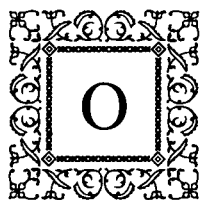


Separating the Men from the Boys: Masculinity, Psychosexual Development, and Sex Crime in the United States, 1930s–1960s

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ON 21 March 1937, the body of a nine-year-old girl was found in a burlap bag on a stoop in Brooklyn; within hours a twenty-six-year-old barber confessed to her rape and murder. Two similar crimes occurred in quick succession four months later. First, a recently released sex offender raped and murdered an eight-year-old girl in the basement of her family's Brooklyn tenement. Two weeks later, a thirty-nine-year-old painter strangled a four-year-old girl in Staten Island after an attempted rape.¹ The press associations picked up the stories of the crimes and distributed them to newspapers throughout the United States. Sex crimes were also featured in radio news broadcasts. Those media reports provoked general articles on sex crime in weekly and monthly periodicals, as well as feature articles and series in newspapers. The pattern in which a sensational crime provoked a broad discussion of sex crime repeated itself regularly from the late 1930s into the 1960s, giving concerns

1. *New York Times*, 21 March 1937, p. 24; 1 August 1937, p. 23; 9 August 1937, p. 1; 14 August 1937, p. 30; 15 August 1937, p. 1.

An earlier version of this article was presented at the Annual Meeting of the American Studies Association in 1997. A Doctoral Dissertation Fellowship from the American Bar Foundation provided time for research and writing. The article has been substantially improved by the comments of Alice Kessler-Harris, Jennifer Mnookin, and Martin Summers, and has been made possible by the support of Delwyn Elizabeth and Cleo Elizabeth-Robertson.

about sexual violence a prominent place in the media and in popular culture. A type of offender labeled the “sexual psychopath” came to dominate efforts to explain and eradicate sex crime. His story, as Estelle Freedman, George Chauncey, and Philip Jenkins tease it out in their insightful analyses, is one of uncontrollable impulses that psychiatric experts alone could identify and treat.²

But that is only part of the sexual psychopath’s story. The mid-century discussions of sex crime also identified the sexual psychopath as sexually and emotionally immature and offered a variety of prophylactics to prevent boys from developing such uncontrollable impulses and immaturity. The sexual psychopath’s origins lay in a childhood in which his relationships with his parents, or traumatic sexual experiences, arrested or distorted his development toward maturity, and left him with neither adult control nor adult sexual desires. The key to preventing such immaturity lay in child-rearing practices. Parents had to provide their sons with sex education and avoid responding to the boys’ sexual problems with severe reprimands or embarrassment, offer an adult male for them to identify with, avoid overprotective mothering, and protect their sons from sexual encounters with adult men.

I argue here that these neglected elements of the story of the sexual psychopath are crucial to its appeal as an explanation of the behavior of sex offenders and to the appeal of psychiatric discourse about sex crime generally. Existing accounts of the sex crime panic have tended to assume that the sexual psychopath’s prominent place in the response to the sex crime panic reflected the political power and status of the psychiatric profession. I argue that the prominence of the sexual psychopath also reflected the extent to which psychiatrists succeeded in building around him a compelling account of sex crime. The story of the sexual psychopath relied on a new developmental framework for understanding masculinity and sexuality. This concept of psychosexual development, which had been gradually taking shape since the late nineteenth century, held that sexuality appeared in early childhood and developed through a series of stages in a gradual,

2. Estelle Freedman, “‘Uncontrolled desires’: The response to the sexual psychopath, 1920–1960,” in Kathy Peiss and Christina Simmons, eds., *Passion and Power: Sexuality in History* (Philadelphia: Temple University Press, 1989), pp. 199–225; George Chauncey, “The post-war sex crime panic,” in William Graebner, ed., *True Stories from the American Past* (New York: McGraw Hill, 1993), pp. 160–78; Philip Jenkins, *Moral Panic: Changing Concepts of the Child Molester in Modern America* (New Haven, Conn.: Yale University Press, 1998), pp. 49–93.

continuous process. Psychiatrists drew on the concept of psychosexual development to explain sex offenders' choice of children as victims as the product of the immaturity they shared with the young: men were drawn to individuals like themselves in terms of their development. Psychiatric explanations also successfully incorporated two competing figures, the older figure of the "dirty old man" and the newer specter of the sinister homosexual, into the ranks of sexual psychopaths. Both the dirty old man and the homosexual man possessed immature desires and lacked mature control of their desires, the former as a result of a regression to an earlier stage of development brought on by senility, the latter as a result of a failure to move beyond the interest in the same sex that characterized the early adolescent stage of development. The concept of psychosexual development also allowed psychiatrists to effectively whitewash the sexual psychopath, to ensure that he did not undermine the figure of the bestial black rapist that justified the incarceration or killing of African-American offenders. An immature sexuality was a normal characteristic of African-Americans, psychiatrists argued, a product of their race, rather than of arrested development. As a result, African-American offenders could not respond to the psychiatric therapies that, by helping sexual psychopaths complete their sexual development, ensured that such men would not again commit further sex crimes. Finally, psychiatrists elaborated a program to prevent the development of another generation of sexual psychopaths by ensuring the "normal" psychosexual development of boys.

Recognition of the importance attached to the sexual and emotional immaturity of the sexual psychopath adds a further dimension to his role in the history of masculinity in the modern United States. I argue that the new perspective on sexual behavior provided by the concept of psychosexual development played a crucial part in adjusting and maintaining the twentieth-century notions of masculinity in the changing contexts of the Depression and the Cold War. Approached in terms of the maturity of their sexual behavior, neither men who raped adult women nor young men who had intercourse with adolescent girls exhibited the immature desires that characterized the sexual psychopath.

The figure of the sexual psychopath and the concept of masculinity both relied on the concept of development to a degree that highlights the growing importance of age as a prism that shaped how twentieth-

century Americans saw gender, sexuality, and identity. It has become second nature for historians to consider race, class, and gender as crucial components of identity and as the basis on which Americans categorized behavior. Scholars of the modern period need to add the category of age to that framework. In the twentieth century, age acquired social meaning, in the process affecting attitudes, behavior, and the ways in which individuals related to each other. Americans increasingly looked to an individual's age, as well as to his or her race, class, and gender, to determine sexual identity and the meaning of sexual behavior.

This article begins by tracing the emergence of the concept of psychosexual development in mental hygiene and reform discourses about male identity and sexuality in the first two decades of the twentieth century. Physicians, psychologists, psychiatrists, and social reformers advancing the concept faced strong resistance into the 1930s. The sex crime panic added weight to their proselytizing efforts. In the second section of the article I analyze the importance attached to the concept of psychosexual development in discussions of the sexual psychopath. First, I explore how psychiatrists relied on the concept of development to explain the sexual psychopath's uncontrolled impulses and his choice of child victims. Then I examine how the notion of psychosexual development provided the basis on which psychiatrists incorporated competing figures into their accounts of the sexual psychopath. Finally, I discuss how mental hygienists formulated programs that aimed to prevent boys from developing into sexual psychopaths. The third section examines how the framework of psychosexual development helped contain the threat to ideals of virile, aggressive masculinity posed by the anxieties about male sexuality expressed in the panic.

REFRAMING MALE IDENTITY: THE EMERGENCE OF
THE CONCEPT OF PSYCHOSEXUAL DEVELOPMENT IN THE
TURN-OF-THE-CENTURY UNITED STATES

Nineteenth-century Americans typically imagined manhood in opposition to boyhood. Middle-class and skilled men possessed a reason and control over their impulses that contrasted with the rough, impulsive, and irresponsible nature of boys.³ Historians of masculinity have

3. For the manhood of middle-class men, see E. Anthony Rotundo, *American Manhood: Transformations in Masculinity from the Revolution to the Modern Era* (New York: Basic Books,

long argued that the breakdown of that opposition was one of the crucial late nineteenth-century transformations that ushered in the modern concept of masculinity. The new concept of male identity emphasized ideals like aggression, physical prowess, and sexual virility rather than the character, strength of will, and emotional and sexual self control that had constituted the nineteenth-century notion of manliness.⁴ Peter Filene's early version of that argument concentrated on the way a narrower opposition between masculinity and femininity took the place of the opposition of manhood and boyhood.⁵ More recently, Anthony Rotundo has offered a more developed account in which boyhood does not simply drop out of the definition of male identity in the move to a concept of masculinity. He argues instead that the collapse of the opposition between boyhood and manhood produced a new, more continuous relationship between them, with the traits of boyhood incorporated into masculinity. Where nineteenth-century boyhood and manhood had little relation to each other as phases of life, with no clear path from one to the other, in the early twentieth century they developed a more "natural connection" as "different phases in the unfolding of the very same male essence." Rotundo sees that new relationship reflected in and structured by "a new set of developmental customs," such as clothing for boys distinct from that worn by girls, an age-graded education system that created a ladder of ascent with rungs that marked precise points on the journey to manhood, and extracurricular activities for boys shaped by men to foster the 'boyish' habits they saw as crucial to masculinity.⁶

Rotundo is describing the emergence of a developmental concept of male identity, but he and other scholars of masculinity neglect not

1993); for the manhood of skilled workers, see Ava Baron, "An 'other' side of gender antagonism at work: Men, boys, and the remasculinization of printers' work, 1830–1920," in Ava Baron, ed., *Work Engendered: Toward a New History of American Labor* (Ithaca, N.Y.: Cornell University Press, 1991), pp. 47–55.

4. For an eloquent account of the rise of the concept of masculinity to eclipse notions of manliness, see Gail Bederman, *Manliness and Civilization: A Cultural History of Gender and Race in the United States, 1880–1917* (Chicago: University of Chicago Press, 1995). See also Rotundo, (n. 3) *American Manhood*, pp. 222–83.

5. Peter Filene, *Him/Her/Self: Sex Roles in Modern America* (Baltimore, Md.: Johns Hopkins University Press, 1974 [rprt. 1986]), p. 93. For recent statements of this argument, see Michael Kimmel, *Manhood in America: A Cultural History* (New York: Free Press, 1996), pp. 119–20; and, in regard to Europe, Angus McLaren, *The Trials of Masculinity: Policing Sexual Boundaries, 1870–1930* (Chicago: University of Chicago Press, 1997), p. 33.

