

**A Generation Silenced:  
The Role of Children as Seen Through the Discourse on Age of  
Consent Legislation**

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**Abstract**

Age of consent laws have been the source of a major debate between those that believe children need to be protected from predators, and those that believe children should have rights, and that the harm caused by a sexual relationship between a child and an adult has been dramatically sensationalized. However, among those involved in this dispute, no children can be found arguing for either perspective.

This study was initially intended to reveal the opinions of children on the issue of age of consent laws. Then I was informed that this was next to impossible given the various types of legal authorization I would be required to get. The issue of authorization is what ultimately led to the focus of this study – questioning what devices are put in place by society to prevent children from expressing their opinions? Also in this study, I examine whether there is a prevalent feeling that children *should* be able to express their opinions, and finally, in *what forms* would this expression be considered acceptable? To explore these questions, the views of university students as well as professionals were utilized as tools by which to understand the societal constructs that have silenced children, relating specifically to the Netherlands, but relevant outside of the Netherlands as well. Finally, there is a discussion of whether or not it is necessary that these constructs exist, and the ways in which it would possible to transcend them.

## **Acknowledgements**

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## **Introduction**

### *Personal Interest*

I have been interested in the concept of an “age of sexual consent” since I was about thirteen. To the best of my knowledge, this is much earlier than most children even know what the term “age of consent” means, let alone how it affects them (*see Relevant Terminology section*). What interested me about it initially, was that the ages of consent are different not only in every country, but in every US state. I also found it interesting that *any* sort of consensual sex could be criminalized. As far as I knew, the only kind of sex that was a crime was coercive or manipulative sex, or rape. It led me to question – who decides which type of sex is bad sex? And why is it that children are granted the sexual citizenship of adults at different ages in different places? Had I been living in Spain, I would have been sexually autonomous at the age of thirteen, but in the state of California, not until age eighteen. I found the concept of age of sexual consent laws to be both fascinating and frustrating.

Life is very simple when all you understand is right and wrong. However, laws are not quite as simple. There are many things that the law says are right or wrong for reasons that are not quite transparent. Children (*see Relevant Terminology section*) do not recognize right and wrong in a social context – there is no understanding of what a social construct is. Everything is tangible and unchanging. When I was thirteen, and discovering what age of consent laws were and why it is that they exist, I was, without knowing it, beginning to understand a very important social construct in our society. At this point in history, children are not considered citizens in the same sense as adults. There is a belief that they require protection, from others and from themselves.

My personal interest in this study as a young adult is rooted in my curiosity about whether or not there are young people (*see Relevant Terminology section*) that have something to say about the issue, just as I would have if I had ever been asked, or had my opinion been genuinely considered. I decided that I wanted to investigate the

foundation of age of consent policies, and whether or not there is support amongst the young people that age of consent laws affect.

***Why is this important?***

The most significant aspect of this study is that I could not, in fact, speak to those which the laws affect. Though it was not *impossible*, it was made exceptionally difficult for me to get permission to use minors as participants for the purposes of my research. This shows the extent to which children are protected, and consequently denied the right to express their opinions in a public forum (*see Relevant Terms section*).

You can find numerous articles and reports written on age of consent legislation (*also see Terms section*), whether they defend the laws that exist or oppose them. The issue is in the news frequently – people explaining why it is that the consent laws are not fair, and people who are appalled by the notion of a law protecting their children being called “unfair.” However, despite all that is said, there is little to no representation of the children themselves on the issue. There is a continuing belief that children do not have a place in discussing it because they “lack the information that is necessary to make an ‘informed’ decision about the matter. They are ignorant about sex and sexual relationships” (Finkelhor, 1979). I believe that my study is important to discovering whether that statement is supported amongst university aged students and professionals, as well as their opinions about the ways in which children are silenced, and ideas about how they could be heard.

I believe the significance of this study also lies in its main demographic: university aged students, because they are in between childhood and adulthood. It was not so long ago that they were considered children with opinions not eligible for public consideration, but are not yet so far into adulthood that there is no memory of that experience. They are at an age where they could express discontentment with the

system, or look back at their childhood and realize in hindsight that the laws were there to protect their best interests. They have an understanding of the ways in which they were kept from expressing opinions and making decisions. The professionals interviewed in this study contribute to the discourse on the rights of children by expressing their own theories and opinions about the exclusion of children from political life.

