuses a woman is her husband, that is even considered an aggravating circumstance. (Art. 300a)

The elimination of the words "outside of marriage" in the articles dealing with rape would seem to be more significant in principle than in practice. What goes on in the bedroom is usually not able to be testified to effectively in the courtroom. But two sensational decisions of the Supreme Court in 1987 and 1988 called attention in a painful way to this exception. The first was especially noteworthy: a man raped his wife after their divorce had been pronounced but before their new civil statuses had been recorded and had thus become effective. The Supreme Court strictly followed the letter of the law which prescribed that rape is only punishable "outside of marriage" and the man was allowed to go free.

Now that marriage in our society is no longer the only permanent life-style, it is doubly unacceptable to have the married woman denied the same protection from male violence which she would have in a loose kind of living arrangement.

The fear that eliminating the exception could lead to undesirable legal interference in marital lives is not well-founded. The married woman can still refuse to testify against her husband, and in that case a prosecution against her will would quickly run aground.

The SGP and the RPF (Christian fundamentalists) withheld their vote for the revision primarily because they saw in it an objectionable equating of marriage with other living arrangements. The GPV members let themselves be convinced by the minister's arguments.

Protection of the Psychologically Disturbed

In addition to the matter of rape within marriage, there was another important matter to be considered. The European Court of Human Rights in its decision of March 26, 1985 had found The Netherlands guilty of violation because although Articles 243 and 247 of our Penal Code did protect physically powerless and unconscious person from sexual attack they left adults who were psychologically disturbed vulnerable. Thus it was proposed, in addition to those who were unconscious or in a physically defenceless position, to likewise protect from sexual harm people who were "so insufficiently developed or suffered from such pathological disturbance of their mental facilities that they were partially or completely unable to know their own minds about it, or communicate their wishes, or to offer resistance."

Some of the members of the lower house were afraid that this limitation would prevent psychologically disturbed people from having sexual contacts they did wish to have. The minister pointed to the words "about it" in the proposed change. Someone, thus, may be deeply disturbed psychologically, but as long as he himself wishes to do something of a sexual nature and can make this clear, the partner cannot be punished for his or her participation.

What is the Main Object of the Law on Morality?

In its discussion of this and the following sections, two opposite currents of thought revealed themselves in the Lower House. At the Melai

Commission, with former Minister of Justice Kortbals Altes, and now in the Lower House among members of the Labour, Liberal, D-66 and Green/Left parties, the most important consideration with respect to the morality articles of the Penal Code was "protection of the citizen's right to choose his own sexual activities in private from interference by third persons" — thus defence of the freedom of sexual self-determination. In contrast, present Minister of Justice Hirsch Ballin and the Christian Democrats felt that protection of the weak and defenceless was of paramount importance. Of course, this was no matter of either-or, and even the Melai Commission had stressed "the protection of vulnerable groups of people in our society from the sexually directed desires of others."

These two streams of thought collided most conspicuously every time the position of young people under the age of 16 (when one becomes sexually adult by law) was discussed. Adherents of the first wanted to see this group, too, allowed to practice non-criminal, consensual sexual contact as long as their consent was not the result of improper influence. The work of Dr. Sandfort was presented as evidence that voluntary sexual contacts and relationships involving under-age persons were rather common. The other group felt that discussion of whether such contacts and relationships were voluntary or not was irrelevant. They advocated making everything punishable, but to prevent this from leading to undesirable consequences in specific instances they sought the solution in 1) the authority of the public prosecutor to not prosecute, or 2) a limited interpretation of the concept of "indecent conduct", or 3) making a contact prosecutable only upon a formal complaint being lodged.

In support of his position, Minister of Justice Hirsch Ballin emphasized that consent was not a proper criterium to use and was also not a judicially maintainable concept. For example, a young person could offer himself to a teacher in exchange for good marks, or to a father who for one reason or another was unhappy. His adversaries, however, countered with the argument that consent really can be further defined by the law. In the Penal Code, for example, mention is made in Article 248ter of "paying or promising money or goods, abuse of a relationship which results in a position of power or deception" as impermissible means of seduction. When the minister said, "Even if the people concerned consent, there should be norms which oblige you to abstain," then he left himself open to the suspicion of allowing the State to become our moral arbiter. In a system wherein everything is automatically criminal, the legislator all too easily ends up with a kind of judicial overkill, leaving it to the police, public prosecutors and the courts to see that no accidents occur.