6. Rotundo, (n. 3) *American Manhood*, pp. 256–62.

only the medical and psychological ideas that brought that concept into sharp focus, but also the child protection and social reform movements that helped constitute and disseminate those ideas. In the second half of the nineteenth century, the explosion of information about physiological and cognitive development in human beings stirred by the Darwinian revolution began to transform understandings of childhood. In the United States that transformation manifested itself first in a new concern with physiological development, a concern that saw children's bodies in terms of motion, with a physiology directed toward growth that was in stark contrast with the more static physiology of adults. By the 1870s physicians' recognition of the distinctive bodies of children had led them to establish children's medicine as a separate specialty, pediatrics. Pediatricians progressively refined their theories about growth into a formalized conception of stages of development in childhood, fixing age norms to growth stages and specific diseases.⁷

Only after the 1880s, when the pioneering work of psychologist G. Stanley Hall spurred the emergence of the child study movement, was attention focused on cognitive development in the United States. The psychology produced by child study derived from observational studies that focused on children's language, emotions, and play. Researchers sought "the 'nascent periods' of the various powers and interests of the mind, the schedule of times at which they grew most rapidly and hence were most impressionable," information that would be useful to educators.⁸ In shaping this material, Hall relied on recapitulation theory, the notion that the child's development literally repeated the evolutionary path of its ancestors, from primitive to civilized, and divided childhood into several broad stages.⁹ He came to focus on the last of those stages, adolescence. Hall painted the teenage

7. For the new attention to biological development, see Carolyn Steedman, *Strange Dislocations: Childhood and the Idea of Human Interiority, 1780–1930* (Cambridge, Mass.: Harvard University Press, 1995), pp. 5, 71–76; and Susan Tiffin, *In Whose Best Interest? Child Welfare Reform in the Progressive Era* (Westport: Greenwood Press, 1982), p. 20. For the development of pediatrics, see Howard Chudacoff, *How Old Are You? Age Consciousness in American Culture* (Princeton, N.J.: Princeton University Press, 1989), pp. 44–45.

8. Dorothy Ross, *G. Stanley Hall: The Psychologist as Prophet* (Chicago: University of Chicago Press, 1972), p. 305. For an insightful discussion of the development of child study, see Denise Riley, *War in the Nursery: Theories of the Child and Mother* (London: Virago, 1983), pp. 42–59.

9. For recapitulation theory, see Riley, (n. 8) *War in the Nursery*, pp. 44–48; and Bederman, (n. 4) *Manliness and Civilization*, pp. 94–120. For Hall's stages of development, see Ross, (n. 8) *Hall*, pp. 314–15, 326–34.

years as a distinct phase of life initiated by puberty, a physiological change that brought a “rapid spurt of growth in body, mind, feelings and a new endowment of energy,” broke up the stable personality of the child, and initiated a period of storm and stress. One of the upheavals of adolescence was the appearance of heterosexuality. Hall’s vision of sexual development coupled physiological maturity with psychological immaturity, and posited sexuality as a deep, unconscious instinct that the child did not understand.¹⁰

This early child psychology found an audience not only among educators and middle-class parents, but also among early twentieth-century social reformers. Hall’s picture of adolescent sexuality offered reformers an explanation for the conspicuous display and expression of sexuality by teenage working-class girls that they increasingly encountered in American cities, behavior that established explanations such as seduction and “white slavery” could not explain.¹¹ By the First World War, the psychological immaturity of teenage girls and their consequent lack of responsibility for their sexual behavior figured prominently in reformers’ rationales for the continued prosecution of men for statutory rape. Purity reformers’ new view of teenage girls as psychologically immature also caused many to shift their energy from campaigns against white slavery to preventive reforms. Efforts to prevent girls from becoming sexually active ranged from sex education and the regulation of amusements to intervention by women police and social workers and laws to bolster parents’ ability to discipline their daughters.¹²

In the 1920s, psychiatrists in the mental hygiene movement drew on psychoanalysis to elaborate a more fully realized concept of psycho-

10. G. Stanley Hall, *Adolescence*, 2 vols. (New York: D. Appleton, 1904), *I*, 314, 326, 370–71; *II*, 120–21. Quote on *I*, 314.

11. For examples of reformers deploying the trope of physiological maturity coupled with psychological immaturity, see Robert Woods and Albert Kennedy, eds., *Young Working Girls: A Summary of Evidence from Two Thousand Social Workers* (Boston: Houghton Mifflin, 1913), pp. 8–9; Ruth True, *The Neglected Girl* (New York: Russell Sage Foundation, 1914), p. 58; and the discussion in Stephen Robertson, “Sexuality through the prism of age: Modern culture and sexual violence in New York City, 1880–1950” (Ph.D. diss., Rutgers University, 1998), pp. 224–29.

12. For reformers’ rationales for statutory rape, see, for example, Emily Blackwell, “Age of consent legislation,” *The Philanthropist*, 1895, 10 (2), 2; “Age of consent discussion,” *Vigilance*, 1913, May, pp. 20–22; and the discussion in Robertson, (n. 11), pp. 141–52, 160–61, 228. The shift in purity reformers’ energy from white slavery to sex education is evident in the pages of their leading journal, *Vigilance*. For details of the preventive reforms pursued by social reformers, see Ruth Alexander, *The Girl Problem: Female Sexual Delinquency in New York, 1900–1930* (Ithaca, N.Y.: Cornell University Press, 1995), pp. 41–47.

sexual development that married the new concerns with physiological and psychological development. Part of the turn-of-the-century movement of psychiatry out of the asylum, mental hygiene drew its conceptual basis from dynamic theories of mental illness that focused on functional disorders of the mind and emotional maladjustment rather than on physiological conditions. Mental hygienists also employed Freudian psychoanalytic theories that emphasized the significance of childhood experiences in shaping adult personality. The mental hygiene movement emphasized the maintenance of mental health, aiming, as one of its leaders put it, “to reinforce the weak points in character.” True to its psychoanalytic roots, mental hygiene placed sexuality at the heart of child development. Psychiatrists in the movement abandoned Hall’s notion of puberty as the transformation that introduced sexuality into childhood, and instead endowed children with manifest, unique forms of sexuality that emerged progressively throughout childhood as preliminaries to sexual maturity. Any sexual problems in childhood threatened to truncate or distort that process and do lasting damage to an individual’s personality.¹³

By the late 1920s, mental hygiene’s concept of psychosexual development had reached middle-class parents, reformers, social workers, and policy makers, all increasingly concerned about problem children and receptive to expert advice, and was applied to boys as well as to the girls who had earlier preoccupied reformers. Extensive newspaper coverage of the murder of fourteen-year-old Bobby Franks by wealthy teenagers Nathan Leopold and Richard Loeb in 1924 focused attention on the consequences of sexual problems in childhood and on psychiatrists’ advice about how parents might prevent them or limit their impact. Clarence Darrow’s famous efforts to save Leopold and Loeb from execution relied on the testimony of leading mental hygienists William Alanson White and William Healy. The testimony of the defense psychiatrists emphasized how loneliness, sexual and emotional abuse by strict governesses, and the death of Leopold’s mother had “warped” their childhood and led them to develop the abnormal mental lives and sexual practices that eventually drew them

13. Riley, (n. 8) *War in the Nursery*, pp. 62–64; Kathleen Jones, *Taming the Troublesome Child: American Families, Child Guidance, and the Limits of Psychiatric Authority* (Cambridge, Mass.: Harvard University Press, 1999).

to murder.¹⁴ The concept of psychosexual development was also disseminated by mental hygienists working in child guidance clinics, where they built relationships with juvenile courts, social welfare agencies, and schools as well as individual families, and by those writing for popular audiences.¹⁵ The growing influence of mental hygiene on social reformers and policymakers also produced new legal categories shaped by the concept of development. The New York State Legislature, for example, enacted a carnal abuse statute in 1927 that criminalized acts that in light of the concept of psychosexual development appeared to be both sexual and harmful: practices with a child's genitals and genital acts that did not involve penetration. The legislature later amended that law to provide harsher penalties for acts committed on children under ten years of age than for acts on those between ten and sixteen years old, and to protect boys as well as girls.¹⁶

The tone of the advice offered by mental hygienists and their promoters suggests they encountered significant resistance to their ideas. William Alanson White's popular text *The Mental Hygiene of Childhood* is only one of many authored by mental hygienists that display frustration at Americans' persistent refusal to acknowledge that children possessed a sexuality: "They do not believe it is so because they do not want to believe it," lamented White, before urging, "Sexuality needs to be recognized if for no other reason than because it *is* and it cannot be dealt with by refusing to see it."¹⁷ A refusal to adopt the notion of psychosexual development can also be glimpsed in the practice of child guidance clinics and in prosecutions for the new offense of carnal abuse. Psychiatrists in child guidance clinics often found parents unwilling to talk about the sexual behavior of their children and not prepared to accept advice that behavior

14. Paula Fass, "Making and remaking an event: The Leopold and Loeb case in American culture," *J. Am. Hist.*, 1993, 80 (3), 919–51.

15. Jones, (n. 13) *Taming*, pp. 91–119.

16. *Laws of New York 1927*, chap. 383, p. 873; *Laws of New York 1929*, chap. 684, pp. 1621–22; *Laws of New York 1933*, chaps. 423–24, pp. 964–65. For a discussion of the nature and origins of the carnal abuse law, see Robertson, (n. 11), pp. 231–57.

17. William Alanson White, *The Mental Hygiene of Childhood* (Boston: Little, Brown, 1925), pp. 113–14, 121. For other examples, see Douglas Thom, *Everyday Problems of the Everyday Child* (New York: D. Appleton, 1928), p. 263; and Samuel Hartwell, *A Citizens' Handbook of Sexual Abnormalities and the Mental Hygiene Approach to Their Prevention* (Lansing: State of Michigan, 1950), p. 29.

such as masturbation was a normal part of childhood.¹⁸ The relatively small number of prosecutions for carnal abuse in New York City reveal that working-class parents continued to treat only those genital acts that ruptured a girl's hymen or injured a boy's anus as sexual crimes that warranted legal action. Juries, made up of middle-class as well as working-class New Yorkers, tended to agree. Only rarely were they prepared to even indict men that prosecutors established had "fondled" or manipulated a child's genitals; instead, they usually transferred the case to the Magistrates Court to be dealt with as a misdemeanor.¹⁹ In the context of this resistance to the concept of psycho-sexual development, the sex crime panic that raged from 1937 into the 1960s gave psychiatrists an opportunity to proselytize, to provide Americans with a further imperative to adopt their concepts and follow their advice.