### ***Research Question***

This study explores *how* it is that children are kept out of the debate on age of sexual consent laws, *whether or not* there is a prevalent feeling that they should be included, and *under what conditions* and *in what ways* they could be.

## **Literature Review**



### ***History of Childhood***

In his book, *Centuries of Childhood*, Philippe Ariès claims that “in medieval society, the idea of childhood did not exist” (Ariès, 1962). What this refers to is the idea of childhood as we know it today, which is a social construction rather than a biological occurrence. The conception of childhood, as separate from adulthood, emerged from the philosophers John Locke and Jean-Jacques Rousseau in the seventeenth century. John Locke’s logic was that, while language is naturally acquired, literacy must be taught, and every human being is a tabula rasa, or blank slate (Locke, 1996). This led to the creation of the concept that there is a distinction between those who teach (adults) and those who learn (children). According to Rousseau, the difference between adults and children is that children are closer to a “State of Nature” than adults, are for this reason are purer, and should be kept this way for as long as possible (James & Prout, 1990).

The Victorian Era (1832-1901) is considered the official origin of the modern institution of childhood, despite the fact that the Industrial Revolution (which occurred during this era) led to an increase in child labor (Victorian Childhood, 2007). However, child labor was gradually reduced and eradicated in England by the Factory Acts of 1802-1878 (Horn, 1994). Simultaneously, similar legislation was being passed in America. In 1852, all children in Massachusetts were required to attend school. Child labor was also wiped out in Europe during this period, due to the occurrence of similar movements (Nardinelli, 1990).

The Great Depression is what ended child labor nationwide, as a result of adults having become so desperate for jobs that they were forced to submit to working for the same wages as children (Grossman, 2007). In 1938, President Franklin D. Roosevelt signed the Fair Labor Standards Act which, among other things, placed limits on many forms of child labor (Nardinelli, 1990). While initially laws that were created awarding

children the “right” to attend school were considered acts of entitlement and protection, the prohibition to work evidences the extent to which protective efforts had begun to serve as a hindrance to their rights as well.

In the early twentieth century, a major movement began to promote the rights of children as distinct from those of adults and as requiring explicit recognition. Some of the various restrictions that have been imposed on minors over the last century include statutory rape laws, prohibition of alcohol and cigarette use, mandatory school attendance, the need for adult co-signers on legal documents, age and consent requirements for driver's licenses, separate punishment and trial, child labor laws, curfew laws, prohibitions against viewing certain films and prohibitions against voting (Lascarides, 1992). These laws were created to protect youth and serve their best interests. However, as this extensive list reveals, they also severely restrict the freedom of minors and in many ways, serve to disempower them.

The first effective attempt to promote youth rights (for their independence *as well as* their protection) was the Declaration of the Rights of the Child, drafted by Eglantyne Jebb in 1923 and adopted by the League of Nations in 1924 (Declaration of the Rights of the Child, 1923). The Declaration was accepted by the United Nations that same year and updated in 1959. In 1989, it was replaced with a more extensive UN Convention on the Rights of the Child (Convention of the Rights of the Child, 1989). The US has opposed ratifying the CRC because “serious political and legal concerns that it conflicts with U.S. policies on the central role of parents, sovereignty, and state and local law” (Engman, et al.).

Despite the fact that the Netherlands’ ratified the CRC, only 62% of children know of its existence, and of their own rights (Youth Report on Children’s Rights in the Netherlands, 2002). Not only is this number low, but in the *Youth Report on Children’s*

*Rights in the Netherlands*, there is no mention whatsoever of sexual rights. There were no questions asked about what the participants (all under 18 years old) know or think about these rights, and consequently there was no discussion of the issue. However, various youth organizations are working to make it known that, while it is important that children have secured in place in society where they are adequately protected, there is still a long way to go in terms of their freedoms (Americans for a Society Free from Age Restrictions, 2007).

### ***Relevant Studies***

#### ***Bruce Rind & Philip Tromovitch (1997)***

In 1997, Bruce Rind and Philip Tromovitch published a study that stirred a massive controversy in the media, the mental health field, and among legislatures. Their study investigated the correlation between child sexual abuse (CSA) and long term psychological damage, a relationship which until that point, had been argued as an undeniable case of causality. The question of whether CSA has caused “pervasive, intense psychological harm” for both males and females was also investigated. In this study, the authors reviewed “an important body of literature that has not been systematically examined in previous literature reviews on the psychological correlates of CSA” (Rind & Tromovitch, 1997). The results implied that only a small number of people affected by CSA experienced permanent psychological harm, and that a much greater proportion of females than males “perceived harm from these experiences” (Rind & Tromovitch, 1997). This study was revolutionary, and due to its controversial findings, intensely disputed.