As far as the Public Prosecutor is concerned, he already is empowered under Article 167, part 2 of the Code of Criminal Procedure "on the grounds of public good, to not prosecute".

The second indicated possible solution was to limit the meaning of "indecent conduct". Following in the footsteps of a well-known public prosecutor, Mr. J. J. Abepoel, I pleaded before the Supreme Court in the 1970s for physical acts characterized by love, tenderness and affection, that were so experienced by the subject, no longer to be considered "indecent". But it was then in vain (see case H.R. 14 Sep 1976, NJ 1977, 97)*. With the writing of our Penal Code in 1881, "indecent conduct" unquestionably encompassed every form of sexual behavior except for intercourse with a spouse. But the legal opinions of the court are not committed to the intent of the legislator. It is pleasant to see that in 1990, not only the Minister of Justice but spokesmen of all the major political parties appear to be recognizing the importance of the desires of the participants, even if they be under sixteen.

The Minister of Justice repeatedly declared that there could be no question of indecency where consent was involved. In addition, he said that, no matter how strongly the prohibition was formulated, where the sexual contact was consensual the public prosecutor would never choose to prosecute — a rather optimistic opinion when we read current newspaper articles about some of the cases where children are involved!

In any case, the Minister of Justice recognized that there were situations which fell under the letter of the law but "where obvious considerations about the task of penal justice would dictate against prosecution". His

predecessor Kortbals Altes had already spoken about the young teacher in love with a 17-year-old girl in the senior class, saying that an absolute prohibition "of course" would not be valid. Whenever it was a question of sexual relations among boys and girls under sixteen which see entered into entirely by mutual consent, "then the Public Prosecutor will not consider the acts 'indecent' and will refrain from prosecution." "Circumstances can exist, for example where there is a limited age difference, in which the acts under consideration cannot be considered indecent and won't be prosecuted. People between 12 and 16 years of age cannot be considered defenceless under all circumstances."

Mrs. Scutendijk-van Appeldoorn (Christian Democrat) spoke about the relations between two boys as "something that can be completely voluntary, good and very beautiful" — something that must not be disturbed by the intervention of the public prosecutor. "This must not be the effect of penal law." She was happy that the new proposed law would provide a better guarantee "that desired contacts will not be disturbed."

Mrs. Swildens-Rozendaal (Labor) said, "A sexually colored game of rough-housing by the young is in general socially and ethically acceptable, and it is also socially and ethically acceptable that the youths involved make up their own minds whether or not to do it. We can then say that this kind of sexual contact is not 'indecent'." She also wished the punishability of sexual contacts with dependent persons to be restricted to instances where the acts are carried out or pre-determined by misuse of the actual relationship, or by misuse of power or by deceit. She found that "Sexual contacts which came about voluntarily des... to be respected by Justice."

Mr. Wolffensperger (D-66) pleaded for attempting to come up with a formula whereby patients and those who had not yet reached the age of 16 "had in principal the possibility to engage in sexual activity of their own free will." He gave as an example, a girl of 15 who was in love with a boy of 18. The Minister of Justice, strangely enough, called that "a highly theoretical example", although in reality it's an everyday occurrence.

According to Mrs. van Es (Green/Left) nothing which occurs voluntarily in a relationship between 15-year-olds can be considered indecent behavior. She called attention to the fact that, due to the different interpretations of "indecent", "making love to a girl of 17 by a boy of 14 can easily be considered not indecent in one period of time, while in another it might be so judged."

Prosecution upon Complaint

The various parties finally settled upon the solution of making non-violent sexual activities with youngsters between the ages of 12 and 16 years of age, as well as with physically or mentally handicapped people, prosecutable only upon complaint. This means that what is committed is still an offence, but in the absence of a formal complaint it is not prosecutable. According to most writers on the subject, the police are also not empowered to investigate.