PSYCHOSEXUAL DEVELOPMENT AND EXPLANATIONS OF SEX CRIME

Faced with an apparent wave of sexual crime, the press, politicians, and public officials turned to psychiatrists to stem the tide, drawn by the growing stature of the profession and by the practice of making recourse to experts that had developed in the twentieth century. The press and public officials created a type of offender labeled the "sexual psychopath" from what psychiatrists told them. Legislators placed the sexual psychopath at the heart of new laws that provided for psychiatric examinations to identify those dangerous individuals and for the committal of such men for treatment until psychiatrists determined they no longer posed a threat to society. By 1950, twelve states and the District of Columbia had enacted such laws; eighteen more states followed in the 1950s and 1960s. But this legislation did not simply transpose psychiatric knowledge into law. Although psychiatrists used psychopathology as a descriptive term, most agreed it had

18. Jones, (n. 13) *Taming*, pp. 129–31, 162–68.

19. Robertson, (n. 11), pp. 266–77. The Committee on Legislation of the Michigan Governor's Study Commission on the Deviated Criminal Sex Offender noted this same gap between popular and psychiatric understandings of sex offenses in its 1951 Report: "In general, it may be stated that laymen assess the nature of the offense with regard to the physical harm caused the victim. That is true because physical harm is assessable. However, psychiatrists and psychologists offer substantial evidence that the traumatizing effect of a sex offense which may be considered minor may be as great as that of a sex offense involving physical force or violence" (*Report of the Governor's Study Commission on the Deviated Criminal Sex Offender* [Lansing: State of Michigan, 1951], p. 135).

little clinical substance; the concept of a specifically sexual form of psychopathology had even less standing. Even the nation's leading proponent of recognizing psychopathology as a mental disease, Benjamin Karpman, Chief Psychotherapist at St. Elizabeth's Hospital in Washington, D.C., concluded that the term "sexual psychopath" that appeared in the nation's statute books was "of popular origin and standing."²⁰

As a result of sexual psychopathology's lack of clinical substance, the enshrinement of the concept in law made it the subject of extensive theoretical debates among psychiatrists and led to new research projects that aimed to clarify its nature. The most important examples of this new psychiatric writing, a key source for this article, are theoretical works by Benjamin Karpman, Walter Bromberg, Manfred Guttmacher, and Karl Bowman and his collaborators in the California Sexual Deviation Study, and major studies of sex offenders by David Abrahamsen and Bernard Glueck in New York, Albert Ellis and Ralph Brancale in New Jersey, Asher Pacht and his colleagues in Wisconsin, and Harry Kozol and his colleagues in Massachusetts.²¹ The attention the press and politicians paid to sex crime during the panic meant that elements of these new psychiatric studies found their way into public forums, particularly state and local government investigations of sex crime, and into newspapers, periodicals, and radio broadcasts. These popular, nonscientific discussions of sex crime are the other key sources used in this article. Government committees and commissions reported on sex crime in eleven states. The most influential reports were New York City's *Report of the Mayor's Committee for the Study of Sex Offenses*, New Jersey's *The Habitual Sex Offender*,

20. Benjamin Karpman, *The Sexual Offender and His Offenses* (New York: Julian Press, 1954), p. 490.

21. *Ibid.*; Walter Bromberg, *Crime and the Mind: An Outline of Psychiatric Criminology* (Philadelphia: J. B. Lippincott, 1948); Manfred Guttmacher, *Sex Offenses: The Problem, Causes and Prevention* (New York: W. W. Norton, 1951); Department of Mental Hygiene and The Langley Porter Clinic (Karl Bowman, Medical Superintendent), *California Sexual Deviation Research* (Sacramento: State of California, 1953, 1954); David Abrahamsen, *Report on Study of 102 Sex Offenders at Sing Sing Prison* (Albany: State of New York, 1950); Bernard Glueck, *Final Report of the New York State Research Project for the Study and Treatment of Persons Convicted of Crimes Involving Sexual Aberrations* (Albany: Department of Mental Hygiene, 1956); Albert Ellis and Ralph Brancale, *The Psychology of Sex Offenders* (Springfield, Ill.: Charles C. Thomas, 1956); Asher Pacht, Seymour Halleck, and John Ehrman, "Diagnosis and treatment of the sexual offender: A nine year study," *Am. J. Psychiatry*, 1962, 802-8; Harry Kozol, Richard Boucher, and Ralph Garofalo, "The diagnosis and treatment of dangerousness," *Crime Delin.*, 1972, October, 371-92.

and Michigan's *Report of the Governor's Study Commission on the Deviated Criminal Sex Offender*.²² Stories on sex crime appeared in periodicals ranging from *Christian Century* to *Collier's* and *Parents Magazine*. Newspapers also increased their coverage of sex crime in both their news and features sections; the *New York Times* had to create a new index heading for the 143 stories it carried in 1937.

Psychiatric theorizing, research, and practice produced a variety of different portraits of men who committed sex crimes that generally agreed on only two points: the men not only suffered from uncontrollable sexual desires, but they also lacked emotional and sexual maturity. Karpman argued, for example, that the sexual psychopath who was "driven compulsively to seek gratification of an apparently insatiable urge" had "not matured sexually" and "represent[ed] a kind of sex life that at an early period of development . . . [had] detoured into aberrant channels leading to an abortive aim-inhibited sexual activity."²³ Research that attempted to bring the nature of the sexual psychopath into focus also emphasized his immaturity. State psychiatrists in Wisconsin, given the freedom to shape the criteria for identifying sexual psychopaths by a 1951 law, pursued "experimental work" that led them to settle on two qualities that characterized the sexual psychopath: "deviation of . . . sexual aim and object which he has little ability to control by conscious rational thought" and "immaturity in the development of sexual functions."²⁴ Immaturity enjoyed a similar prominence among the traits on which psychiatrists relied when they diagnosed sexual psychopaths. Alfred Kinsey's Institute of Sex Research conducted a study of men adjudged to be sexual psychopaths in California, for example, that found that "immature"

22. *Report of the Mayor's Committee for the Study of Sex Offenses* (New York: City of New York, 1943); Paul Tappan, *The Habitual Sex Offender* (Trenton: State of New Jersey, 1950); *Governor's Study Commission* (n. 19).

23. Karpman, (n. 20) *Sexual Offender*, pp. 478–479. For other examples, see Guttmacher, (n. 21) *Sex Offenses*, pp. 43, 69, 77; Friedrich Leppmann, "Essential differences between sex offenders," *J. Crim. L. Criminol.*, 1941, 32, 368–69; Philip Roche, "Sexual deviations," *Fed. Probation*, 1950, 14 (3), p. 4.

24. Seymour Halleck and Asher Pacht, "The current state of the Wisconsin state sex crime law," *Wisc. Bar Bull.*, 1960, December, p. 21; and Pacht, Halleck and Ehrman, (n. 21) p. 808. For other research aimed at clarifying understanding of the sexual psychopath that gave prominence to immaturity, see Abrahamsen, (n. 21) *Study of 102 Sex Offenders*, pp. 5–6, 22; Ellis and Brancale, (n. 21) *Psychology of Sex Offenders*, pp. 56–60; Glueck, (n. 21) *Final Report*, pp. 23–24, 85–87; Benjamin Apfelberg, Carl Sugar, and Arnold Pfeffer, "A psychiatric study of 250 sex offenders," *Am. J. Psychiatry*, 1944, May, p. 769; and Kozol, Boucher, and Garofalo, (n. 21), p. 379.

was the second most frequently applied adjective in the clinical diagnostic report produced by the examining psychiatrists.²⁵

Popular renderings of the sexual psychopath's traits likewise coupled immaturity with uncontrolled impulses. Bertram Pollens, senior psychologist at New York's Rikers Island Penitentiary, argued in a book lauded as "the first well organized, authoritative, and readable effort to bring the subject up to date for the general reader," that the sex deviate could be best described as psychosexually immature: ". . . sex perversion in an adult . . . indicates a fixation at a lower stage of psychosexual development. It is merely a stunting of growth. It is as though the individual began to climb up a ladder, but was either prevented by some obstacle from reaching the top, or decided to stay and progress no further when he found a comfortable home on one of the steps. . . . He can be best explained by comparing his condition with a child and indicating at what psychosexual stage he has become fixated."²⁶

Newspapers and periodicals gave prominence to immaturity in the pictures of the sexual psychopath they derived from the opinions of psychiatrists and from the findings of the new studies. Irma Hewlett, a psychiatric social worker who reported the results of the influential 1950 study of sex offenders in New York's Sing Sing prison in *Parents Magazine*, for example, described the men as immature: "Though they grow up physically, psychologically they remain as irresponsible as children. In these men's bodies there is a child's emotional development. On the psychological side no normal sexual development ever takes place."²⁷

Psychiatrists pointed to the sexual psychopath's immaturity to help

25. Paul Gebhard, John Gagnon, Wardell Pomeroy, and Cornelia Christenson, *Sex Offenders: An Analysis of Types* (New York: Harper and Row and Paul Hoeber, 1965), p. 850. Clinicians used "immature" in 38 percent of the cases the study examined; only "neurotic" was used more often, in 45 percent of cases.

26. Bertram Pollens, *The Sex Criminal* (New York: Macaulay, 1938), pp. 39. For similar arguments in other popular writing by psychologists and psychiatrists, see Hartwell, (n. 17) *Citizens' Handbook*, p. 36; Philip Piker, "A psychiatrist looks at sex offenses," *J. Soc. Hyg.*, 1947, 33, 394 (a paper presented as part of a panel at an observance of National Social Hygiene Day).