Rind & Tromovitch’s study laid the groundwork for my ability to understand the stigma that surrounds child sexuality and age of consent laws. Without their research, in addition to the media, academic, and governmental responses to their research, the

questions raised in this study would be considered too controversial to investigate. The debate surrounding Rind & Tromovitch's study has also, in and of itself, served as a foundation for what this study investigates.

*Verwey-Jonker Institute (1998)*

In 1998, a study was published by the Verwey-Jonker Institute, a private research foundation in the Netherlands. Researchers went to schools and asked children between the ages of 12 and 16 how they felt about the current age of consent, specifically relating to the 'klachtvereiste,' or complaint exception, written into law in the Netherlands. This exception meant that unless a child or the guardian of that child complained about a sexual encounter with an adult, there were no grounds on which to arrest that adult or discontinue the relationship by law. This study also investigated how adults felt about the exception in the law. The results revealed that children considered this exception to be very important for their autonomy and self-determination. Though the study showed that many of these children believed that 12 to 16 year olds are not ready for sexual intercourse, there was still an overwhelming belief that the decision should be their own, not their parents' or the law's.

While the Verwey-Jonker Institute's research serves as a point of inspiration for this study, I approach the issue of age of consent laws from an outside perspective. Their study asks the question that I originally intended to ask, and as a result of my inability to, the focus of this study shifted to investigating why it is that research on minors is so difficult to complete. As the results of the Verwey-Jonker study suggest, perhaps it is because the potential findings would challenge decisions made by the government. Specifically in this case, the 2002 decision to remove the exception from Dutch law and criminalize all sexual relations between adults and those under the age of 16. This study

investigates multiple aspects of why it is that studies like the Verwey-Jonker Institute's are made difficult to carry out, and even more challenging to make a difference with.

*Rachel Thomson (2004)*

Six years after the Verwey-Jonker Institute's research was published, a similar study was conducted in Britain by Rachel Thomson. In this study, Thomson gathered data from a focus group of 11-16 year olds about their opinions on lowering the heterosexual age of consent in Britain from 16 to 14 years old. The results exposed that while all participants expressed a desire for sexual freedom and agency, there was still a fear, expressed by "girls in particular (who) were not confident that their interest would be served if sexual negotiations were completely private" and many saw this law as a "safety net which could be invoked if they were 'cornered'" (Thomson, 2004). In contrast, "young men (were) most dismissive of the attempts to control or define their behavior" (Thomson, 2004). The uniting theme among the two genders was that neither believed much attention was paid to the law unless it was necessary to rely on it in a situation where a child felt that it was needed. In this sense, participants expressed a desire for the existence of a law much like the exception discussed in the Verwey-Jonker study, whereby the law could exist to protect children, but not to dictate their sexual freedoms.

In this study, some of the issues raised in Thomson's focus group were used as a basis for questions asked in interviews and surveys. However, due to the differences in demographic, location, and time of these studies, I believe there is a pressing need for the type of research that will be subsequently presented.

## **Theoretical Framework**

In addressing the issue of children's lack of influence and agency on policies that affect them in society, I have found Social Constructionism and Michael Foucault's theory of Power and Knowledge to be most useful. These theories are tools for understanding the historical, political, and sociological aspects of the issue, while simultaneously providing an argument and foundation for reform.

### ***Social Constructionism***

The social constructionist perspective speaks for the topic of my study on multiple levels. The concept that children are a group that must be protected from the ills of society, and as a result must also be prevented from acting as full fledged citizens of that society is a social phenomena that is explained by this theory. Social Constructionist theory states that the thoughts, events, policies and so on that occur in a certain era must be acknowledged in the context of that era (Berger & Luckmann, 1966). It brings to light the important point that things we may feel are unchanging about society both concretely and morally have probably, at some point, been drastically different. In the context of the role of children in society, it makes light of the fact that until the early 20<sup>th</sup> century, children were regarded no differently than adults by the law, which can be regarded as both as a negative and a positive.