The path which led to this solution was remarkable. The administration had not foreseen the course it would take. It came about through the deliberations of the Lower House. When our Penal Code was established in 1886, Article 245 made "carnal intercourse" with a girl between the ages of 12 and 16 prosecutable only upon complaint, and this was done in order allow the "often very young man who had brought a girl into an interesting condition to atone for his fault as much as possible by marrying her." In the Lower House in 1990 there was strong pressure to make all articles sex-neutral. Thus "sexual intercourse with a woman" was replaced by "sexual penetration of the body." Such penetration can be vaginal, oral or anal, and the victim thus can be both female and male. Until now all such acts done to boys and girls fell under Article 247 (indecent with someone under 16). In the revised text, they now fell under Article 245 and so became prosecutable only upon complaint. And so a strange anomaly was created: someone who penetrated a boy of 12-16 anally could only be prosecuted upon complaint, but he who only touched him indecently could be arrested by the police without any

complaint being lodged. This situation was remedied by making offences under Article 247 also prosecutable only upon complaint.

New and unconventional rules were enacted for the lodging of complaints. Usually only the "legal representative in civil matters", thus the father or guardian, is empowered to lodge a complaint. For these moral offences, the minor himself is now also empowered, as is the Child Protection Authority which was brought in with a view to cases of incest. Parent/child incest is dealt with in Article 249 and is prosecutable without a complaint, but incest with a brother, an uncle or grandfather is not. One can imagine that in such circumstances the parents would not want to make a complaint against their own son, brother or father while the victim would be put under strong pressure not to make a complaint. Then the Child Protection Authority can intervene. Just as in the case of parent or guardian, it has three months after the events came to its knowledge in which to make the complaint. But experience with incest victims shows that it is often some considerable time after the offence that the fatal consequences manifest themselves and they are inclined to react. Therefore the victim has been allowed a term equal to that defined in the Statute of Limitations, which for these offences is a period of twelve years.

Terminology

With the addition of the phrase "with activities which consist, partly wholly, of sexual penetration of the body", an addition which was necessary to make the modern articles about rape and sexual abuse of girls sex-neutral, the term "carnal intercourse" disappears from the Penal Code. It was an old-fashioned phrase which according to many different Members of Parliament it was high time to get rid of. They had less success with their attack upon "indecent" and "indecent behavior". Following in the footsteps of the Melai Commission and the proposal of Korthals Altes, they wanted to substitute this by "sexual activity". Minister Hirsch Ballin stoutly refused to do this. He wanted to limit the revisions, and such a change in terminology would demand a more thorough revision of the text. The two expressions do not cover exactly the same area. "Sexual activity" is broader than "indecent"; the latter implies social disapproval. The intercourse of two married people is clearly sexual activity, but is not indecent.

Rape — Assault

No more successful was the attempt of a number of Members of Parliament to eliminate the distinction between rape (complete penetration) and assault (committing other sexual activities by force) in the law. That "carnal intercourse" was being replaced by sexual penetration (and not just of the vagina but also of the mouth and anus), it followed that forceful penetration of the mouth or anus now covered under the relevant text concerning "assault", would in the future qualify as "rape". This meant that it would receive a substantially heavier punishment (maximum imprisonment of 12 compared to 8 years). The Melai Commission had wished to maintain the distinction. Under advice from among others the feminists, it was scrapped in Korthals Altes' proposal. The reason was given that it was senseless to make a distinction between serious and less serious offences: that was not in the best interest of the victim. Minister Hirsch Ballin did not entirely reject this idea, but refused "to propose more changes than were desirable in order to reach the

objectives of the law". According to him a more radical formulation would not achieve a more desirable result.

But wherever the law once spoke about compulsion "through force or threat of force" (thus in both rape and assault), to "force" was added "other means". Thus psychic pressure now falls under the law. An example might be the employer who threatens to fire his secretary if she does not submit to his will.

