



Queensland University of Technology
Brisbane Australia

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1. Introduction.

It could be argued that all crimes have a general moral basis, condemned as 'wrong' or 'bad' in the society in which they are proscribed, however, there are a specific group of offences in modern democratic nations which bear the brunt of the label, *crimes against morality*. Included within this group are offences related to prostitution and pornography, homosexuality and incest, as well as child sexual abuse. While the places where sex and morality meet have shifted over time, these two concepts continue to form the basis of much criminal legislation and associated criminal justice responses. Offenders of sexual mores are positioned as the reviled corruptors of innocent children, the purveyors of disease, an indictment on the breakdown of the family and/or the secularisation of society, and a corruptive force (Davidson 2008, Kincaid 1998). Other types of offending may divide public and political opinion, but the consensus on sex crimes appears constant.

Certainly the spectre of the sex offender grips the popular imagination, and since the media's 'discovery' of the paedophile in the 1990s, sex abuse against children has been 'big news'. In fact the media have gone from simply reporting the news, to instigating crowd reactions when they have published the whereabouts and the identity of known sex offenders (Thomas 2005). In the United States, community notification of known sex offenders is now legally mandatory through the well known *Megan's Law*, which came into force in 1996 and remains popular despite a lack of evaluation of its effectiveness and a suggestion that it is more likely to

increase offending as it drives sexual offenders underground and removes them from professional and government scrutiny (Hebenton 2008). Moreover, the resultant vigilantism when sex offenders are identified, and their subsequent loss of civil liberties is supported by a community belief that sex offenders are 'beyond the pale' especially when childhood innocence has been transgressed by adult aggressors. As Hebenton and Seddon (2009) notes, the more sacred and pure the victim, the more profane the assault, and in Western society there is no more pure victim than a child. We follow Stanley Cohen (1973) in labelling this phenomenon a culturally and historically specific moral panic, and will discuss its implications later in the paper.

What is most important for this discussion however, is the overwhelming popular belief that the sex offender is exclusively male. According to Landor (2009), given that the vast majority of research on sex offenders fails to even contemplate the female sex offender, it is reasonable to conclude that in the public psyche as well as in the knowledge domains of the academic community, the sex offender is a male. Of course, there are good reasons for most, if not all, research to be conducted on male sex offenders, since official statistics confirm that they are in the majority. Gleb (2007, 16), for example, reports that, of the 853 sex offenders adjudicated in Magistrates Courts across Australia in 2004-5, 841 were men. Such statistics are supported in all other western nations (Thomas 2005, Vandiver and Walker 2002).

While there are problems with official statistics, based as they are on the victim reporting the crime and that crime being taken seriously, such problems have

generally been used to suggest that many more female children are the subject of sexual abuse from men than has previously been recognised (Kelly 1988). This occurs because feminism has been able to identify and theorise the gendered nature of sex crimes through a recognition that such men are not aberrant monsters but rather that their behaviour can be located on a continuum of normative masculinity (Hall & Lloyd 1988, Kelly 1988, Bass & Davis 1995). Sex offending is taken out of the sphere of the monstrous and plonked squarely and firmly in the domestic and the everyday. Such a position has been supported by those on the ground. As one social worker in the UK noted 'What is a paedophile anyway? As far as we can see on this project, he's over 30, drives a nice car and has a wife and kids' (cited in Thomas 2005, p36).

However, the articulation of the normative frame of masculinity as a way of understanding and explaining male sexual abuse of children also essentialises women within a normative frame of femininity. Such a perception draws on an understanding of women as naturally caring, nurturing, sexually passive, non-aggressive and innocent (Brabeck 1989, Noddings 1992, Denov 2004) In fact in the 1970s and 1980s female sexual offending was considered so rare as to be "of little significance" an approach which has become "paradigmatic" within the field of child sexual abuse (Denov 2004, 303).

The discovery of female sexual offending in the 1990s in a small number of psychological studies in the United States, Canada and the United Kingdom, struggled with issues of prevalence, positioning it as a rare phenomenon. Many of these studies concluded that female sexual offending is "an aberration which has

little or no significance for professionals working with child sexual abuse” (Denov 2004, 303) and the Diagnostic and Statistical Manual of Mental Disorders 4th Edition concludes that acts of paraphilia (which include pedophilia) “are almost never diagnosed in females” (Denov 2004, 303).