The children's rights movement served as a double edged sword for young people. Laws created to protect children from long hours of work, not being able to attend school, and from being sentenced as harshly as adults in court simultaneously acted as a hindrance in that the rights of adults and the rights of children became differentiated in all aspects. Laws and policies were developed to protect the "best interests of the child," however none were created to promote or protect their rights as citizens. They do not have the right to vote (the ultimate right of citizenship), to *not* go

to school, to work if they *choose*, and more relevant to my topic of study, the right to make decisions about the way by which they express their sexuality.

The social construction of children as a population requiring a unique set of protections and boundaries is a fairly recent one. When regarding this view as a socially constructed phenomenon, it is apparent that the child's place in society is not inevitable and unchanging, but contingent upon social and historical developments. Ian Hacking writes in *The Social Construction of What?* that the implications of addressing something as a social construction are that it is bad as it currently is, and it would be much better if it were done away with or radically transformed (Hacking, 1999). There are people who may agree with these implications when it comes to issues such as gender or racial discrimination, but could age discrimination ever be included in this category? This is one of the questions I will be investigating in my study.

### ***Foucault***

In addition to the theory of Social Constructionism, I have found the work of Michael Foucault to be pertinent to my study of the rights (or lack of rights) of children in society. Foucault's theory of power-knowledge, otherwise known as governmentality, is highly applicable to the issue. According to this theory, it could be claimed that the condition of youth rights has deteriorated to its current state as a result of the power that adults gain by the wielding of knowledge over children (or at least the illusion of the importance of that knowledge). This knowledge is used by claiming that young people are different from adults in multiple ways, thereby categorizing them as something different, and less deserving of power. Young people go through the storm and stress of puberty, are more emotional, malleable, and so on, and as a result of this group designation, adults are able to claim that children should therefore not have the same rights to autonomy and self governance as adults. In theorizing power-knowledge,

Foucault shows that in a sense, the designation of young people as powerless in society is merely an illusion created to hold them down, thereby promoting the success of the group using that knowledge to empower themselves, which is in this case, adults.

In addition to the relevancy of Foucault's theory of power-knowledge, Foucault spoke directly on the issue of age of consent laws in his April 4, 1978 appearance on the French radio show "French Culture" to discuss the abolition of these laws in France. In this conversation, entitled "The Danger of Child Sexuality" with Jean Danet and Guy Hocquenghem, Foucault refers to the "new medical power," working hand in hand with the new penal and legislative systems (Foucault, 1990). These systems work together to label certain populations as those who are in danger, and those who are dangerous, therefore automatically designating every child as a potentially powerless victim and every adult interested in children as a dangerous predator. This approach replaces the punishment of a crime with the criminalization of an entire population. It bolsters the new medical power by making the desires and practices of all pedophiles a medical condition for which they must be rehabilitated, whether or not they harm others. In a similar way, the new medical power has also been strengthened by designating every child involved in a sexual relationship with an adult as having long-term psychological damage and in need of counseling for this problem. Whether or not the child feels this way, they have been told by society that they should feel powerless and victimized by the more dominant adult predator.

Using the theory of Social Constructionism and Foucauldian theory, I am able to deconstruct the history of the rights of children and processes by which they have been, and continue to be denied by the power structures in our society.



## **Assumptions**

Before beginning this study, I was torn about the question of a child's ability to make decisions affecting their safety, both mental and physical and whether they should have the right to do so. I am no less torn after the completion of this research, but I believe that this is one of the positive aspects of the research questions asked and approach taken in completing this project. I had no biases influencing the creation of my survey and interview questions, as is commonly the case amongst researchers who begin with a question that they have already decided the answer to and are merely collecting data to support that conclusion. I decided to ask a question to which I had no idea what kind of answers it would yield. I, of course, have my own opinion about what rights I believe young people should have, but the survey and interview questions used in this study did not reflect those beliefs. My only assumption was that young adults would have strong opinions about the state of their freedoms, not what kind of opinions they would have.

I had assumptions about what my interview subjects might say based on how they identified politically, and based on their professions, but I also know that it is not uncommon for people who consider themselves liberal to have conservative opinions about certain issues. Therefore, despite the fact that all of my subjects identified as socially liberal, I made no assumptions about how they would respond to my interview questions concerning the rights of children in having cross-generational relationships. It is a unique topic in the respect that it can cause the most liberal person to express conservative views.