Patients and Clients

Article 249 of the Penal Code is there to protect dependent persons, for example minors from their parents, teachers, employees, and inmates in prisons, orphanages, hospitals and charitable institutions from the people who work in them. It was decided to broaden this list to include patients or clients who have asked for the help or care from someone who is employed in health care or social work. A number of well-reported incidents led to this broadening. It is also rather an anomaly that a doctor can be arrested when he lays hands upon a patient in a hospital but not for such an act with the same patient if she has sought his care in his consulting room at home. There was therefore not much discussion about this proposed extension of criminalized activities.

Because of the limited meaning of the word "indecent", the section would not be applicable, for example, when a doctor who has his wife or a friend in treatment accedes to her sexual wishes. This is not "indecent", rather a matter of professional ethics and discipline.

Evaluation

Pressure was put on the Minister of Justice from different sides to appoint a new commission to prepare a whole new revision of the laws dealing with morality. Minister Hirsch Ballin steadfastly refused to do this. In his opinion the law, after these revisions have been made, will clearly be in consonance "with the general feelings of society" and he doesn't wish to disturb matters any further. He did plan, a year after the new law provisions became effective, to investigate among the public prosecutors whether "the new revised articles were acting as an adequate protection against sexual violence in all its forms." If it appears by them that there are serious problems, then he would be prepared to contemplate a more thorough-going revision. Mr. Wolffensperger (D-66) was not satisfied with this and managed to get the minister to promise that in addition to the findings of the public prosecutor's office, reports from other parts of society would also be taken into account, for example, from scientific research. It would then be very surprising, according to the minister, if examples came to light of situations in which prosecution was initiated while these "very obvious ideas about the task of penal justice would have counselled abstention from prosecution."

* The plea was in large part reproduced in my article "The meaning of 'indecent' in the morality laws concerning children", (*Delikt en Delikt*, year 8, issue 1, Jan 1978, p. 6-19.); and "The Meaning of 'Indecency' with Respect to Moral Offences Involving Children". (*The British Journal of Criminology*, January 1980, p. 20-32).

Coming to a useful definition of PEDOPHILIA

Dear members of IPCE,

This is a version of an article I have submitted for publication in the NAMBLA Bulletin. In this version I have left out any efforts to explain how pedophilia is a political issue and not a medical one. I assume that we agree on that already!

In my work in the International Lesbian and Gay Association, I have noticed how the lack of a clear political definition of pedophilia has led to 'our side' wasting time in workshops that could be more usefully spent, having what should have been 'internal discussions' in public. You can also understand the confusion of the 'neutrals' who came to a workshop asking 'What is pedophilia?' to be greeted with many different definitions.

I hope that the IPCE can serve as a forum for debate in which this question can be answered and a definition be agreed that will be useful on the world political stage, in particular within ILGA. The definition I propose is one that allows for cultural differences

Pedophilia is:

a sexual act or relationship between someone society defines as an adult and someone society defines as a child;

or alternatively:

the desire for such an act or relationship on the part of an adult, whether or not it actually takes place.

It is therefore socially defined; its meaning depends upon social definitions of 'adult', 'child' ~~and possibly sexual~~ ~~and on nothing else.~~

A pedophile is:

an adult who does such acts or has such relationships, or in whom such a desire can be identified, either because s/he is aware of it, or because it is obvious to others.

A child is:

Someone who by virtue of their age has many fundamental human rights and freedoms curtailed, under the rationale that they are too immature to have (and are therefore incapable of handling) these rights and freedoms.

An adult is:

Someone who by virtue of age is recognised to be 'grown up' and 'mature' and is given emancipation from these curtailments.

(Based on an original wording by Leo Adamson)

Our most important point is that the definition of pedophilia depends on the definition of 'child' and 'adult', which are political concepts. Defining 'child' and 'adult' in terms of 'power and rights' raises the most important political issues, and helps us to give an answer to the question, 'Well, what ages are we talking about here?'