If female sexual abuse of children is not positioned as an aberrant case and ignored, it is understood to be the outcome of coercion or emotional dependence on a male partner. In these cases, the simple presence of a male co-offender is explanation enough for her offending and “another illustration of the unfortunate effects of male dominance” (Faller 1987, 247, cited in Matravers 2008, 301). When women offend alone, their histories of previous victimisation at the hands of men is utilised to explain their aberrant female behaviour and return them to a socially acceptable version of femininity.

Women abused in childhood internalise negative models of themselves and others, models that lead them to associate abusing behaviours with the fulfilment of key biological and social needs (Saradijan 1996, cited in Matravers 2008, 302).

However, the recent perception that female-perpetrated sexual abuse is on the increase (Davidson 2009) may be challenging the position that women don’t offend or that if they do they are not responsible. In the United Kingdom, for example, *The Observer* newspaper recently reported that “up to 64,000 women in the UK are child sex offenders” (Townsend and Syal 2009) and in a story that draws on research conducted in 2009 by the Lucy Faithful Foundation (a “Child Protection Charity”), *The Observer* stated that women make “up to 20% of a

reported 320,000 paedophiles” in the UK. While the validity of these statistics has yet to be verified, academic interest and research on the issue is increasing. As Nathan and Ward (2002) identify, women do commit sexual crimes against children at the official rate of 5% of all sexual offences against children, though the true number is thought to be considerably higher. From her review of the literature, Peters (2009) estimates a “prevalence range” between 1% and 20% for female perpetrated sex abuse. This range is influenced by the source of the data in the research, with self reports exhibiting higher prevalence rates than official statistics. The increasing numbers of female sex offenders in research and media may mean that feminist dominated approaches are no longer capable of fully explaining either the relationship between sex offender and victim, or the social impacts of that relationship. This is especially the case when the predator is a young woman, and the victim an adolescent boy.

2. Female Sexual Offending

This issue of the female sexual offender is thus a complex one and there are a number of different approaches to her criminal behaviour evident in public discourses about her. Two cases which exemplify the differing ways in which female sex offenders are variously understood will form the focus here. The first is that of Vanessa George, a child care worker who was found guilty of sexually abusing the young children in her care at a Plymouth Nursery School in 2009. As the media noted at the time: “as a society, we find women sex offenders difficult to acknowledge. But those of us who work with paedophiles have seen evidence that women are capable of terrible crimes against children – just as bad as men.”

Melbourne newspaper, *The Age*, also reported the story, remarking that her crimes were “disgusting” and “vile”, followed closely by a series of reports of public abuse – such as spitting – that George had been subjected to after appearing in court.

Female child sexual abusers tend to be portrayed as evil women who have lost (or who never had) the female nurturing gene and have ‘gone to the other side’. While men who sexually abuse children may also be evil and monstrous they are not unnatural in the same way as women. There is a sense of betrayal and fear that is not as apparent in discussions about male sex offenders. *The First Post*, an online news website, had this to say about Vanessa George: “she was well liked by the mothers who described her as, ‘a big bubbly woman... friendly, lovely, absolutely lovely. The kids love her’. Some regarded her as a ‘second mother’.... Today those same parents refer to her as a ‘monster’ the sight of her makes them feel sick” (Covington 2009).

An alternative view of Vanessa George was also offered however, by utilising explanations of previous victimisation, and suggestions of trauma and madness. Within such a response, the women’s behaviour was identified as irrational due to her mental state. It is not that she is an evil monster and thus beyond redemption, but rather than she needs our help to reconnect with her nature, which has temporarily been lost to her. Again, we refer to the *First Post* article to illustrate:

George’s mother died when she was 37 of breast cancer, leaving George at the age of 15 “devastated”. Her tie to her mother was so

strong that she became involved in paranormal groups and regularly attended seances to try to make contact. Vanessa George's need for more and more excitement suggests that her paedophile activities had become her way of holding herself together mentally, as an unconscious escape from what may have been her own abuse as a child at the hands of her own mother (Covington 2009).

Here George is painted as hurt and vulnerable, a victim of her own past trauma. The implication is that, had she not been exposed to such trauma, she would not have been subject to such unnatural inclinations. This is certainly not a portrayal available to men who sexually abuse children, irrespective of whether or not it may be relevant.