## **Methodology**

### ***Demographics***

The students that I surveyed were between the ages of 18 and 25 and all of them attend the University of Amsterdam. Of the 20 respondents, 13 were female and seven were male. The majority of respondents were between 18 and 20 years old and living in Amsterdam. All of the students surveyed were enrolled in a first year sociology course. They were able to retrieve the survey from an internet database, which was more practical than in person distribution for broader circulation and less disruptive for the professor.

This sample clearly has some drawbacks, the first of which being that all of the subjects attend a university. This means that their opinions may be somewhat influenced by their level of education. The opinions of these subjects may be different, for instance, than young adults who have not gone to university, or are attending a vocational school. It is also important to note the significance of the students being part of a sociology course. Sociology is a social science, wherein there is often discussion about social trends, behaviors, and constructions. Therefore it is possible that this background will have influenced the students' responses to a survey questioning their opinions about a behavior which society considers controversial (i.e. cross-generational relationships – see *Relevant Terminology section*). If it had been possible, I believe a more diverse sample would have also included young people who were not in university, and of the ones in university, students taking a variety of courses to allow for what could be a greater diversity of opinion.

However, I believe my survey did have significant strengths. I received more responses from male students than I thought I would, indicating that the survey was accessible for both genders. Additionally, the responses themselves turned out to be

more diverse and surprising than I had expected them to be, indicating that the wording of the questions did not encourage a certain type of response. A benefit in terms of the issue of diversity of opinion is that although these students attend school in Amsterdam, many of them are not from the city. Therefore, their views may reflect the influence of where they came from, their upbringing and familial or personal values.

The professionals used in my study ranged in age from 29 to 42 years old and held various jobs such as freelance editor, socio-therapist, PhD candidate, dishwasher, and teacher. However, all of them, whether academically, politically, or personally, are involved in, knowledgeable on, or opinionated about the age of consent. Only one of my professional interviewees, Margriet, was female, while the other four were male. I was able to interview one student, a female. Despite this not being the student representation than I had hoped for in my interviews, I feel that our conversation serve as a vastly useful source of information when paired with the articulate survey responses I received from many other university students.

It is important to note that my study was carried out in a highly unique place in the Netherlands. The majority of my research subjects were based in Amsterdam, which is not necessarily representative of the entire country. In large cities, and specifically in a city like Amsterdam, there tends to be a more liberal population than in suburban and rural areas. I believe that this is both a strength and a weakness. Though Amsterdam is not a fully representative sample of the Netherlands, it is an interesting sample populous in that it, in some ways, reveals the extent to which Amsterdam is or is not as liberal as many people expect it to be.

### ***Surveys***

Surveys were completed by students over e-mail between November 12 and November 21, 2007. The survey questions (*see Appendix A*) were compiled from ideas I had come up with, and questions used by a prior SIT student in his independent study (Dechen, 2000). I was also influenced by Rachel Thomson's article "'An Adult Thing?' Young People's Perspectives on the Heterosexual Age of Consent" (2004). Thomson's study used students between the ages of 12 and 17 as subjects, while my survey was used for 18-25 year olds, but I found some of her questions particularly relevant to use in the past tense in asking university students to try and recall thoughts and experiences from their teenage years. The survey method of information gathering was useful in providing data that could show general trends as opposed to interviews, which were essential for learning about personal experiences and hearing unique perspectives. The combination of the two methods as data gathering devices was crucial for being able to support statistical conclusions.

I believe that a weakness of my survey is that, because it was in Dutch and the students were invited to answer in Dutch, there is likely information that has gotten lost in translation. Colloquial phrases may have been used that do not translate in the way that I understand them. However, the fact that the students could answer in Dutch was a strength in that I may have gotten less honest feedback, and less feedback in general if they were asked to respond in English. I also would like to have cast a larger net for my subject pool, but this was not possible for various reasons.

### ***Interviews***

I began every interview by following the interview guides I had created (*see Appendices B and C*), but each conversation was unique depending on the perspective of the subject and their interests. My interview guides are composed partially of my

own questions and, like my survey, partially of questions used by Albero Dechen in his independent study. Two of the interviews took place over e-mail, one over regular mail, and three of them were carried out in person. Of the interviews conducted in person, one took place in Leiden and two in Amsterdam. Interviews took between 30 minutes and an hour to complete. All of them were tape recorded and directly transcribed into the Field Studies Workbook (including those conducted over e-mail). I found that the interviews allowed for much more freedom of expression than the surveys, and often led to topics that I had not anticipated being brought up. For this reason, I found them to be a beneficial technique of data gathering in conjunction with the survey method.