Take Britain, three fundamental rights are acquired at 16:-

- 1) The right to leave the parental home (or the usual age of leaving state care). - until this time children are in effect the property of their parents, or of the

state.

- 2) The right to leave compulsory schooling and to work (ie to establish economic independence).
- 3) The right to engage in 'sexual' activity (though the male homosexual age of consent is 21).

A few limited rights are gained from the age of 14, and full adulthood is not acquired until 18, so there is a 'grey area' between 14 and 18. However 16 marks the most significant dividing line in legal and social terms. So in Britain this makes a pedophile relationship one that exists between an adult, ie 16 and over, and a child, under 16.

It is no coincidence that 16 is also the age used by child sex abuse professionals in defining 'child sex abuse', and that 16 is the minimum homosexual age of consent which the lesbian and gay movement, here, is prepared to campaign for.

In terms of ages, at least, my definition of 'pedophilia' is the same as that of feminists (many of whom oppose all pedophilia because of 'power differences'). We recognise that age does play an important part in defining the power of an individual. However we must show them that we have everything to gain by seeing the empowerment of children, and that the relationships we have and campaign for are ones that break down the normal power differences. This is why they are so heavily persecuted!

What is pedophilia in one country, may not be pedophilia in another, reflecting different social values and laws. The ages at which fundamental rights are acquired vary from country to country, as do the importance of the law, and the way it is applied by the police.

Within Mexico, for example, the attitudes to children, and to sex are very different to those in North America and North Europe. This has led to problems for the representatives, within ILGA, from the gay group GOHL in Guadalajara. They came into ILGA to find North European (and increasingly North American) values dominating, in a debate on the subject of pedophilia. For them loving boys is an accepted (if little discussed) part of gay sexual behaviour. Their group, which has many boy lovers and some boys, was set up (about 6 years ago) by a boy lover and his younger lover when they were 15 and 14 years old respectively. This should not be surprising in a country where a majority of the population are under 16. They were happy to discuss pedophilia, but were confused and dispirited to find the subject gives some groups in ILGA such problems.

If we define adult and child in a political way, then we must reject the medical definition of 'pedophilia' which uses 'puberty' as a dividing line between adulthood and childhood. Puberty is a long process, the beginning and end of which are very vague. The myth that 'real' sexuality only begins at puberty is a dangerous one, and is part of the medical morality which devalues sexual behaviour that is not concerned with procreation.

To reject the medical line has the advantage of avoiding splits in our movement based on whether we are into pre-pubertal boys or post pubertal boys (the pedophile/pederast split). Our unifying politics should be more important than details of individual preferences.

It also increases our common ground with individual lesbians and gays, (and heterosexuals for that matter) many of whom often do admit to finding 14 and 15 year olds attractive, though not defining themselves as 'pedophile' as they assume a puberty based definition.

Pedophilia is not a unified phenomenon. Like 'homosexuality' or 'heterosexuality' it is a category of sexual behaviour and desire, which includes a vast range of different possibilities, from consensual relationships to rape. There are also big differences in the four possible gender combinations:- man/boy, woman/girl, woman/boy and man/girl. The key to progress in discussion of pedophilia lies in exploring the differences and recognising the range that lies within the term.

When this topic was briefly discussed at last year's IPCE meeting, one of the potential problems for my broad definition was raised. In Europe much more than in America the terms 'pedophile' and 'pedophilia' are used in political and personal self-identity. (In the US 'man/boy love' is the preferred chosen political name). With 'pedophile' as an identity it is not surprising that some prefer a 'love' based definition of pedophilia, where pedophilia is defined positively as the 'sexual love of children' (from the Greek roots of the word). This may be useful in the Netherlands, for example, but I would say this definition is a hindrance in our work within ILGA.