When the victim is a teenage boy, however, these two options are no longer as evident. When attractive women offend against teenage boys, there is a perceived absence of malice both from the direction of the female offender and the 'victim'. Not only is the boy in question likely to be envied for his precocious sexual experience at the hands of an older woman, the woman herself is often subject to very lenient sentencing outcomes, if indeed she is charged in the first place. In 2004, for example, Karen Louise Ellis, a 37-year-old female teacher from Melbourne "pleaded guilty to six counts of sexual penetration with a child under 16" (Courier Mail 2004). The judge awarded her a three year suspended sentence of twenty-two months on the condition that she not re-offend, based primarily on the testimony of her victim that he had initiated the relationship and sexual contact, in which she had been initially reluctant to engage. The *Courier Mail* article reports

the boy as stating that “I have been in a sexual relationship before Karen. At no stage has this affected my life.” Judge John Smallgood stated that the case was “greatly different” to other recent cases involving male teachers and their female students, because Ellis showed remorse and was clearly not a predator.

The disparities in sentencing between another case at the time – Gavin Hopper who was sentenced to prison for a sexual relationship ten years earlier with a 14 year old girl - did not go unremarked in the media.

He was a blond and suntanned physical education teacher who had a sexual relationship with a student. She was a blonde, suntanned physical education teacher who did the same. They were charged with similar offences and tried under the same legal system. He went to jail for a minimum of 27 months. She walked away with a 22-month suspended sentence. The outcry at the perceived gender bias in the treatment of former Melbourne schoolteachers Gavin Hopper and Karen Ellis has been matched by a crass and simplistic ‘it’s different for boys’ reaction (Gold Coast Bulletin Nov 12, 2004).

The implication taken from these disparate outcomes was that a female teacher having a relationship with a male student was not as bad as a male teacher having a relationship with a female student; moreover, that this was inappropriate both legally and morally. *eBaum’s World Forum*, graphically demonstrates the public perception that an older woman with an adolescent boy is perceived as subjectively different. The forum starts with a series of photographs of female

teachers who had been charged with sexually assaulting their students, all young, attractive and mostly blonde. The caption reads, "Some of 'em are actually good looking. It makes you wonder if some of your teachers or former teachers actually do that kind of thing". The following is a selection of responses:

"I would do 6 out of 9 of them."

"And where can I find some of these 'pedophiles'?"

"those lucky pupils hehe."

"Lucky kids."

"Man, if I was sexually 'abused' by a hot female teacher when I was 15 I'd be the last to press charges."

"The difference is that most guys want to meet a female pedophile when they're young. How come I never ran into any hot and horny teachers?"

Towards the end of the comments on this topic, a lone dissenter remarks: "So child rape is okay with you guys as long as the rapist is an attractive female?" to which one participant replied "How can something so wrong (child rape) make me want to high 5 the victim?" and another, "It would only be rape if the 15yr old kid didn't want to feel her boobs."

Interestingly for this discussion, there was such a public outcry against the outcome of Ellis's court case discussed above, that the Director of Public Prosecutions lodged an appeal on the grounds that the sentence was "manifestly

inadequate". The Appeal was upheld and Ellis was not only imprisoned for two years eight months but registered as a serious sexual offender (Angelides 2007).

What do we take from these contradictory public perceptions? We think there are two issues. First, there is the identification of children as sexually innocent. Due to this, sex which occurs too early in a child's development is argued to have the potential to do long term harm to the child. Related to this is the way in which sex acts as a demarcation between adulthood and childhood. Second, there are the differing subjectivities of the victims and the predators. The victim in Ellis's case gave evidence at the trial stating clearly and assuredly that he was not a victim, while the female victim of Hopper came forward a decade after the relationship, claiming to have been seriously harmed by the 'relationship' and clearly accessing the status of victim. Similarly, Hopper had a history of predatory sexual behaviour which Ellis did not (Angelides 2007).

By appealing to the moral temporality of sex and taboo, which theorises how morality shifts and changes according to who is engaging in the act, we hope to better understand how contemporary conceptions of body functionality and moral authority over sexuality come into play in current discourses concerning female sex offenders.

3. The moral temporality of sex and taboo.

Moral judgments about sex and what is considered taboo change over time, as do the kinds of justifications that are employed in support of changing moralities

(Hayes, et al. forthcoming 2011). What was once considered art, for example, may now be considered pornography, as was recently demonstrated with the censoring of renowned photographer Bill Hensen's images of young people, which had hitherto been lauded as art in some of the most prestigious print media in the world. Similarly, we now have the censoring of films from the 1970s such as "Bilitis" and "Emanuelle", both of which depict adult women in sexual acts with underage teens or children. In light of these shifts, we want to explore the ways in which some conceptualisations of "desire", "art" and "entertainment" may be "out of time" with current morality.