I organized my interview questions with the intention of having interviewees discuss their opinions on age of consent policy, which can seem abstract, and then whether or not their feelings about these policies would still apply in how they handled their own lives and (whether in reality or in theory), their own children. This yielded interesting responses, as it brought up the issue of personal commitment to political ideals, and how this affects progress. Through my interviews I aimed to uncover how prevalent the occurrence of disjointed views was, and with the reasoning subjects gave me for the difference in public and personal opinion, I was able to analyze the ways in which society silences children and the ways in which these devices are justified.

### ***Environments***

Because the surveys were conducted through e-mail, I am unaware of the environment in which they were completed. A benefit to e-mail is that students likely felt more comfortable and therefore may have been more honest as a result of being able to complete the surveys in private. However, there is also a chance that some students decided to complete the survey in groups and were therefore able to discuss and possibly influence each other's opinions. It is impossible to be sure how honest survey

data is. The fact that there was complete anonymity leads me to believe that the answers were most likely genuine.

My interviews with professionals took place at their homes or offices, or over e-mail. I feel that this was favorable as it allowed them to feel comfortable and in control in their environment. It was highly beneficial for *me* to travel to these peoples' homes, especially in the case of Marthijn, who is the chairman of the PNVD (*see Relevant Terms section*), and previous treasurer of Vereniging MARTIJN (*also see Terms*). By visiting Marthijn's home, I was able to gain an understanding of the gravity of this issue for him. His windows had recently been smashed in by people who want him to leave the neighborhood due to his views on pedophilia and the age of consent.

The interview that I completed with Anne-Maria, a student from the University of Amsterdam, took place at [edit]. I believe this was beneficial because it would likely have been disruption for her to have me in a dorm room or college apartment as opposed to her being able to travel to a school environment for the interview. Our interview took place in complete privacy, which I also believe was crucial due to the sensitive nature of the topic and the personal anecdotes that can be uncomfortable to share.

## Student Surveys

### *Data Summary & Analysis: General Trends*

In response to the question “at what age did you first have sexual urges or feelings?,” 80% of participants answered between 10 and 13 years old. The youngest response was 4-5 years old and the oldest was 16-17 years old. Similarly, in response to the question “at what age did you have your first sexual experience with another person?,” 80% of participants answered between 10 and 15 years old, with the majority of those responses falling into the 12-13 bracket. The youngest response was 10 years old, while the oldest was 21 years old. 95% of responders believed that the age at which they had their first experience was a typical age, including those at the low and high end of the outliers. This could be due to the wording of the question, which asked whether *they* believed the age was typical as opposed to what *society* might view as typical.

When asked if they had ever been in a relationship with someone at least five years older when they were under the age of 16, 90% of participants responded “no.” Of the 10% that responded “yes” and “a few (2-4),” these experiences were reported to have been positive. When asked if they had ever been in a relationship with someone at least five years younger when they were over the age of 16, 85% responded “no.” Of the 15% that responded “yes” and “a few (2-4),” the responds were described as either positive or neutral.

The questions “what messages did you receive about sexual relationships with those much older or younger than yourself?” and “how do you feel about these types of relationships?” revealed a major themes in responses. The concept of “wave length,” which is colloquialism translated from Dutch in various literal ways, but all meaning something similar to this American colloquial statement, was consistently used as a qualifier for relationships with those much older or younger. Being on the same wave

length refers to thinking similarly, understanding emotions similarly, and perhaps living the same type of life (for instance, the life of a student, or a working person, or an athlete).

Additionally, the concepts of “equal respect” and “complete consent” were used repeatedly. The theme of equality of needs and desires appears to be an important stipulation for many of the students to feel that relationships between children and adults are feasible. “Equal power” was also topic that arose often in responses. There was a general sentiment that one partner should not overpower the other, much like being on the same “wavelength.” Finally, some students expressed that cross-generational relationships were acceptable if both parties were over 18, but if one was under 18, there was no way that there could be equality and consent.

The information that participants received about this was primarily from parents, friends and the media. Very few participants reported receiving information from teachers. In terms of voicing their own opinions to figures of authority, there were no reports of participants never being listened to. 30% reported that they were “sometimes listened to” and 30% reported that they were “rarely listened to.” 25% reported that they were “always listened to,” and finally, 15% reported that they were “listened to most of the time.”