It is not my intention to subvert identities. What works in one country may not work in another, but I think we should look at the Lesbian and Gay Movement, which has had some successes. Homosexuality, like pedophilia came into being as a medical word, as one of a number of sexual 'diseases'. Although it has become a more neutral word now, lesbians and gays were only too happy to discard that word as an identity and to choose their own words. I happen to think that this is an important part of the evolution of our movement. The further we get away from the medical profession the better! Some psychiatrists still claim they can 'cure' us and a program for the 'treatment of sex offenders' is gaining momentum within the British Establishment. If new non-medical identities take us away from the medical definition of pedophilia, with the concept that pedophilia is all about 'pre-pubertal children', then all the better! Even adding 'gay' to make boy lovers 'gay pedophiles' is significantly better than 'pedophile' on its own.

My broader, more neutral, definition helps 'pedophilia' fit comfortably alongside 'homosexuality' and 'heterosexuality' in talks on sexual politics, and it has another major advantage:-

A useful discussion took place at last year's ILGA conference in an experiential workshop. In an emotionally charged atmosphere a realisation grew from women present that the experiences we described were very different to their own, (some of the women had been abused as children by adult men). One or two even said that the relationships we described with 12, 13 and 14 year old boys were not pedophile relationships, at all, because the boys were too old! The problem was partially a cultural one. In applying a feminist definition of pedophilia, they used Scandinavian values to define 'child', where the social emancipation of children starts at a younger age than in Britain and America. This does not explain everything though. Partly the denial that we were talking about pedophilia was that they had come to the workshop thinking of pedophilia as 'child sex abuse', so could not recognise what we described as pedophilia.

If we are to make progress discussions like these are very valuable. Rather than launching immediately into academic political discussions, we need to sit down and talk about our own experiences with people who campaign against us. The personal is the political! We have to make it very clear the sort of relationships we are campaigning for. We want our 'enemies' to learn to distinguish between the tremendously different possibilities for the term pedophilia. On our part we should not define pedophilia in just a positive way, as in real life it is not like that either. This allows PEDOPHILIA to be a title under which constructive and useful debate can take place.

Martin Burgess

By Frans Gieles, nvsh-lwgp, The Netherlands

In this article I react to Martin Burgess' article. At the same time I present some ideas, discussed in the lwgp platform last year.

1. Definitions of 'paedophilia'

a. Three definitions

To evaluate Martin's and Leo's definition, it can be compared with other definitions. Three different definitions are current now in The Netherlands.

(1) The definition from the Diagnostic Statistical Manual (DSM III revised), used by psychiatrists, formally or in the background of their ideas. It's a definition of a deviation and holds, in short:

'Paedophilia is an uncontrollable proclination to have sex with children, to do it and to feel discomfort about it.'

An unusable definition.

(2) The definition from the National Centre for Mental Public Health, which is wide spread and used:

'Paedophilia is the human fact, characterized by feelings of attraction to children, also in sexual sense, which feelings are experienced as very important.'

(3) The definition of the nvsh-lwgp, which is gradually spread over the country:

'Paedophilia is: loving children, therefore preferably going about with them and being open for erotic and possibly sexual desires of both partners.'

b. Martin's and Leo's definition

The advantage is the social-political character of the definition. It rejects the medical definition of a deviation or illness. It implicitly rejects the definition of an identity and reflects the social-political reality, which may differ by country, time and culture.

There's a disadvantage. For me, and for others in my country, the English definition holds an essential inaccuracy because it defines 'paedophilia' as a sexual act or a sexual relation or the desire to such an act or relation. So the sexual act or desire is by definition the kernel of paedophilia. The true reality, however, is different in my experience.

I step aside with Martin's definition because the sexual aspect is not the kernel of my desire, nor of my relations. Many people I met in the Dutch workgroups step aside because of the same reason.

There is more. Relations including sexual intimacy are not to be characterized as 'sexual relations'. If I have a relation with a kid and I help him to make his homework, is our relation then defined as 'didactic' or 'educational'? No; that's not the kernel of our relation. If I have a quarrel with the kid, is our relation then defined as 'quarrelsome'? No; that's not the kernel of our relation. Why then, if someone has sexual intimacy in a relation, should this relation be defined as 'sexual'? For me and many others, sex is not the core and the kernel, nor of acts, nor of relations, nor of desire. A definition, however, should give the very core of the matter, the very root of the issue. For me the very root is: friendship.

c. The root of the issue

The third Dutch definition gives three verbs as the roots of the issue: - 'loving',

- 'preferably going about with'

and - 'being open for... desires'.