Morality shapes law over time, fabricating what tend to be fairly tenuous justifications from within socially constructed communities of practice that are subject to ongoing change. Words such as "sex", "desire", and "love" have become temporally dominated by heteronormative structures such as the family, marriage, reproduction, and longevity (where 'heteronormativity' refers to the normalising of heterosexual structures and relationships and the marginalisation of every other sexual practice that doesn't conform). We have argued elsewhere (Hayes et al forthcoming 2011) that the logic of these structures is inexorably tied to the heterosexual life-path, charting individual lives and relationships through explicit phases of childhood, adolescence and adulthood that, in the twenty-first century, delimit the boundaries of taboo surrounding sex and bodily performance more than any other time in history. Thus, an imaginary (and largely ad hoc) age-line has been drawn which demarcates children from adults. Within this conceptualisation, anyone who is labelled a child must not be exposed to the sexual mores of those who are on the other side of that line. The broad definition of "exposure" ensures

that any interaction between child and adult that even hints at sexuality must be suppressed before it corrupts absolutely. It should be noted, however, that not only does this age-line fluctuate legally between jurisdictions, but also tends to fluctuate according to gender, as our example above illustrates.

i) Childhood and sexuality

We suggest that an exploration of shifts in the age-line between child and adult will go some way towards unpacking these contradictions. The temporality of childhood has extended considerably over the past several centuries, at least in Western industrialised countries. According to historians such as Phillipe Aries (1973) childhood only came to be regarded as a distinct developmental phase in the 16th Century. Prior to that, children were regarded as small adults. Newman and Smith (1999) note that depictions of children in art during that period generally characterised children as “shrunk replicas of their parents,” with similar bodily proportions and dress. Children were also expected to act like adults, minding their manners, doing their fair share of work in the family, and generally acting independently in many ways. “The notion that children deserve special protection and treatment did not exist at this time. Children could be punished, and frequently were, for social transgressions with the same severity that adults were” (Newman and Smith 1999).

This treatment of children was based in part, on economic and social necessity. Infant and child mortality rates were high at this time, with plagues and diseases of all varieties running rampant in Europe. Emotional attachment to children wasn't a

viable option, and parents tended to have as many children as possible to “hedge their bets” (Newman and Smith 1999) The idea that children were vulnerable and needed protection didn’t become popular until much later; indeed, child labour was extensive in the latter half of the eighteenth and first half of the nineteenth centuries.

It wasn’t until industrialisation took a firm hold, making child labour an anachronism, that children began to be seen as objects of affection and care, rather than as objects of labour and economic benefit. People began having children for personal satisfaction, and by the twentieth century, childhood had become a time in which children were nurtured and loved for themselves, rather than for what they could return economically (Newman and Smith 1999). At the same time, children came to be seen as completely different to adults, as innocent and essentially uncorrupted. Children became something to be cherished and protected from harm in order to grow and develop into responsible and productive adults. The emotional and intellectual naivete of children was recognised as central to this attitude, and by the latter decades of the twentieth century, children had achieved a status of vulnerability unrivalled in any other era.

This notion of the child as susceptible extends beyond mere physical protection to encompass sexual vulnerability as well. The heteronormative governing of families and individuals depends in part upon the capacity of the family and other institutions to keep children naïve. Children are stripped of their sexuality to such an extent that they have become altogether asexual. Indeed, the association of sex with children is regarded as obscene, dangerous and taboo. Children are

viewed as incapable of understanding and consenting to sexual activity and so are removed from sexuality altogether. Moreover, childhood has now extended into the teenage years via the concept of adolescence. The construction of adolescence as a transitional period has extended, over the past several decades, to later and later ages. In the 1970s, for example, it was common for young people in Australia to leave school and seek paid work at age fifteen. Only a select few stayed on to finish high school and even fewer moved into tertiary education. By the 1990's, however, almost all young people were completing year 12 at high school and an increasing number were moving onto higher education (Carrington 2010).

There are several related reasons for this extension of adolescence. The exponential development of technology has meant that young people are required to have higher levels of education than ever before in order to be able to participate in the work force. It also means that young people are offered more opportunities for travel and other educational experiences that extend their knowledge and understanding of how the world works. Work and occupations have taken on much more formality over the past two decades, with the burgeoning of technical and further education colleges providing courses for almost every imaginable occupation, including even lower level employment such as retail assistance and hospitality – occupations that were previously learned on-the-job (EIU 2008). The construction of adolescence as a transitional period has therefore been extended to coexist with the period of compulsory and higher education. The increased intellectualisation of occupations has created a market for itself, making it difficult for young people to compete in the job market unless

they have the relevant “qualifications”, requiring more and more that they move into post-compulsory education and further delaying their entry into the workforce and adulthood (EIU 2008).