27. Irma Hewlett, "What shall we do about sex offenders?" *Parents Magazine*, 1950, 25, August, 38. For other examples, see Allen Shoenfield, *The Sex Criminal* (Detroit, Mich.: The Detroit News, 1950), pp. 34, 37-38, 42; Howard Whitman, "The biggest taboo," *Collier's*, 15 February 1947, 119, 38; "Pedophilia," *Time*, 23 August 1937, p. 43; and Gladys Denny Schultz, *How Many More Victims? Society and the Sex Criminal* (Philadelphia: J. B. Lippincott, 1965), pp. 157, 159, 315, 317, 325.

explain his uncontrollable sexual desires. Some psychiatrists argued that sex offenders found their sexual desires uncontrollable because they had no capacity to exert self control. Abrahamsen of Columbia University, for example, argued that the control of sexual impulses required “emotional understanding and maturity,” characteristics lacking in the sex offenders that he studied at Sing Sing Prison.²⁸ Karpman maintained that sex offenders’ failure to mature sexually not only left them with a diminished ability to control their desires, but that the strength of those desires was greater than normal because men who committed sex crimes remained at an immature stage closer to the instinctual, and they had never been subject to the repression required to attain maturity.²⁹ Ellis and Brancale are typical of another school of psychiatrists who focused on a group of sex offenders whose arrested development and immaturity left them not oversexed but “internally inhibited” and undersexed. A man with such a “compulsive neurotic” personality was destined to “abnormally explode, from time to time,” Ellis and Brancale argued, “because he abnormally holds himself in most of the time.”³⁰ Generally, psychiatrists spent relatively little time elaborating the connections between immaturity and lack of control. Popular accounts of the sexual psychopath suggest that psychiatrists’ inattention reflected the willingness of Americans to accept that such a link existed. The psychiatric explanation was analogous to an older view of children as unable to control their impulses, as Irma Hewlett made clear when she told the readers of *Parents Magazine* that sex offenders frequently had “no more control over their impulses than the child who wants what he wants when he wants it.”³¹

Psychiatrists also pointed to the sexual psychopath’s immaturity to explain why he frequently targeted young children. They argued that the immaturity of the sex offender’s desires made children the “natural” object of his interest. An offender was drawn to, and could relate to, a child because they shared the same stage of development and, in that sense, shared the same desires. Walter Bromberg, for

28. Abrahamsen, (n. 21) *Study of 102 Sex Offenders*, p. 5.

29. Karpman, (n. 20) *The Sexual Offender*, p. 479.

30. Ellis and Brancale, (n. 21) *Psychology of Sex Offenders*, p. 43. For other examples of arguments that immaturity was a source of the sexual psychopath’s lack of control see Kozol, Boucher, and Garofalo, (n. 21), p. 379; Pacht, Halleck, Ehrmann, (n. 21), pp. 804–5.

31. Hewlett, (n. 27), p. 38. For another example, see Paul Tappan, “The sexual psychopath—A civic-social responsibility,” *J. Soc. Hygiene*, 1949, November, p. 356.

example, argued that “regression to infantile sexual levels . . . is at the core of this type of sexual psychopathology.” Its “mainspring,” he maintained, “proves to be the wish to be a child again, a regression to an earlier period when the sexual instinct was expressed in partial impulses of playing, seeing, touching, and so on.”³² The most elaborate development of this argument came in the Final Report of the New York State Research Project for the Study and Treatment of Persons Convicted of Crimes Involving Sexual Aberrations, a project directed by Bernard Glueck. The report laid out an elaborate age-based classification system that differentiated “pedophiles,” offenders against children, and “hebephiles,” offenders against adolescents, and tied the men’s object to their psychosexual development. According to Glueck and his colleagues, heterosexual hebephiles “tend to be fairly well integrated, but on an adolescent, or childish level of performance.” Heterosexual pedophiles, by contrast, showed “an arrest of psychosexual development at a childhood or early adolescent level, and appear to be more comfortable with children than adults.” Homosexual hebephiles “show marked disturbances in their psychosexual development” and a “psychosexual age . . . at the early adolescent level.” Homosexual pedophiles, who showed the “greatest amount of disturbance of all groups,” could only “successfully relate [to] boys, who are sexually nonthreatening, and who are on the same level of psychological development as the offender.”³³

Psychiatrists devoted much of their energy to elaborating the connection between immaturity and object choice not only because it was a less familiar idea than the connection between immaturity and lack of control, but also because it clearly established the superiority of their explanation of sex crime. While some of the general statements about sex crime provoked by the mid-century panic referred to crimes against “women and children,” the focus of popular concern was clearly crimes against children. The first wave of panic was

32. Bromberg, (n. 21), *Crime and the Mind*, pp. 88–89. For other examples of this argument, see Karpman, (n. 17) *Sexual Offender*, p. 45; and Guttmacher, (n. 21) *Sex Offenses*, p. 86.

33. Glueck, (n. 21) *Final Report*, pp. 86–87. A variation of this argument asserted that the sex offender’s emotional immaturity manifested itself in feelings of inferiority and anxiety about potency that, as Manfred Guttmacher put it, caused them to “lack the courage to attempt to make sexual contact with contemporaries, or fear the obligation of performing satisfactorily for a sexually experienced, and possibly critical, female” (Guttmacher, [n. 21] *Sex Offenses*, p. 43). For other examples of this argument, see Bromberg, (n. 21) *Crime and the Mind*, p. 88; Abrahamsen, (n. 21) *Study of 102 Sex Offenders*, p. 6; Ellis and Brancale, (n. 21) *Psychology of Sex Offenders*, p. 58.

triggered by the murder of girls four and eight years of age in 1937; in 1949, the murder of girls six and seven years of age triggered the second wave of panic. Crimes against children dominated newspaper and periodical stories.³⁴ Government investigations generally took the approach articulated by Assemblyman Ira Holley, a member of a New York State Legislative Committee ostensibly set up to explore the broad subject of sex crime. Holley explained to a witness who appeared before the committee that, "As I look at it, the sex crime that practically brings us here is more or less the rapist with children."³⁵ Most Americans found sex crimes against children incomprehensible, sociologist Edwin Sutherland noted in 1950. "The ordinary citizen can understand fornication or even forcible rape of a woman," Sutherland argued, "but he concludes that a sex attack on an infant or girl must be the act of a fiend or a maniac."³⁶ Acts with women were comprehensible in terms of uncontrollable desires because, as adults, women were recognized as sexual and did provoke desire. But most Americans still saw children as sexually innocent, without sexuality, and therefore unable to provoke sexual desire let alone uncontrollable desires.³⁷ As an account of one crime published in the *Saturday Evening Post* put it, only to a "twisted mind [could] the child's innocently affectionate prattle and gestures, her wide-eyed interest in her big uncle's prowess, [take] on an aura of flirtation."³⁸

34. For examples, see Howard Whitman, "Terror in our cities: No. 1 — Detroit," *Collier's*, 19 November 1949, pp. 13–15; 64–66; Charles Harris, "Sex crimes: Their cause and cure," *Coronet*, 1946, 20 (4), August, pp. 3–9; "Pedophilia," (n. 27), pp. 42–44. Crimes against children also dominated radio broadcasts; see the transcript of a broadcast in Washington, D.C., "Washington, D.C., considers sex offenses," *J. Soc. Hyg.*, 1950, 36, 241–49.

35. "Public Hearings," *Report of the Joint Legislative Committee to Investigate the Administration and Enforcement of Law* (Albany: New York State Legislative Document 98, 1939), p. 343. For a discussion of other reports, see Robertson, (n. 11), pp. 289–94.

36. Edwin Sutherland, "The diffusion of sexual psychopath laws," *Am. J. Soc.*, 1950, p. 143. For similar conclusions, see Ira Wile, "Sex offenses against young children: What shall be done about them?" *J. Soc. Hyg.*, 1939, 25, 39.

37. Americans continued commitment to childhood innocence can be seen in the ways newspapers presented child sex murder. The *New York Daily News*, the city's leading tabloid, for example, adorned its pages with photographs of the victims of the 1937 murders in clothes and situations that emphasized their innocence: in confirmation dresses, with dolls, playing at the beach, and with their parents. The girls' funerals were pageants to innocence, giving a prominent place to the girls' "playmates" — dressed in white — in the church, in choirs, and amongst those who preceded or walked behind the hearse. See *New York Daily News*, 17 March 1937, p. 3; 24 March 1937, p. 10; 1 August 1937, p. 1; 2 August 1937, p. 3; 14 August 1937, p. 1.

38. David Wittels, "What can we do about sex crimes?" *Saturday Evening Post*, 11 December 1948, p. 52.

The very inexplicability of offenders' choice of child victims thus opened the way for popular acceptance of the psychiatric explanation of their behavior. The "inherent nature [of crimes against children] warrant a presumption of mental abnormality in the criminal," as the Citizens Committee on the Control of Crime in New York put it in 1937.³⁹ The common sense, self-evident logic of the connection between immature desires and immature objects cemented the appeal of psychiatrists' explanation. As Gladys Denny Schultz, a writer for the *Ladies Home Journal* and author of a popular study of the sex criminal, noted, "It is not hard to understand why a boy or man whose normal sexual development has been halted at some infantile level should be unable to work out life on a mature basis."⁴⁰

The framework of psychosexual development also allowed psychiatrists and those who followed them to weave together several explanations of sex offending, old and new, into one coherent and therefore persuasive explanation. Psychiatrists pointed to the immaturity of the elderly man and of the sinister homosexual to bring them into the ranks of sexual psychopaths and to remove the possibility that those figures might become the center of competing explanations of sex crime. African-Americans remained largely excluded from the ranks of sexual psychopaths and still subject to established harsh penal practices as a result of psychiatrists' view of them as members of an immature race. The racial immaturity of African-American men meant their normal development stopped short of the maturity possible for white men. As a result, behavior that marked white men as immature and abnormal was considered normal for African-American men, requiring discipline, not therapy.

Nineteenth-century medical jurists and the child protection movement that emerged in the last quarter of the nineteenth century had pointed to elderly men as responsible for many of the sexual assaults

39. Staff of the Citizens Committee on the Control of Crime in New York, Inc., *The Problem of Sex Offenses in New York City* (New York: Citizens Committee on the Control of Crime, 1939), p. 9. For other examples, see *Report of the Mayor's Committee*, (n. 22), p. 35; Morris Ploscowe, *Sex and the Law* (New York: Prentice Hall, 1951), pp. 181, 184. A public opinion poll commissioned by the Michigan Governor's Study Commission found that 58 percent of respondents thought a man who sexually assaulted a child was "mentally ill"; another 37 percent thought he was "crazy, insane" (*Report of the Governor's Study Commission*, [n. 19], p. 235).