When asked how they felt about the current age of consent in the Netherlands, 65% reported that it was appropriate, 20% reported that it was too young, 5% reported that it was too old, and 5% reported that they had no opinion about it. When asked if they believe that children below the age of 16 should have a say in age of consent laws, 30% said “yes,” 50% said “no,” and 20% said that they were “unsure” about it. Explanations for these responses are further explained in the *Gender Differentiation* section.



***Data Summary & Analysis: Gender Differentiation***

Whereas all of the female responders were 18-22 years old, the majority of male responders were 20-25 years old, embodying the views of a slightly older demographic. The trends of first sexual feeling versus first sexual contact for the two genders comparatively are not particularly striking as the participant pool was not large enough to reveal any recognizable pattern. A difference between the male and female responses that struck me was the information they received about relationships with those much younger or older than themselves. The majority of females (75%) reported being told that these relationships were okay only under certain circumstances, whereas almost half of the male respondents reported not receiving any information at all. Despite the subject pool being relatively small, this could indicate that the issue is spoken about more commonly with females than with males, which would not be surprising, as there is a history among males of “more accepting attitudes toward premarital sex and extramarital sex...and also less sex guilt and anxiety” (Bauserman & Rind, 1997).

None of the male participants said that the current age of consent in the Netherlands was too young, whereas 25% of female participants expressed this thought. When asked whether children below the age of 16 should have a say in age of consent laws, a third of the female respondents said that they were “not sure,” whereas none of the males responded this way. It is possible that the feelings expressed by female participants about the age of consent being too young and about being unsure of whether children should have a say in the issue are related to a series of findings in Robert Bauserman and Bruce Rind’s (1998) archival study on the differences between male and female reactions to sexual experiences with adults. In studies that the authors referenced, by Finkelhor (1979) and Fritz *et al.* (1981), it was suggested that:

...boys' reactions may be more positive than those of girls because boys are socialized to regard sex in a more positive fashion, whereas girls receive more negative messages. Fritz *et al.* (1981) stated that although girls typically regarded their experiences as sexual violation, boys often regarded their experiences as sexual initiation. (p. 127)

It is possible that the findings in this study explain at least part of the reason why female participants responding to my survey expressed negative or apprehensive feelings towards youth sexuality.

The females who expressed that they were unsure about whether or not children should have a voice in age of consent legislation seemed to be conflicted about to what degree a child's opinion should be considered. There was a general theme that while the opinions of children should not necessarily affect the laws being made, "they can, however, be listened to, because it is naive to think that people younger than 16 years old know nothing about it"(Anonymous Survey Participant, 2007). This point was also articulated more extensively in my interview with Anne-Maria, who felt that children should be listened to, but not the sole decider of what is and is not good for them.

Of the survey responders that thought children should *not* have a say in age of consent laws, 50% were female compared to 57% male. These participants expressed that they believe children are not yet fully developed mentally or emotionally and are therefore "very impressionable and cannot make well founded choices for themselves" (Anonymous Survey Participant, 2007). Some referred to the fact that children should not have a say because they "are not 18 and do not yet make decisions about anything in our society - they are not competent" (Anonymous Survey Participant, 2007). Therefore, they should not have the right to make decisions about the age of consent.

Of the survey responders that thought children *should* have a say in age of consent laws, 16.6% were female compared to 43% male. These participants explained this belief by saying that because the law affects children, children are the only ones

who can “indicate how they think concerning the law and their opinion is of the utmost importance for amending laws which they have to experience” (Anonymous Survey Participant, 2007). Essentially, no one has a better handle on what children need and want than the children themselves. Another argument put forth was that “children younger than 16 years old nowadays exist in their own sex culture and if you do not let them take part in a conversation about it, you are turning a blind eye to an important part of the population”(Anonymous Survey Participant, 2007). Children are sexual citizens just like everyone who is over the age of 16. Therefore, they should not be excluded from a dialog about their sexuality.