This extension of adolescence into the third decade of life is accompanied by a reconfiguring of sex and sexuality for young people in that generation. Whereas in previous centuries, young women often married in their teens, today they are expected to get an education and move into the workforce before committing to a life partnership and children. Sex and sexuality, then, have become topics of controversy, especially concerning the age at which a young person is considered mature enough to engage in a sexual relationship. In most Western countries, the age of consent has been set at sixteen for heterosexual intercourse and between sixteen and eighteen for homosexual anal intercourse (AVERT 2009) supposedly based upon the incapacity of younger people to make an informed choice about entering into sexual activity. But these temporal delineations are not meant to apply to sexual activity between young people of the same age. Sexual activity between children and between adolescents of similar age may be frowned upon, and considered precocious, but it is not criminalized (Waites 2005). Sex between the ‘underaged’, while the subject of much preventative activity (in the form of sex education and institutionalised moral sanctions), is seen as folly, excusable and even understandable. Young people are ‘risk-takers’ who cannot be held accountable for their actions and must therefore be objects of paternalistic intervention (Bennett 2007).

On the other hand, sex between the underaged and adults is taboo of the highest order. Sex between children (of relatively similar age) is acceptable because it is regarded as innocent exploration, possibly based on a lack of knowledge and understanding, and focused on curiosity and sheer desire. Sex between adults and children is seen as a power imbalance that necessarily disadvantages and exploits the child. The younger participant is regarded as incapable of reasonably consenting to the interaction, and is therefore vulnerable, a victim. The older, adult participant is seen as wielding all the power in the interaction and is therefore cast as predator (Kinnear 2007). The issue of whether a child under sixteen is capable of giving informed consent is a difficult one. Consent is differentially defined temporally and geographically. In some jurisdictions, for example Japan, the age of consent is thirteen (AVERT 2009). Clearly the Japanese adolescent is considered capable of giving informed consent, where the Australian teenager is not. This difference in cultural values and beliefs about sex gives us some indication of the relative arbitrariness of the age-lines drawn between childhood and adulthood, especially where sexual activity across generations is concerned. While it helps us to understand the historical context of our current moral panic about sex and children, it does not really explain why we understand the victim of sexual abuse differently, depending on the gender of the predator.

ii) Body Functionality and Sexual Performance

The relationship between child victim and adult predator in the previous discussion, exists to a large degree because of the role of feminism in identifying the problem of sexual abuse in society. In their formulation, as we have already discussed, the issue of power and victimisation was premised on the

predator/abuser being a male and the victim being a female. How useful is this understanding of intergenerational sex when the offender is a young woman and the victim an adolescent boy?

Gendered sexual performances are embedded in cultural norms about sexuality and reflect gendered stereotypes and behavioural expectations. Traditional masculine roles prioritise independence, assertiveness, and sexual exploration, as well as a “bodily centred set of sexual scripts” which see sexual activity as directed toward “self pleasure and tension release” rather than relationship affirmation (Wiederman 2005, 497). Men are perceived as naturally more aggressive and have the active role in sexual relationships. It is difficult to perceive men as sexually reluctant or as victims of sexual coercion or assault (Denov 2003). In contrast to the traditional masculine script, the traditional feminine script is one that emphasises idealism, passivity and virtue. Feminine gender roles are based more on behavioural restraint and personal control. Historically, the current notions of femininity arose during the eighteenth century when middle class women chose to take on the habitus of the upper class: ease, restraint, calm and luxurious decoration. Passive and dependent, physically frail and asexual, they display “divine composure”: silent, static, invisible and composed (Skeggs 1998). There was in fact a division between the feminine and the sexual. This has implications for feminine sexual scripts. She is sexually passive and innocent, sexually harmless and neither sexually aggressive nor an initiator of sex (Weiderman 2005). Her role is to influence men to avoid sex – she is the sexual gatekeeper.