40. Schultz, (n. 27) *How Many More Victims*, p. 131. For another example, see Hewlett, (n. 27), p. 69.

on children they encountered.⁴¹ Medical writers had explained elderly men's assaults on children as the product of their diminished potency. Men's "fears of impotence," and of the ridicule at the hands of an adult woman to which that condition exposed them, led them to commit acts with children, the authors of treatises on medical jurisprudence argued. Elderly men could complete a sexual act with an ignorant and weak child, or "conceal their deficiency" from such a child, more easily than they could with an adult woman.⁴² In the context of the sex crime panic, psychiatrists looked at elderly offenders from "a psychological point of view" and saw them as psychosexually immature.⁴³ The immaturity of elderly sex criminals resulted from the psychological mechanism of regression, a product of the onset of the organic deterioration that psychiatrists labeled senility, rather than from the fixation that arrested the development of younger sex offenders. James Henninger, director of the Allegheny County Behavior Clinic of the Criminal Court in Pittsburgh, spelled out that argument in his study of the senile sex offender:

The regression to childhood levels is obviously exemplified by the childish behavior of senility, well recognized by all as the period of "second childhood." It is my contention that associated with this obvious mental regression is a further psychological regression, which is, in part at least, responsible for the fact that sex offenses are perpetrated, for the most part, against small children of the age of those who were the recipients of much of the offender's attention — i.e. were love objects — at the period to which he is regressing — his childhood.⁴⁴

Since the senile man was already seen as intellectually a child, psychiatrists did not need to touch up his portrait to bring him within the

41. For a discussion of child protection discourse about elderly men, see Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence* (London: Virago, 1988), pp. 222–26.

42. See, for example, Charles Chaddock, "Sexual crimes," in Allan McLane Hamilton and Lawrence Godkin, eds., *A System of Legal Medicine*, 2 vols (New York: E. B. Treat, 1894), II, 543–44; R. L. Emerson, *Legal Medicine and Toxicology* (New York: D. Appleton, 1909), p. 115; and Gurney Williams, "Rape in children and in young girls, part 1," *Int. Clin.*, 1913, 23rd ser., 2, 246.

43. James Henninger, "The senile sex offender," *Mental Hyg.*, 1939, p. 438. For other examples, see Guttmacher, (n. 21) *Sex Offenses*, pp. 43–44, 95–97; Hartwell, (n. 17) *Citizens' Handbook*, p. 15; Paul De River, *The Sexual Criminal: A Psychoanalytical Study*, (Springfield, Ill.: Charles Thomas, 1949), p. 75; Jack Frosch and Walter Bromberg, "The sex offender — A psychiatric study," *Am. J. Orthopsych.*, 1939, October, p. 765; Apfelberg, Sugar, and Pfeffer, (n. 24), p. 766. Psychiatrists' psychological point of view often still also included an emphasis on problems of potency; for example, see Guttmacher, (n. 21) *Sex Offenses*, pp. 43–44.

44. Henninger, (n. 43), pp. 438–39.

scope of their explanation of sex crime. As Henninger's argument makes clear, psychiatrists needed only to extend the existing picture of a man undergoing a second childhood into the psychosexual realm.⁴⁵

Whereas the elderly offender was a figure from nineteenth-century accounts of sex crime, the homosexual offender against children was a more recent appearance. Homosexual men who sexually assaulted children did appear in the annual reports of child protection agencies like the New York Society for the Prevention of Cruelty to Children beginning in the 1870s. But the homosexual sex criminal remained a shadowy figure as late as 1925, when unsubstantiated charges that Leopold and Loeb had sexually assaulted Bobby Franks, the boy they murdered, remained hidden in public discussion by the row of asterisks which newspapers put in place of "unprintable matter." The asterisks had fallen away by 1936. In that year, *Time* magazine claimed the "two perverted Chicago youths" had "violated" Bobby Franks before they killed him. *Time's* retelling of the Leopold and Loeb case reflected a new willingness to publicly discuss sex crimes against boys, as well as the appearance of a new, sinister portrait of the homosexual in culture and politics.⁴⁶ The media fed this shift when it inflamed the sex crime panic with the revelation that sexual psychopaths did not only target girls. "The naive parents who felt safe because their children were boys," reported an account of a panic about sex crime in St. Louis in 1947, "learned — some with a shock — that 20 per cent of the victims are boys." By 1950, the media had begun to split homosexual offenders away from pedophiles, and to present them as a problem in their own right, a "New Moral Menace to Our Youth," as the title of an article in *Coronet* magazine trumpeted.⁴⁷

45. For popular discussion of senile offenders, see "Crimes against children," *The Digest*, 2 October 1937, p. 15; Schultz, (n. 27) *How Many Victims*, p. 130; *Report of the Mayor's Committee*, (n. 22), p. 35.

46. Fass, (n. 14), pp. 940–42. For cases involving men and boys in the work of the New York Society, see Robertson, (n. 11), pp. 45–47, 89–114. For the growing hostility toward homosexuals in the 1930s and the new sinister portrait of the homosexual, see George Chauncey, *Gay New York* (New York: Basic Books, 1994), pp. 301–61; and John D'Emilio, "The homosexual menace: The politics of sexuality in cold war America," in Kathy Peiss and Christina Simmons, eds., *Passion and Power: Sexuality in History* (Philadelphia: Temple University Press, 1989), pp. 226–40.

47. Howard Whitman, "The city that does something about sex crime," *Collier's*, 21 January 1950, p. 64; Ralph Major, "New moral menace to our youth," *Coronet*, September 1950, pp. 101–8. For other examples of attention to crimes against boys, see Harris, (n. 34), p. 4; Marjorie Holmes, "How to protect your children from sex offenders," *Better*

The Freudian framework employed by psychiatrists provided an account of homosexuality that allowed them to easily include homosexual offenders within their portrait of the sexual psychopath. An earlier generation of psychiatrists had argued homosexuality derived from hereditary taint or from endocrine dysfunction; the generation attuned to Freudian ideas saw homosexuality as having psychological origins. The psychiatrists who read Freud saw homosexuality as a stage of normal psychosexual development that preceded adolescence. Samuel Hartwell, endeavoring to make this concept of homosexuality credible to a lay audience, admitted, "Many mature adults have difficulty in remembering that they went through such an experience." But "if they can be realistic in remembering their youthful experiences," Hartwell insisted, "they will usually find that they, like most young people, had crushes or deep demanding friendships with someone of their own sex."⁴⁸ Homosexual offenders had failed to achieve the "gradual transference of interest to the opposite sex" that a Children's Bureau publication told parents in 1954 was "one of the main developments due in [adolescence]," and become fixated. The immaturity that resulted from fixation diminished the control of homosexual individuals and often focused their desires on immature objects appropriate to their level of development, as Glueck and his colleagues asserted in the Final Report of the New York State Research Project discussed earlier.⁴⁹ The decline of the obviously effeminate fairy as the governing image of the homosexual, expertly enunciated by Chauncey, provided the final element that brought homosexual offenders within psychiatrists' framework. No longer visibly different from other men, as the fairy had been, the modern homosexual, like other sexual psychopaths, could only be identified by psychiatric expertise.⁵⁰

Homes and Gardens, January 1959, pp. 25–26; and Chauncey, (n. 2), p. 171. The new attention to boys can also be traced in two popular articles on sex crime by FBI Director, J. Edgar Hoover: the first, published in *American Magazine* in 1947, was "How safe is your daughter?"; the second, published eight years later in the same magazine, was "How safe is your youngster?"

48. Hartwell, (n. 17) *Citizens' Handbook*, pp. 47–48.

49. Marion Farege, *The Adolescent in Your Family* (Washington, D.C.: Children's Bureau, Publication 347, 1954), p. 50. For accounts of homosexuals as fixated and immature, see George Henry, *Sex Variants: A Study of Homosexual Patterns* (New York: Paul Hoeber, 1941, 1948), p. 1023; Karpman, (n. 20) *Sex Offender*, pp. 148–51; Leppmann, (n. 23), p. 369; Pollens, (n. 26) *Sex Criminal*, p. 51; Schultz, (n. 27) *How Many Victims*, p. 308; and Jenkins, (n. 2) *Moral Panic*, p. 62.

50. Chauncey, (n. 46) *Gay New York*.

Psychiatrists who found places for old men and homosexuals in the ranks of the sexual psychopaths also helped to keep African-American sex offenders from those ranks and to leave them liable for harsh penal sentences or the death penalty. Few African-American offenders appeared in the media accounts of the sexual psychopath and sex crime that drove the mid-century panic. Reports of sex crimes committed by African-American men tended to focus on attacks on whites in the South. Those reports turned on the issues of lynching, the death penalty, and, by the late 1940s, the northern and international revulsion at the lack of justice African-American men received in the South.⁵¹ Legislatures in six of the eleven former Confederate states saw no sexual psychopaths among the African-American sex offenders who dominated perceptions of sex crime in their states, and did not enact sexual psychopath laws.⁵² In Maryland, the one state for which evidence of judicial practices in terms of sex offenders' race is available, judges sent a smaller proportion of African-American men for psychiatric examinations than white men. Among African-American offenders that they did see, psychiatrists diagnosed as sexual psychopaths a smaller proportion than of white offenders, thus contributing to this whitewashing of the sexual psychopath.⁵³

Although the psychiatric literature does not shed any direct light on the encounters between white psychiatrists and African-American men that produced those differential rates of diagnosis, the concept of psychosexual development psychiatrists employed was cast in terms heavily marked by racial ideology. Since the earliest days of slavery, white Americans had persistently applied a discourse of immaturity to African Americans. By the turn of the century, pro-slavery arguments that enslaved Africans were a docile, childlike race had been buttressed by scientific racial thought that generally accepted that African children learned as readily as whites until puberty, when their intellectual development stopped and left them to become "adolescents of adult size," perpetually characterized by childlike traits as

51. Jenkins, (n. 2) *Moral Panic*, pp. 95–98. One African-American man did appear in a periodical photo array of sexual psychopaths in 1937; see "Crimes against children," (n. 45), p. 14.

52. Jenkins, (n. 2) *Moral Panic*, pp. 90, 96.

53. For referrals, see Guttmacher, (n. 21) *Sex Offenses*, p. 59. For diagnoses, see Alfred Vuocolo, *The Repetitive Sex Offender: An Analysis of the Administration of the New Jersey Sex Offender Program from 1949 to 1965* (Menlo Park, Cal.: Quality Printing, 1969), p. 79; *Final Report*, (n. 21), p. 139; Jenkins, (n. 2) *Moral Panic*, pp. 88–89.