The place of the sexual desires and acts is not a central one in this definition; it is a possibility, not by definition the central aspect.

d. The social-political context

To place the Dutch definition in the social-political context, the definition could be:

'Paedophilia is: loving who society defines as children by who society defines as adults; therefore the adult preferably goes about with children; the adult is open for erotic and possibly sexual desires of both partners.'

This definition can be followed by Martin's & Leo's definition of 'adult' and 'child'.

So the advantages of their definition are combined with those of the Dutch definition and the mentioned inaccuracy is avoided.

2. Identity?

In this section of the article I refer to Dr. Lex van Naerssen's dissertation about the sexual desire, discussed in the lwgp platform with the author. The new Ph.D. rejects the definition of the DSM, the first mentioned above,

- first, because it holds only a moral judgment, and
- second, because all the DSM concepts are based on a not essential aspect, namely the object of one's desires. More essential is
 - (1) the meaning, given by the person to his own acts and desires, and
 - (2) the way a person relates to the desired other:
 - as an object of his desires and actions, or
 - as a subject with his/her own desires, feelings and will.

If one wants to think and talk about sexual desires and acts, one needs some usable concepts. The DSM concepts are unusable. The latter concepts, the meaning and the kind of relation, are the significant concepts for thinking and talking, for classification and action.

So the traditional classification by object of desire: hetero/homo/paedo is rejected as meaningless, and so are the concepts 'hetero/homo/paedo identity'. Van Naerssen:

"Homosexual identity does not exist. What exists is an erotic, emotional and sexual fascination for another, which has got this name."

"The homosexual disposition (...) does not exist."

"Paedophile identity does not exist; it's a matter of a continuous giving of meaning to oneself, to another (...) and to the relation between me and the other."

The correct position of the child is: a desiring subject, not a desired object.

So the concept 'paedophile identity' or 'paedophile' is called in question. It's a moral classification; indeed, Martin, a political one, an instrument to condemn people.

In fact, we in The Netherlands, gradually avoid terms like 'I am a paedophile'; we change it for: 'I have child-loving feelings' or 'I live a paedophile lifestyle.' Many persons do have child loving feelings; some people choose a paedophile lifestyle.

There's one step further to go: the concept 'paedophilia' comes in question.

3. From 'desire' to 'relation'

The concept 'paedophilia' defines feelings, acts and preferences of an adult and not those of the child. Without further explanation, there is, in every definition, only one position for the child: the desired object.

Gradually we in Holland felt uneasy by using the word 'paedophilia' just because this implication for the position of the child. Its position as a desired object is incorrect and not like we feel, think and should do. So other words, other concepts are needed to say what we have to say.

One of the coming concepts is in Dutch "J.O.R.", in English "YAR": Youth-Adult-Relation. Gradually the local workgroups here changed their names from "workgroup Paedophilia" to "Workgroup JOR (YAR)" or variants of this abbreviation. So in the name "JORis" the letters 'i' and 's' stand for 'intimacy' and 'sexuality'. Sometimes a 'v' is introduced in the name of the group, in English it should be a 'f' for 'friendship'. In the national workgroup, the lwgp, was just no majority to decide to change the name because some older people keep being proud on the name 'paedophile' as their identity.

NAMBLA uses the concept 'Man Boy Love' as an alternative. The advantage is the central position of 'Love', the disadvantage is the missing of the women and the girls. NACLA?? North American Child Love Association??

There is another important reason for avoiding the concept 'paedophilia' namely its political implication. Our society wants in majority to exclude people who want or have sex with societies children. They want them in jail or in 'therapy' - meant by the latter is: adaptation of behavior and desire. To realise this, it is needed to create an image of a well defined kind of people who exclusively have such a deviant desire.