Prior to the 17th century however, such understandings of the body functionality of women and men were unknown. From the 2nd century, all people were believed to be on a gradient from male to female characteristics, depending on the amount of “humoral life essence” within each individual. Sex, while good for both men and women, was more important to women’s good health than to men’s. Excessive loss of heat through sex for men could be debilitating, while for women the reverse was true, with “the green sickness, hysteria and a range of debilitating conditions cured by heterosexual sex or masturbation” (Hitchcock 1997:43). Women were believed to be more lustful and physically desirous of sex than men, from whom they gained the hot and dry essence of male semen. It was only with the decline of humoral understandings of medicine and body functionality, between 1670 and 1820, that the idea of a natural sexual differentiation between men and women was conceived. In fact, only from the late 18th century would it be normal for men and women to find each other “naturally attractive” (Hitchcock 1997,5). Indeed it wasn’t until the nineteenth century that medical practitioners documented for the first time the ‘anomaly’ that women need not experience orgasm to procreate and conceive (Lacquer 1990). This gave rise to a new understanding of sex devoid of female orgasm, and discourses about sex at that time reorganised around the knowledge that male sperm was the ‘active’ factor in the procreative process (Hitchcock 2002,190). This understanding of procreative sex as not necessarily a vehicle for women’s pleasure was ossified in Victorian understandings of femininity from the 19th century (Rosenman 2003,7). In the space of a century, women went from being lustful and full of a barely controlled desire, to sexually numb and passive. In contrast, men, who had begun the century thinking that they could easily control their sexual desires, “due to their greater rationality and mental

strength”, and that they had a duty to do so, “ended the period being told that their sexual desires were largely beyond their control” (Hitchcock 1997,100).

In a similar fashion there has been a shift in the body functionality of children in the past 300 years: from sexual knower, to sexual danger to sexual innocent; and this has demonstrated a change in the ways in which the relationship between children and sex have been understood. In the court of Henry IV, the innocence of children was their protection from the corruption of sex. Children were assumed to be interested in sexual pleasure and to have sexual knowledge but not to be harmed by it (Aries 1986). In Victorian England, the innocence of children was a battle with the sexual instinct, which was always on the verge of erupting. Children were innocent until they had sexual knowledge, then they were a threat to be managed (Egan and Hawkes 2009). In modern society, any relation between children and sex is a problem. Healthy children are asexual. Children with sexual knowledge are victims. Healthy asexual children are afforded the protection of the innocence of childhood. Children with sexual knowledge are damaged goods. There is no place, in this new configuration, for a discussion of the body functionality of children in sexual terms (Kaye 2005).

These recent and modern ways of understanding the body functionality of children and of men and women are played out in the case of Karen Ellis and the successful appeal against her sentence, discussed above. Angelides (2007) suggests that this debate and the subsequent Appeal infantilised the young male participant – that it took away his active masculine performance and attributed a childishness to his relationship with Ellis that was not warranted (Angelides 2007).

In contrast, the initial court hearing appeared to infantilise the female perpetrator; represented to the court as a passive receptacle of the young man's desire, she was positioned as someone who was pressured into the union against her better judgment. This view of Ellis allowed the presiding judge to conclude that she was not a predator and to sentence her accordingly. But child abuse prevention spokespersons – and some media, including *A Current Affair* – found that characterisation difficult to stomach, insisting that the underage participant is always the victim, and that *anyone* who has sex with a young person is a predator (Angelides 2007). These competing explanations for inter-generational sex between a young woman and an adolescent boy are based on very different conceptualisations of sexual performance in our society, a performance linked with current medical understandings of body functionality and gendered notions of subjectivity. On the one hand, the victim is a child, under the age of sexual consent and she is a married woman, with a duty of care. On the other, we have a child who is sexually mature and experienced, and who admits to initiating the sexual relationship. If the genders were reversed, we would be unlikely to contemplate the ambivalence of the harm. Perhaps it is the case, as Nelson and Oliver (1995) noted that the gender of the participants is always central to the experience.

iii) Harm, Subjectivity and Gender

The way bodies are governed in Western society tells us a lot about what is expected of individuals. Bodies function to normalise (Grosz 2004) and they are normalised through the consumption of clothing and related products such as

beauty services, sports gear, gyms, fashion. Young people become aware of the impulse to normalise and the disciplinary control required to achieve normality at a very young age through socialisation from parents, peers and the media. Perhaps most confusingly, in the same era when children's sexuality has been obliterated and sexual activity with children criminalised, the production and marketing of consumer goods aimed at children – especially clothing, music, video clips and cinema – have both sexualised children's bodies and exposed them to overt displays of adult sexuality. Dressed as imitation adults and engaged in a highly sexualised popular culture, children's bodies – especially girls - function as objects of desire while at the same time being objects of taboo. This same ambiguity is revealed when women pop stars cultivate "a school girl look" or when adult models wear children's clothes as the "latest fashion" (Thomas 2005). When young women reach puberty, and their adult bodies are revealed, the line between child and adult becomes more blurred but also more heavily policed as the taboo between adult and adolescent sex is strengthened. Pubescent young women are suggestive of sex and all that it accompanies, and must therefore be protected from it at all costs.