“love of pleasure and of music and dancing, . . . lack of will power, . . . [and] impulsiveness and general emotionalism; fearfulness and a concomitant sense of dependence.”⁵⁴ Immaturity also took a central place in the enduring racist images of African-American men as beasts, creatures consumed by a sexual desire that drove them to rape, that were prominent in twentieth-century justifications of the practice of lynching. Thomas Dixon, in the novel on which D. W. Griffith based the film *The Birth of a Nation*, evoked that image of the bestial black rapist in a description of the African-American as “half child, half animal, the sport of impulse, whim and conceit, . . . a being . . . whose passions, once aroused, are as the fury of the tiger.”⁵⁵ The racial marking of immaturity pushed African-Americans outside psychiatric discourse on sex crime; the immaturity of the African race effectively rendered behaviors that identified white men as immature and abnormal as normal for African-American men. Mid-century psychiatric studies of African-American childhood, for example, put their subjects outside the framework of psychosexual development that explained white men’s behavior. African-American children did not progress through a series of stages preliminary to sexual maturity, according to those studies, but instead engaged in adult sexual conduct at all ages, spoke freely about their sexual activities, and failed to display any of the “moral sense” that came with maturity.⁵⁶ Ellis and Brancale’s description of African-American offenders as “less emotionally disturbed . . . and less deviational” than whites likewise rested largely on the men’s lack of inhibition, a childlike trait drawn from racial thought. The compulsive neuroses Ellis and Brancale put at the heart of emotional disturbance and deviation derived, as discussed earlier, from excessive inhibitions.⁵⁷ The purpose of diagnos-

54. Cynthia Russell, *Sexual Science* (Cambridge, Mass.: Harvard University Press, 1989), p. 53; Bederman, (n. 4) *Manliness and Civilization*, p. 93. The description of savage races as adolescents of adult size is G. Stanley Hall’s, cited in Stephen Jay Gould, *Ontogeny and Phylogeny* (Cambridge, Mass.: Harvard University Press, 1977), p. 129.

55. Cited in George Frederickson, *The Black Image in the White Mind* (New York: Harper and Row, 1971), pp. 280–81. For the power of the image of the African-American man as a bestial rapist in the North, see John D’Emilio and Estelle Freedman, *Intimate Matters: A History of Sexuality in America* (New York: Harper and Row, 1988), pp. 297–98. Even southern and northern moderates who did not accept that image and minimized the bestial, criminal tendencies of African-Americans, continued to play up their childishness and picture them as “helpless wards” and “harmless children”; see Frederickson, *Black Image*, pp. 285–88.

56. For example, see A. T. Childers, “Some notes on sex mores among negro children,” *Am. J. Orthopsych.*, 1936, 6 (3), 442–48.

57. Ellis and Brancale, (n. 21) *Psychology of Sex Offenders*, p. 105. Psychiatrists also brought racial ideas to their subjective assessments of offenders, as is starkly evident in Manfred Guttmacher’s explanation for the lack of African-American exhibitionists and pedophiles:

ing men as sexual psychopaths was to allow them to receive psychiatric treatment, therapies that would help the men to achieve a maturity that removed the danger of them committing further sex crimes. The immaturity of African Americans as a race meant that, in the eyes of psychiatrists, African-American sexual offenders lacked the potential to achieve maturity, and, as a result, could not be treated or cured. Only incarceration or death could prevent African-American sex offenders from committing further crimes.

The psychiatric portrait of the sexual psychopath produced two strands of efforts to prevent sex crimes, one directed at men, the other at boys. Historians have been preoccupied with the institutionalization and treatment authorized by sexual psychopath laws as a means of preventing further acts by men who appeared in court. Efforts to prevent boys from developing the propensity to commit sexual assaults occurred alongside those efforts to restrain and rehabilitate men who had already committed sex crimes. Preventive efforts relied on the concept of psychosexual development and amplified the advice that mental hygienists had been offering since the 1920s. The Michigan Governor's Study Commission argued that "the creation of a healthful atmosphere for the emotional growth of the child is the surest and cheapest way of reducing the burden which sex deviation annually lays upon society and the tribute it exacts from many unhappy and tormented lives," and "attached much importance to the instruction in sound mental hygiene principles of the adults who surround a child."⁵⁸ The fact that mental hygiene programs were directed at parents, who were a large part of the media's audience, rather than at legislators, meant that popular discussions of sex crime gave prevention programs as much attention as they did sexual psychopath laws.

Mental hygienists located the sexual psychopath's origins in parent-child relationships. To prevent the development of a new generation of psychopaths, psychiatrists advised parents that they had to recognize

"Both the exhibitionists and the pedophiles have a high percentage of passive-dependent individuals, with marked feelings of general and penile inferiority. The common belief, fully confirmed by Kinsey's actual measurements, that the Negro's penis is considerably longer than that of the white man's, may be the basis for their low incidence among the exhibitionists and pedophiles. The low frequency of sexual exhibitionism among Negroes may in part be due to the free rein that many males at certain socio-economic levels give to exhibitionism in other ways—with their gaudy-colored zoot suits and their flashy automobiles" (Guttmacher, [n. 21] *Sex Offenses*, pp. 66–67).

58. *Report of the Governor's Study Commission*, (n. 19), p. 6. Even the clergy involved in the commission endorsed mental hygiene, as did clergy interviewed in a radio broadcast in Washington, D. C.; see *ibid.*, p. 183; and "Washington, D.C." (n. 34), p. 244.

that their sons were going through a process of psychosexual development. Parents' role in that process was to provide boys with a balanced amount of care and protection and to avoid the extremes of behavior that disturbed their relationships with their sons and impaired the boys' development.⁵⁹ "Cold, hostile, sadistic" parents who provided too little care caused "emotional starvation and a stunting of growth" in their sons.⁶⁰ Parents who subjected their son to "abnormally strong pressures to control their biological needs, especially those needs which will become sexual," produced in him "a particularly dangerous type of anxiety," Hartwell advised the parents in Michigan. If a boy's parents succeeded in "greatly inhibit[ing] or entirely prevent[ing him] from gratifying his erotic desires in one of his psychosexual stages, he [might] never be able to go on to the next from a psychological standpoint."⁶¹ Parents concerned to repress their son's sexuality also often dangerously overreacted when they discovered him indulging in sexual behavior necessary for his normal development. When a boy's parents became upset and excited, he could experience feelings of confusion and anxiety that could harm his progress toward maturity.⁶² Mothers who emotionally overprotected their sons, "infantilizing [them] unduly and too long," occupying their affection, and preventing them from forming relationships with other women, produced the emotional immaturity that defined the sexual psychopath.⁶³ As Bertram Pollens put it, in another of the folksy metaphors he

59. Albert Deutsch, "Sober facts about sex crime," *Collier's*, 25 November 1950, 125, p. 64; Hewlett, (n. 27), p. 68; Piker, (n. 26), pp. 395-96; Shoenfield, (n. 27) *Sex Criminal*, p. 47; Schultz, (n. 27) *How Many More Victims*, pp. 138-55. This advice amplified earlier mental hygiene writing; see White, (n. 17) *Mental Hygiene*; Thom, (n. 17) *Everyday Problems*; and the discussion in Robertson, (n. 11), pp. 238-54.

60. Pollens, (n. 26) *Sex Criminal*, p. 183. See also Hewlett, (n. 27), pp. 38, 67-68. For other examples, see Karpman, (n. 20) *Sexual Offender*, pp. 81-84; Ralph Rabinovitch, "A study of sexually disturbed children: Notes from a child psychiatrist's case-book," in *Report of the Governor's Study Commission*, (n. 19), pp. 44-45; De River, (n. 43) *Sex Criminal*, p. 19; Deutsch, (n. 59), p. 64; Schultz, (n. 27) *How Many More Victims*, pp. 138-39.

61. Hartwell, (n. 17) *Citizens' Handbook*, pp. 15, 36. For other examples, see *Report of the Governor's Study Commission*, (n. 19), p. 31; Rabinovitch, (n. 60), pp. 48-49; Glueck, (n. 21) *Final Report*, pp. 23-24. For examples of earlier versions of this advice, see Thom, (n. 17) *Everyday Problems*, pp. 287-88.

62. Hartwell, (n. 17) *Citizens' Handbook*, p. 44; Piker, (n. 26), p. 396; Wittels, (n. 38), p. 63. For examples of earlier versions of this advice, see Thom, (n. 17) *Everyday Problems*, pp. 286-88; and White, (n. 17) *Mental Hygiene*, pp. 120-22, 129-32.

63. Ellis and Brancale, (n. 21) *Psychology of Sex Offenders*, pp. 56-57, 60. For other examples, see Rabinovitch, (n. 60), pp. 48-49; Guttmacher, (n. 21) *Sex Offenses*, p. 150; Karpman, (n. 20) *Sexual Offender*, pp. 84-85; *Report of the Governor's Study Commission*, (n. 19), p. 107; Schultz, (n. 27) *How Many Victims*, pp. 139-40, 143-48, 153-55.

favored for conveying psychiatric ideas to a lay audience, the overprotected boy was “like a plant, which, overcast by a large shadow, can’t grow because the rays of the sun never reach it.”⁶⁴

Homosexuality resulted, mental hygienists advised, when failure in gender identification or homosexual experiences with adults compounded disrupted parent–child relationships. A boy became fixated at the homosexual phase of adolescence as a result of his childhood, which “conditioned” him, rather than simply as a result of the events of his teenage years.⁶⁵ The key circumstance that conditioned a boy to become fixated was the lack of “the opportunity for positive identification with the parent of his own sex.” Such a model was, as Ralph Rabinovitch put it in a study undertaken as part of the Michigan Governor’s Study Commission, a “basic need of every child.”⁶⁶ Identification provided a pattern for the boy to follow in shaping his gender identity. If his parents prevented his identification with his father, a boy was led to pattern himself after his mother. In terms of sexuality, that identification led him to desire men rather than women as sexual objects and sometimes to “act in a feminine, submissive manner toward men in [his] search for acceptance.”⁶⁷ A father disrupted gender identification by exhibiting a brutality that repelled his son. Rabinovitch offered the case of Charles, who proclaimed, “I’ll never be like my father. I can’t grow up like that. I’d rather not grow up at all,” as an example of this pattern: his father’s hostility and violence toward his wife drove Charles toward “an ever closer relationship with his mother” until “in his sexual fantasies [he] played the role of a woman, later acting out these fantasies in his homosexual activities.”⁶⁸ Of more concern to psychiatrists and popular writers were mothers who prevented identification. A woman’s dominance

64. Pollens, (n. 26) *Sex Criminal*, p. 183.

65. Hartwell, (n. 17) *Citizens’ Handbook*, p. 11. For other examples, see the studies cited in Karpman, (n. 20) *Sexual Offender*, pp. 151–54.

