

## SCOTTISH MINORITIES GROUP

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## PAEDOPHILIA - A Discussion Paper.

The first obstacle to a straightforward discussion of paedophilia is the question of "age of consent", and it is therefore important to deal with this concept first. SMG's policy at present is to aim for the age of consent for homosexual love-making to be made the same as for heterosexuals. But in the long term, we may well regard the whole idea of a fixed age of consent as being undesirable - an oversimplified and often unjust solution to a complex moral problem, which supposes that in one day a child incapable of consent becomes an adult able to weigh the consequences of all decisions. We see almost daily, in the operation of the laws on sexual offences, the futility of regarding a specific age as being appropriate to cover everyone, since people mature at different rates.

If the notion of maturity, of being able to take a responsible decision on moral questions, replaced that of age, it would bring greater justice in a difficult area of the law. Deciding on maturity would be no more a problem to the courts than deciding consent is in ordinary rape cases: this stage in most children's development is marked by the onset of rebelliousness, as the child begins to examine critically the guidance of its parents - the difficult years of early adolescence. Another suggestion would be to make the onset of puberty the dividing line for purposes of consent. This would not be so different, although it could be argued that this would confuse physical and emotional maturity. Either suggestion would make the resulting age of consent lower for girls than for boys, and would in some cases give greater "protection" to slow developers, while in others would give a well-deserved freedom.

However, this concept of protection is one that requires examination. When a reduction in the age of consent is suggested, several arguments are immediately advanced in favour of the status quo.

First, it is said that a pubescent or adolescent child is still developing and may be "corrupted" into life-long homosexuality. This is rejected by careful research (cf. D.J. West's books), and moreover it is widely realised that most children experiment sexually with other children of both sexes. In any case, the use of the word "corrupted" already begs the question: what is corrupt about life-long homosexuality?

Secondly, so the argument runs, one's initial sexual contact is likely to be a traumatic experience. However, it will be traumatic at any age, and, provided the first sexual experience arise from the child's desire for such experience, it can reasonably be argued that this desire will make the experience enjoyably traumatic, whereas repression until later would induce unnecessary feelings of guilt both in relation to the repressed desire and its eventual fulfilment.

Thirdly, it is argued that an adult's relationship with a pubescent child is necessarily exploitative. In the vast majority of cases this will certainly be true, but it needs to be stressed that most adult relationships are also exploitative, and it is part of our present social order that society consists of the exploiters and the exploited. Thus relationships can be exploitative whether or not there is a difference in age, and perhaps one should condemn exploitative relationships per se (a vast number), rather than focussing on those few that arise from a difference in age, or, what is worse, presuming exploitation whenever there is a difference in age.

THE REAL PROBLEM with paedophilia is the question of sexual relationships between adults and pre-pubertal children. As has been suggested above, children are not capable of giving consent to a sexual act with a reasonable degree of responsibility before the onset of puberty. This must be seen in the wider social context - a child's place in society is such that he/she is neither expected nor permitted to express consent, dissent, or indeed any opinion whatsoever, on a wide variety of subjects many of which may have a greater bearing on the child's immediate life and subsequent development than a one-off sexual contact (what sort of education, for example). Moreover, the child may expect and accept relatively unthinkingly any adult's guidance on complex questions.

Therefore, where a child does clearly express his/her desire not to have sex, then sex with that child is clearly rape; but to have sex with an apparently consenting child which has been brought up in such a manner as to be virtually incapable of consent or dissent is little better. On the other hand, we must bear in mind that in many cases it is the child and not the adult who is the



instigator of the sexual act, and in the complete absence of moral brainwashing by the adult this would appear to place the adult in the role of consentor.

But even in the most favourable circumstances, there still remain grave difficulties. On the whole, and in the present circumstances, it would seem that sex with an adult is not good for a child. The only reasonable exception to this is where children from broken homes find some kind of affection better than none, and indeed such children form a sizeable proportion of those involved with sexual relationships with adults. The reasons against are at first sight similar to those rebutted above.

Firstly, the degree of trauma involved in a child's relationship with an adult becoming a sexual one will usually be intolerably high because of the social conditioning children receive from the earliest age.

Secondly, since a child is brought up to obey adults, any concept of "meaningful" consent becomes difficult to sustain.

Thirdly, again because of the usual unequal relationship between any adult and any child, the sexual relationship itself is exceedingly unlikely to be on anything resembling an equal footing, and will therefore lead to disillusionment and the possibility of the child ending up an emotional cripple.

HOWEVER, the fact remains that there are, and probably always will be, paedophiles, and children attracted to adults. Further, at present, such relationships are either conducted in an extremely damaging atmosphere of guilt and secrecy, and when any such relationship is discovered, it is broken up with dreadful consequences:

1. Removal of an important source of love for both adult and child.
2. A term in prison for the adult with the most appalling treatment from police, fellow-prisoners, and warders.
3. Estrangement of both adult and child from their respective family and friends.
4. Adult's loss of employment.
5. Concomitant mental disturbance and possible suicide.

This situation is clearly intolerable, and so some kind of solution is necessary. It seems clear that the only really workable answer is a long-term large-scale one. At present one could not simply give carte-blanche approval to the aims of organisations such as PIE, whose demands assume an amazing degree of fairness and equality in an adult-child relationship. What is needed before anything of the sort is a major change in society to give children a greater degree of independence and decision-making ability. Then they would be able for themselves not only to consent or otherwise to a sexual act, but also to have a far greater degree of influence over their entire life-styles so that they are not exploited by parents, schoolteachers, or would-be sexual partners. In the shorter term, however, it would be wrong for SMG to sit back at a time when PIE are enduring such deplorable treatment in the national press, particularly as SMG has a number of paedophile members. In so far as homosexual liberation and paedophile liberation have aspects in common (which as this report suggests, is not all that far), PIE should have a degree of support. It is however undesirable that we should be in any way associated with PIE's law-reform proposals, except possibly where we might agree on the futility of fixed ages of consent.

Finally, it would be appropriate for SMG, as an organisation concerned with civil liberties, to take account of the rights of children in the broadest sense, and to seek discussion with educationalists and family sociologists on the particular area of child sexuality.

Andrew Wyllie and Malcolm Crowe

The above paper was briefly discussed by the Executive Committee on 5th November 1977, who decided that it should be distributed to members for wider discussion.