It is certainly the case that young women have been regarded as particularly vulnerable to sexually transmitted diseases and pregnancies as well as the emotional trauma and psychological harm that comes from unwanted sexual intercourse (ref). In contrast, as the commentators on the female paedophiles forum discussed above certainly make clear, boys are not harmed in the same way by sexual contact with adult females. In fact, boys should seek out such alliances. We suggest that this discrepancy has less to do with girls being more

vulnerable than it has to do with subjective experiences of masculine sexual performance. Boys are alerted to the need to conform to this performance from an early age; indeed, the male paedophile is characterised as masculine performance taken to the extreme, particularly with respect to 'predatory sexuality'. It may be this reason why boys who are sexually abused by a male offender will be assumed to have been harmed, possibly irrevocably, while the boy who is sexually assaulted by a pretty woman is not. The young female teacher is not regarded as a predator because predatory proclivities are not a characteristic of femininity – rather, it is her feminine bodily performance that requires the young male student to succumb, lest he be thought of as less than masculine. The same does not apply to young female students because, no matter how attractive her male assailant, his masculine sexual performance enables him to inhabit the role of sexual predator. In fact it is the only role available to him. We suggest it is this attribution of masculine body functionality and performance that ascribes the personae's of victim and assailant.

In fact research into girl's sexuality has noted a focus on sex education via discussions of pregnancy and contraception and a subsequent silencing of any discussions about sexual pleasure and/or desire. Tolman (1994, 88) argues that despite the real gains by feminism in reproductive rights and sexual liberation, "the tactics of silencing and denigrating women's sexual desire are deeply entrenched". In fact, according to Tolman (1994) sex education curricula name male adolescent desire and teach girls to "recognise and keep a lid on the sexual desire of boys" while failing to acknowledge or even recognise the sexual feelings of the girls. Similarly, Fine (1988) noted that adolescent girls sexuality was acknowledged by

adults in schools but in terms that denied the sexual subjectivity of the girls. There was, according to Fine (1988) “a missing discourse of desire”. Thorne and Luria (1994, 81) recognise that sexuality is differently learned for adolescent boys and girls. “Girls emphasise and learn about the emotional and romantic before the explicitly sexual.” For boys the sequence occurs in reverse. “Commitment to sexual acts precedes commitment to emotion laden, intimate relationships and the rhetoric of romantic love.” Moreover, the focus on appearance in pre-adolescent girls, where girls remark on their own and others looks long before they talk about the appearance of boys, has been linked with “the pattern of performing and being watched” in later female sexual expression (Thorne and Luria 1994, 81).

Adolescent female sexuality mixes in desire and sexual feelings with fear and risk, particularly a fear of pregnancy and a loss of reputation. According to Tolman (1994) our current society denigrates and suppresses female sexual feelings but also heightens the dangers of girls’ sexuality. This feminising process continues through adolescence and into adulthood to such an extent that it has become unclear where adolescence stops and adulthood begins. Popular culture lauds youthful beauty. Thus, the pretty young female teacher – far from being a predator – is still an adolescent in the eyes of the world, and when she engages in sexual acts with adolescent boys, she is merely engaging in what is perceived as a peer relationship. As Kimmel and Plante (1994) identified in their research on the sexual fantasies of men and women, whether or not they were active or passive in their fantasy, women always experienced the fantasy as passive while men always experienced the fantasy as active. Such measures of activity and passivity seem to speak to measures of interpersonal sexual power. “By casting themselves as

fantasy objects of desire, with less visible sexual agency, women may ultimately be less able to exert sexual desires” (Kimmell and Plante 1994,133).

The feminisation and sexualisation process achieves two results – it infantilises her to the extent that she remains vulnerable even into adulthood; second, it relegates her to passivity, specifically sexual passivity, which in turn absolves her from both intent and even, we might argue, from desire itself. The fact of her youth and beauty outweighs the fact of her position of power over the student. She embodies all that is truly powerful in our society – youth, beauty, health – and that power reigns to such an extent that it overrides any obligations she might have as a teacher and mentor. To condemn her as a predator would be to ascribe masculine characteristics to a figure that is clearly the paradigm of successful femininity. The feminine nurtures, is placid and giving. She ‘succumbs’ to the advances of her male student, her reluctance just one more admirable characteristic of her femininity. But her femininity is not used to entice – rather it is evidence that even as an adult she must be the victim in the encounter. The man-child must be the initiator, never the victim.