66. Rabinovitch, (n. 60), pp. 49–50. For similar arguments, see Guttmacher, (n. 21) *Sex Offenses*, p. 149; A. R. Mangus, “Society and sexual deviation,” in *Final Report*, (n. 21), pp. 71–73; Hewlett, (n. 27), p. 69; Shoenfield, (n. 27) *Sex Criminal*, p. 61.

67. Charles Dutton, “Psychological data,” in “Study of sex crimes against children,” *California Sexual Deviation Research, Third Annual Report, January 1953*, (n. 21), p. 78. For other examples, see Lauretta Bender and Samuel Paster, “Homosexual trends in children,” *Am. J. Orthopsych.*, 1941, 11, 730–43; Karpman, (n. 20) *Sexual Offender*, pp. 303–4; and Kimmel, (n. 5) *Manhood*, p. 132.

68. Rabinovitch, (n. 60), pp. 49–50. For other examples, see Hewlett, (n. 27), p. 69; Lewis Terman and Catherine Miles, *Sex and Personality* (1936), cited in Kimmel, (n. 5) *Manhood*, pp. 209–10; case of Thomas B., in Henry, (n. 29) *Sex Variants*, pp. 5, 99–107.

of her husband overshadowed him as a model and pushed their son toward identifying with her instead.⁶⁹ A mother could more directly prevent identification by treating a boy as a girl. An example of such a case appeared in an article in *Collier's*, a national magazine, in 1947. Emil's mother, who had wanted a daughter, called her son "Emmy," clothed him in dresses until he was age three, kept his hair "long and wavy," made him her "chief assistant" in the kitchen, and caused him to feel he was "two-timing" her when he went out with girls. Only when Emil was with boys did he not feel like a "traitor to Mum."⁷⁰

Outside the family, the cause of homosexuality lay not in the separation of men from boys, but rather in the failure to separate men from boys. Pollens argued that if a boy "happens to be seduced by a homosexual . . . and he finds the relationship satisfying, he may become fixated in that direction and it may be next to impossible to change the direction of his sexual drive after that." The language of seduction, typical in psychiatric writing about such relationships between men and boys, marked this experience as different from the crushes and friendships that formed a normal part of early adolescence. The involvement of a consciously homosexual, sexually knowledgeable adult introduced into the relationship a clearly sexual aspect missing from the "innocent" adolescent "experiments." Pollens, like all psychiatric writers, qualified the importance of acts with adults in producing homosexuality, noting that in many cases such "seductions" simply triggered homosexual tendencies produced by family dynamics.⁷¹ But despite the limited place psychiatrists gave it, the idea that adult homosexuals added to their ranks by seducing boys became

69. *Report of the Governor's Study Commission*, (n. 19) p. 106; Glueck, (n. 21) *Final Report*, pp. 86–87; Hewlett, (n. 27), p. 69; Schultz, (n. 27) *How Many More Victims*, p. 309; cases of Michael D., Eric D., Louis E., Archibald T., and Gabriel T., in Henry, (n. 29) *Sex Variants*, pp. 5–9, 127–59, 184–206, 291–303, 314–29; Kimmel, (n. 5) *Manhood*, pp. 243–44.

70. Whitman, (n. 27) p. 24. This case was drawn from the work of George Henry in the Quaker Meetinghouse clinic in New York City. For other examples, see Norwood East, "Sexual offenders—A British view," *Yale L. J.*, 1946, 55, p. 546; Terman and Miles, cited in Kimmel, (n. 5) *Manhood*, pp. 209–10; and cases of Theodore S., Gene S., Dennis C., Daniel O'L., Percival G., in Henry, (n. 29) *Sex Variants*, pp. 7–9, 12–13, 231–58, 303–13, 425–38, 477–87.

71. Pollens, (n. 26) *Sex Criminal*, pp. 50–51 (all four of the case studies of homosexuality offered by Pollens involve seduction by adults). For other examples of arguments that seduction caused homosexuality, see East, (n. 70), p. 546; De River, (n. 43) *Sex Criminal*, pp. xii, 89, 91; Glueck, (n. 21) *Final Report*, p. 87; Terman and Miles, (n. 70), p. 210; case of Antonio L., in Henry, (n. 29) *Sex Variants*, pp. 11–12, 414–25; James Reinhardt, *Sex Perversions and Sex Crimes* (Springfield, Ill.: Charles Thomas, 1957), pp. 21, 43. For other examples of arguments that seduction by adults was merely a trigger, see Hartwell, (n. 17)

prominent in popular accounts. The article in *Coronet* magazine that proclaimed homosexuals the “new moral menace to our youth,” claimed, “Each year, literally thousands of youngsters of high-school and college age are introduced to unnatural practices by inveterate seducers.”⁷² Accounts of “recruitment” appealed in part because of the Cold War association of homosexuals with Communists, a group that also sought to “poison the minds” of the young.⁷³ Accounts of recruitment also led to arguments that persuasively simplified the problem of sex crime by linking the crime and its causes in what one journalist called a “vicious cycle of proselytism”: men committed sex assaults against boys because as boys they had been victims of sexual assaults by men.⁷⁴ Parents could thus prevent sex crime both now and in the future by protecting their sons.

Parents not only had to strike a balance in their relationships with their sons, recognize that the boys were going through a process of psychosexual development, provide an adult male with whom they could identify, and protect them from adult homosexuals; mental hygienists also urged parents to employ sex education as an additional means of preventing boys from becoming sexual psychopaths. A lack of instruction about sexuality or “grotesque sex education” created a “tremendous amount of confusion, distortion, ignorance and anxiety” in boys, psychiatrists warned, and left them vulnerable to “distorted ideas” and “unwholesome practices.” Sex education would help children along the road to normal growth and equip them to deal with possible disruptions.⁷⁵

Warnings about how misguided parents could shape their sons into

Citizens' Handbook, p. 11; cases of Paul A., James D., Archibald T., and Gene S., in Henry, (n. 29) *Sex Variants*, pp. 7–9, 219–30, 242–68, 291–303. Both Rabinovitch and Glueck cautioned that a single, isolated experience was not enough to redirect a boy's development; see Rabinovitch, (n. 60), p. 46; and *Final Report*, (n. 21), p. 23.

72. Major, (n. 47), p. 102. For other examples, see Ploscowe, (n. 39) *Sex and the Law*, pp. 211, 213–14; and the coverage of a scandal about crimes against boys in Boise, Idaho, discussed in John Gerassi, *Boys of Boise* (New York: Macmillan, 1966).

73. D'Emilio, (n. 46), p. 232.

74. Whitman, cited in Jenkins, (n. 2) *Moral Panic*, p. 63; Major, (n. 47), p. 104. Accounts of such cycles rarely appeared in writings by psychiatrists. Pollens and a study by Haines, Hoffman, and Esser discussed cases where seduced boys went on, while still children, to molest other children; see Pollens, (n. 26) *Sex Criminal*, p. 144; and William Haines, Harry Hoffman, and Robert Esser, “Commitments under the criminal sexual psychopath law in the criminal court of Cook County, Illinois,” *Am. J. Psychiatry*, 1948, December, p. 425.

75. Pollens, (n. 26) *Sex Criminal*, pp. 191–97; Glueck, (n. 21) *Final Report*, p. 88; Whitman, (n. 27), p. 40. For other examples, see Ellis and Brancale, (n. 21) *Psychology of Sex Offenders*, pp. 91–92; Guttmacher, (n. 21) *Sex Offenses*, pp. 149, 151; Henry, (n. 29) *Sex Variants*, pp.

sexual psychopaths represented only the most powerful platform for promoting the concept of psychosexual development that mental hygienists created from the sex crime panic. The ability of psychiatrists employing the concept — looking through the prism of age — to make sense of the behavior of men who sexually assaulted children, particularly those men's inexplicable choice of children as sexual objects, and to weave together competing accounts into a coherent and appealing explanation, helped solidify the standing of psychosexual development in American culture. Americans in the middle decades of the twentieth century were struggling to come to terms with emerging modern notions of masculinity and sexuality that blurred Victorian notions of self-controlled manhood and of innocent childhood. Looking through the prism of age provided a means of categorizing individuals and a logic for understanding the forms and expressions of their sexuality that brought some clarity to the confused picture Americans confronted. It likewise separated the masculine from the psychopathic and the normal men from those men whose emotional immaturity made them, in regard to their psychological development, boys.

PSYCHOSEXUAL DEVELOPMENT AND MALE IDENTITY:
ADJUSTING MASCULINITY TO NEW CONTEXTS

The virile, aggressive behavior that defined masculinity dominated ideals and visions of male identity by the 1920s. Americans flocked to movie theaters to see *The Sheik*, in which Rudolph Valentino portrayed a passionate, masterful, sexually predatory hero. The “cave-man” became a prominent feature of American literature, while both respectable periodicals and pulp magazines such as *True Story* trivialized, and even celebrated, male violence toward women.⁷⁶ The changed contexts of the Depression and the Cold War culture of containment undermined that dominance and raised the specter of the excesses of masculinity, of a virility that threatened rather than titillated. As Estelle Freedman has argued, the Depression cast many American men out of work and on to the road, “beyond the boundaries of familial and social controls.” Within those boundaries, mascu-

1025–26; Harris, (n. 34), pp. 3–9; “Washington, D.C.” (n. 34), p. 245; Hartwell, (n. 17) *Citizens' Handbook*, p. 49; *Report of the Governor's Study Commission*, (n. 19), pp. 181–82.

76. Bederman, (n. 4) *Manliness and Civilization*, pp. 232–34; Kevin White, *The First Sexual Revolution* (New York: New York University Press, 1993), pp. 51–56.

line virility had invigorated society, gender relations, and marriage; outside those structures, masculine virility still required an outlet and threatened to prey on what it had previously supported. The end of World War II and the onset of the Cold War brought heightened concern to contain sexuality within marriage and to avoid behavior that weakened or threatened the family, which was regarded as the bulwark of American society and a key to national security.⁷⁷ Sex crime dramatized the threat posed to women, children, and the family by uncontained male aggression and virility, and called into question how far ideals of masculinity fit with the culture of containment.