THE CONCEPT 'PAEDOPHILIA' OR 'PAEDOPHILE' IS THE VITAL LINK BETWEEN THE WISH TO EXCLUDE AND OPPRESS PEOPLE AND TO DO IT. THIS HOLDS ESPECIALLY IF 'PAEDOPHILIA' IS DEFINED AS BY DEFINITION A SEXUAL ACT, RELATION OR DESIRE.

The concept 'paedophilia' has come up, is used and the exclusion and oppression are facts.

So, if the concept 'paedophilia' is a political instrument to exclude and oppress child loving people, it's better not to use this concept and to think and speak in other concepts which are more correct and non oppressive. Try it: try to speak and think without using the word, find other words and concepts, and note a more correct talk.

If we want to be a movement to free Youth Adult Relations from oppression, stop to name it 'paedophile movement' because the concept 'paedophilia' asks for oppression. Call it, by example, 'Youth Adult Relation Liberation', YARL or ILYAR, International Liberation(movement) of Youth Adult Relations.

In The Netherlands the discussion is still going. Some of us think along the mentioned lines, others are proud of the name 'paedophile'; they keep using the word and mention the sexual aspect as a central one. In this article I presented the discussion for the international meeting, so the discussion should go on in the next meetings and Newsletters.

OPINIONS

Introduction

At IPCE 4 we were asked to collect opinions from others, outsiders, and their view on the matter of paedophilia.

From The Netherlands the following contribution to the debate, based on the discussion - private and public - in our country: two opinions, using the same words but in different conceptions. A list shows these differences. If we discuss the matter, we should be conscious of the fact that we and our opponents use different basic conceptions. For a good talk these basic ideas should be discussed. So the conversation will take some time.

Conceptual clarity is one, emotional understanding is another point. The problem is: the conceptions of our opponents are deeply involved in their personality, in their position in society and in the structure of our society. Changing their basic concepts stands for changing their personality and to call in question the societal order and their position in it. Who dares to risk this?

Frans Gielis

List

words	c o n c e p t i o n s	
These	Paedophilia is not acceptable because it implies sex between adult & child. This is not good, 'consensual' or not. It shall damage the child's development and its upbringing. The moral order of society forbids it correctly	Paedophilia is acceptable; it implies loving children and, if consensual, possibly sex between child & adult. This can be good. It doesn't damage its development and can be part of its upbringing. The moral order of this society forbids it incorrectly.
Its rationality	This these is logical in the following conceptions	This these is logical in the following conceptions
Child	Is immature; its personality has to be modelled by education and upbringing. It's too immature to act sexually.	Has a personality which can develop with some help and which can find its own way. Is in every stage mature to sexual acting according age.
Adult	A sure, rounded & adapted personality without childlike qualities.	A personality in continuous development, who dares to doubt and to maintain childlike and adult qualities.
Upbringing	Modelling the minors personality and behaviour according adults & societies standards, especially the heterosexual ones.	Helping the minors to develop their own personality and to choose their acts; helping to survive in society.
Consent	A minor can't make choices because his immaturity and dependence from adults.	Minors have free will and can make choices; they're not completely dependent.
Sex	Heterosexual intercourse, aimed at sexual gratification by penetration.	Thousand forms of tenderness, not special aimed at sexual gratification nor at penetration.
Development	A series of immature stages, fixed by nature, from asexual childhood, via latency and puberty to adulthood heterosexual maturity.	Unfolding & expanding possibilities, if possible not obstructed by those fixed stages, which are not natural but social, cultural & political. Stages go from child sexuality, via puberty sexuality to adult sexuality, each stage mature in its own form.
Damage	Awakening of (homo)sexual feelings before the fixed stage.	Fixing & modelling personality characteristics by authority, instead of developing ones own personality.
Moral order of society	The heterosexual order and the child-adult-apartheid is a good and natural one; society is O.K.	This order is heterocratic and implies adult-child-apartheid. This order is linked with a power structure which is not natural nor O.K.
Paedophilia	Unnatural & obsessive, thus sick proclivity to have sex exclusive with children.	Natural, thus not sick inclination to love children and to have tender intimacy, possibly sex with them, not excluding other forms of sex and relations.