While not so subject to sexualisation, young men are suggestive of sex in other ways, including the adolescent (and pre-adolescent) push for boys to embrace masculinity and all that entails. The primary manifestation and demonstration of masculinity is an overt attraction to girls and women, with little differentiation being made between the two. Recent media attention to the ‘cougar’ – the older female sexual partner of a younger man – demonstrates this nicely. Here we are presented with positive images of older women as assertive sexual beings,

capable of being sexually coveted by much younger men, who perceive their experience and maturity as a plus in the sexual stakes. Adolescents and young men are given the message that having sex with an older woman is something to be prized; it is unsurprising, then, that the cougar has been adopted as one of the ultimate prizes of successful masculinity. The contradiction between these discourses on intergenerational sex and the discourses of child abuse are sharp, while the delineation of what has become taboo for the adolescent male is becoming more and more blurred.

This tension between desire and taboo creates an undercurrent of distrust surrounding young girls while at the same time blurring the line for boys. The mistrust surrounding girls speak to their sexual potential as well as to the perceived inability of adults – particularly male adults – to regard young bodies as anything but sexual. That men may recognise young girls as potential sexual partners suggests

4. Conclusion.

The enactment of the age of consent legislation defined for the first time appropriate inter-generational sexual relations both inside and outside the home. In England it was not until 1861 that the *Offences Against the Persons Act* established twelve years as the age of consent for young women as a means of protecting them against the harm of sexual exploitation (Smart 1992, 25). Interestingly, boys were specifically excluded from this act even though they too might have been defined as children and open to the harm of exploitation under

the age of twelve (Smart 1992, 26). Further changes were made to increase the age of consent to sixteen through the *Criminal law Amendment Act* of 1885. Colonial Australia followed a similar pattern and in New South Wales, for example, the *Criminal law Amendment Act* of 1883, raised the age of consent to fourteen while the *Crimes (Girls Protection) Bill* was passed in 1910, further raising the age of consent to sixteen. However, this later Act specifically excluded girls of fourteen or fifteen from its protection if they looked over sixteen (Allen 1990, 63, 79). In South Australia, the *Criminal Law Consolidation Act* raised the age of consent to thirteen and an amendment to that act in 1885 raised it to sixteen. In Victoria, the *Crimes Act* of 1891 raised the age of consent from twelve to sixteen. In Queensland and Western Australia, the *Criminal law Amendment Acts* raised the age of consent from twelve to fourteen in 1891 and 1892 respectively. Tasmania raised the age of consent to eighteen in 1924 through the *Criminal Code Act* (Bavin Mizzi 1995, 20).

As Finch (1991, 20) identifies, these laws emerged as the direct result of a desire to demarcate the social age barriers at which a person could be considered and treated as a child, as well as demarcating a line between the sexual and non-sexual person, with the non-sexual child being “out of bounds” as a sexual partner. In such a cultural and social context, all representations that acknowledge children’s sexuality are subject to legal sanctions. However, such a demarcation also serves as a boundary separating childhood from adulthood. The belief that sex under the age of sixteen is morally damaging, unnatural and psychologically harmful, makes a number of modern assumptions, not only about the sexual innocence of children, but also about the incapacity of the family to protect the

child, based on a failure of the parent, normally the father, to have internalised this social taboo (Finch 1991, 28). Such a clear demarcation also serves to deny any discussion of children's rights or needs as sexual beings. Sexually innocent (read unknowing) children can only be traumatised by exposure to sex prior to the age of consent.

Thus, the condemnation of child sex offences, including the post-custodial regulation of paedophiles, is based on three assumptions – that all children are naïve and sexually vulnerable, that adults always desire young nubile bodies, regardless of age, sex, or context, and that men in particular cannot be trusted to contain that desire. The resulting legal moralism that criminalises sex between adults and children is designed to ensure that adult desire is controlled and sanctioned where necessary, and that children will remain innocent of sex and sexuality for as long as possible. The fact that most of this legal moralism focuses on male perpetrators, however, suggests that the adult female is not *essentially* or even inclined to be predatory; rather, she is also subject to the same sexualisation and feminisation imposed upon girls and young women. Indeed, she cannot escape these essentialising functions.

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