The framework of psychosexual development promoted by the sex crime panic helped contain the scope of anxieties about masculinity and preserve male sexual prerogatives in two key ways. First, psychiatric explanations of crimes against children worked to marginalize and normalize aggressive sexual offenses against adult women. Freedman has noted the lack of concern with crimes against women in the sex crime panic, as well as the relatively few rapists diagnosed as sexual psychopaths and has attributed these phenomena to an acceptance of aggression as a normal part of male sexuality.⁷⁸ She overlooks the way a reliance on explanations based on psychosexual development worked in conjunction with that acceptance of aggression to cause men who raped women to appear normal. By choosing women as their sexual objects and by engaging in acts of sexual intercourse, rapists demonstrated a “maturity” that distinguished them from the archetypal sexual psychopath, the immature man who committed noncoital acts with children, and aligned them instead with “normal” men. The elaborate classification of sex offenders developed by Glueck and his colleagues, for example, placed men who raped adult women “closest to the control group [of inmates convicted of offenses other than sex crimes] in every area [of personality organization] investigated.” His portrait did also identify rapists as having a difficulty with “unresolved sexual feelings towards their mothers” that made them hostile toward women. But sexual deviation had only a small role in explaining their behavior. Glueck presented rapists’ behavior as an exaggeration, rather than a perversion, of adult male sexuality. The rape of an adult woman represented a departure from

77. Freedman, (n. 2), pp. 203–4, 208; Chauncey, (n. 2).

78. Freedman, (n. 2), pp. 212–13.

a pattern of normal behavior that occurred “when control is diminished by alcohol, or by a combination of sexual frustration and temptation.”⁷⁹

Public officials displayed an understanding of sex crime that mirrored those psychiatric opinions. Numerous district attorneys in New York State, for example, drew distinctions between what one called “sex pervert crimes” and rape. The influential *Report of the Mayor’s Committee on Sex Offenses* spelled out the basis of that distinction when it concluded that, “by and large, men who tamper sexually with children are mentally abnormal, even though they may not be insane.” That assessment did not apply to men who raped adult women. A sexual assault on an adult woman suggested to the committee none of the mental abnormality of a crime against a child; a man who assaulted a woman was implicitly “normal.”⁸⁰ Putting children at the center of the sex crime panic had the effect of pushing women to the margins, in the process preserving men’s right to use aggression against women as one of the prerogatives of male sexuality.

The concept of psychosexual development also shaped a perspective that saw perversity only when an age disparity existed between the parties to a heterosexual act. Seen in light of the psychosexual development, men’s sexual activity with adolescent girls fell outside the mid-century anxieties about male sexuality. Turn-of-the-century campaigns that raised the age of consent had been concerned to restrict male access to adolescent girls. The new laws defined all acts of intercourse with girls under the age of consent as rape, regardless of whether the girl consented. Most state legislatures adopted a new age of consent of fourteen, sixteen or, in states such as New York, eighteen years. In the 1920s, mental hygienists helped to weaken those barriers around adolescent girls. They argued that sexual expression was a normal and necessary part of adolescence. “Sex play,” behavior short of intercourse, provided a “necessary preliminary” to mature sexual expression and prepared young people, more effectively than did repression, for the sexual adjustment that mental hygienists

79. Glueck, (n. 21) *Final Report*, p. 85. For other arguments normalizing men who raped adult women, see Ellis and Brancale, (n. 21) *Psychology of Sex Offenders*, pp. 32–33; Guttmacher, (n. 21) *Sex Offenses*, p. 50; Mangus, (n. 66), p. 140.

80. *Report of the Mayor’s Committee*, (n. 22), p. 35. For other examples of this argument, see Citizen’s Committee, (n. 39) *Problem of Sex Offenses*, p. 9; and Ploscowe, (n. 39) *Sex and the Law*, pp. 165–66, 169–70.

considered was crucial for a successful marriage.⁸¹ Mental hygienists' ideas offered support for patterns of prosecution and enforcement in the 1930s and 1940s that narrowed the scope of statutory rape, the offense based on the age of consent. The proportion of statutory rape cases dismissed by grand juries in New York City doubled in the fifteen years after 1926, reaching a rate of 66 percent in 1941. At the direction of prosecutors, jurors disregarded defendants' admissions of guilt and indicted men only in those cases that involved virgins, or the use of physical force or other explicit exploitation, or where there had been a failure to provide for children or other serious consequences of the offense.⁸² The sex crime panic provided an opportunity to enact legal changes to formalize the narrowed scope that the offense of statutory rape had developed in practice.

Psychiatric writers generally questioned whether men who committed the crime of statutory rape should be considered sexual psychopaths. Ellis and Brancale argued, for example, that the statutory rapists they examined at New Jersey's State Diagnostic Center were often "quite normal young men who have coital relations with slightly under-age girls . . . [because they] are ignorant of the law, or of the girl's true age."⁸³ Public officials drew similar distinctions between statutory rape and the acts committed by sexual psychopaths. In New York State, for example, district attorneys from throughout the state told a legislative committee investigating sex crime in 1937 that they did not consider statutory rape to be a sex crime let alone a "sex pervert crime." Statutory rape, in their opinion, involved "normal sexual relations," adolescent girls who "[knew] enough to consent," and no violence.⁸⁴ The widely cited *Report of the Mayor's Committee*

81. Douglas Thom, *Guiding the Adolescent* (Washington, D.C.: Children's Bureau, Publication no. 225, 1933), pp. 20, 84–85; Phyllis Blanchard, *New Girls for Old* (New York: Macauley, 1930), pp. 59–61, 69–70, 189; Staff of the Child Study Association, "Sex education today," in Sidonie Gruenberg, ed., *Our Children Today: A Guide to Their Needs from Infancy Through Adolescence* (New York, 1952), pp. 223–24, 237. For further discussion of mental hygienists' analysis of adolescence, see Robertson, (n. 11), pp. 345–56; and Alexander, (n. 12) *Girl Problem*, pp. 59–65.

82. Robertson, (n. 11), pp. 414–35. Ploscowe, a New York City Magistrate, also noted the role of jurors and prosecutors in narrowing statutory rape in practice (Ploscowe, [n. 39] *Sex and the Law*, pp. 190–91).

83. Ellis and Brancale, (n. 21) *Psychology of Sex Offenders*, p. 36. For similar arguments, see "Public Hearings" in *Report of the Joint Legislative Committee*, (n. 35), p. 805; East, (n. 70), p. 554; Guttmacher, (n. 21) *Sex Offenses*, p. 88; Mangus, (n. 66), p. 109; Pollens, (n. 26) *Sex Criminal*, pp. 159–63; Vuocolo, (n. 33) *Repetitive Sex Offender*, p. 63.

84. "Public hearings," (n. 35), pp. 404, 749–50, 768, 805, 815.

on *Sex Offenses* agreed. The committee argued that “there is a wide disparity in social damage and individual perversity between sex intercourse or sex play between boys and girls of similar ages and the same acts on the part of mature men and young girls.”⁸⁵ New York Governor Thomas Dewey embraced those arguments, criticizing the “absurdit[y]” of a law that “stigmatized [adolescents] as rapists even though the crime had no elements of violence and even though neither party to the act realized that a crime was being committed.”⁸⁶ As a result, the package of laws enacted by the New York State Legislature in 1950 in response to sex crime panic included not only a sexual psychopath law providing for psychiatric examinations and indeterminate sentences, but also amendments to the rape law. The amended law narrowed the offense of statutory rape so that it applied to any man over the age of twenty-one years who had sexual intercourse with a female under the age of eighteen years. Men under the age of twenty-one years who had intercourse with an underage female in circumstances that did not constitute forcible rape committed only a misdemeanor.⁸⁷

The panic about sex crime against women and children could have implicated male sexuality in the broadest terms, calling into question the male-defined and male-centered concepts of sexuality and the notions of male dominance that lay at the heart of masculinity. As

85. *Report of the Mayor's Committee*, (n. 22), p. 35. For other examples of New York State public officials making this argument, see Frederick Moran, *The Sex Criminal on Parole* (Albany: New York State Division of Parole, 1941), p. 23; and Ploscowe, (n. 39) *Sex and the Law*, pp. 178–84, 193.

86. Memoranda on Legislative Bills Approved, *Papers of Governor Dewey, 1950* (Albany: State of New York, 1951), p. 412. Dewey's predecessor as governor, Herbert Lehman, had made similar criticisms of statutory rape when he directed the State Law Revision Commission to investigate sexual crimes in 1937; see New York State Law Revision Commission, *Communication and Study Relating to Sexual Crimes* (Albany: New York State Legislative Document 65 (O), 1937), p. 7. Drowned out were more cautious voices who looked beyond the legal definition of statutory rape to the nature of the acts being prosecuted in practice, and noted that, as part of the general confusion produced by overlapping and inconsistent legal definitions, “some of the most vicious and assaultive attacks have been charged as statutory [rape]” (*Report of the Governor's Study Commission*, [n. 19], p. 71). For similar arguments, see Ellis and Brancale, (n. 21) *Psychology of Sex Offenders*, p. 15; and Vuocolo, (n. 33) *Repetitive Sex Offender*, p. 62.

87. *Laws of New York, 1950*, chapter 525, p. 1280. Other states with similar statutory rape laws by 1949 included South Carolina, Vermont, West Virginia, and Wisconsin; see Robert Sherwin, *Sex and the Statutory Law* (New York: Oceana Publications, 1949), p. 75. New Jersey, Connecticut, Maryland, Massachusetts, and Wyoming included age disparity as one of the elements that needed to be present in a sex crime to bring it within the scope of the state's sexual psychopath statute; see Vuocolo, (n. 33) *Repetitive Sex Offender*, pp. 38, 121, 130, 132, 153.

the panic took shape, the concept of psychosexual development helped limit the objects of public concern, providing a perspective that pushed acts with adult women, and young men's acts with adolescent girls, out of the frame. The narrow focus of the media and public on men's acts with children allowed the masculine ideal that had taken shape in the early twentieth century to survive largely intact into the 1960s.

The story of the sexual psychopath tells us more about the history of masculinity in the twentieth century United States than previous historians have recognized. As Chauncey and Freedman have argued, portraits of the sexual psychopath highlighted impulses that needed to be restrained to achieve the gender and sexual conformity sought in the early years of the Cold War and helped redefine sexual boundaries. But accounts of the sexual psychopath also gave attention to his immaturity, and by so doing, promoted the concept of psychosexual development as a new way of understanding sexuality and framing male identity. This additional dimension to the story of the sexual psychopath directs our attention to the growing importance of age to understandings of gender and sexuality in other areas of twentieth century culture. Masculinity did not simply define male identity along the axis of sexual difference, in opposition to women and effeminate men. By the mid-twentieth century, even as ideals of masculinity incorporated and celebrated many of the traits that had belonged to boys in the nineteenth century, those ideals required men to separate themselves from boys to achieve masculine identities.