## **Student & Professional Interviews**

The issue of whether or not children should be included in discussion and decisions made about age of consent laws is also addressed from a different perspective in the interviews I carried out with one very unique student and five professionals holding a variety of opinions on the issue. The responses of my interview subjects can be broken down into three themes. Their replies revealed multiple concepts about *how children are silenced by society, the ways in which they could in fact be included and their opinions about whether or not children should be included*, in contrast to responses provided by survey responders. While the statements made in these interviews are merely the opinions of a small data pool, they reveal important themes that exist throughout society. Even amongst the most liberal people, there are clear indications of the impact that mainstream attitudes and policies have had on their views about this topic. However, amid these opinions there are also revelations about how the eyes of society could be opened and about how these innovative ideas could be implemented. I discuss these ideas in the context of breaking out of the constraints of the discourses on Social Constructionism and Foucauldian Theory, both of which are outlined in the *Theoretical Framework* section of this paper.

### ***How are children silenced?***

Children are silenced in one of two general ways: with moralistic devices and with concrete devices. Moralistic devices are representative of societal values and are used as a basis for the argument of why child sexuality is dangerous and immoral. Concrete devices are the ways in which society is able to limit the power of children through laws and policies.

The moralistic device that every instrument of silencing is based on is panic. At the root of the issue, the reason that the legal and moral walls of society cannot be

breached to even bring this topic up as debatable is that “anyone arguing for reason and perspective is denounced as an apologist for ‘child abuse.’ There seems to be no room for rational discourse, only fear and panic” (Jason, 2007). In many ways, Jason’s comparison of the issue of pedophilia being dealt with as “...a modern day witch-hunt or Red Scare” is evidenced by our society in many ways. The issue is no longer whether harm is done to the child, but rather the existence of the pedophile in general. Because the mere existence of the pedophile’s preferences is deemed predatory, it has turned into a hunt for the pedophiles, not for the criminals (Foucault, 1990). This is revealed by the fact that there are independent websites that keep lists and addresses of known pedophiles, as well as where they work ([Corporate Sex Offenders, 2007](#)). Someone like Marthijn, who fight for the rights of children and adults in cross-generational relationships, has the windows of his living room broken regularly, and furthermore, I have had to created pseudonyms for certain participants of this study who fear what would happen if their real names were known. This is the most prevalent and unstoppable moral device used by society – a dialog cannot be achieved by anyone, let alone with involvement of children, due to the moral panic.

In my interview with Anne-Maria, she exposed one of the most prevalent moralistic devices used by society, causing children to feel that they are incapable of making mature decisions regarding their sexual well being. She explained that “I’m really against young people doing; you know...I just think it’s more related to love...When I was that age I also thought I was in love, but if I’m thinking about it rationally, I think more like 18 or something...” (Anne-Maria, 2007). This statement works in two ways – first, what this says is that because children cannot understand the kind of love that adults understand, they should not have sex. This puts a higher value

on a certain type of sexuality and regards it as the only valid one, despite the fact that “children...as everybody... (are) sexual beings” (Margriet, 2007).

Anne-Maria’s statement also reveals the fact that in our society, sex for the sake of pleasure is considered morally uncouth. This is because, as Margriet explains, we live in a society where “it’s fine to be a serial monogamist,” but where often “you’ll feel very, very guilty about your sexual relationships outside marriage” (Margriet, 2007). This is a moralistic claim that resonates in our society. It represents the strong belief, among someone like Anne-Maria, who considers herself to be “more left wing... interested in the social parties” (Anne-Maria, 2007), that one should not partake in sexual activities without emotional investment in the situation as well. Because it is a common belief that children cannot understand “true love,” they are therefore sealed off both from having a discussion about the nature of their sexuality and from having sexual encounters that society would consider acceptable.

Another key moralistic device was revealed in my interview with Jason. In response to the growing fears of pedophilia being “normalized” (Brown, 2003), Jason responded that “we should first consider the normalization of countless forms of abuse that our society has ritualized, institutionalized and routinised” (Jason, 2007). Through examples like the over-prescribing of medication to children, religious indoctrination and circumcision, he brings to light the fact that there is a moral hierarchy of controversial behaviors that are either deemed acceptable or unacceptable to normalize. On this moral hierarchy, cross-generational relationships among children and adults are of the lowest acceptability – a truly taboo behavior. Therefore until there is a shift in the moral hierarchy, there is not even a forum for which to debate this issue in, let alone a way by which children could become involved in that debate.

The most evident and effective form of concrete silencing was discussed in my interview with Anne-Maria. When asked about her thoughts on the rights of children, she immediately focused on the issue of the voting age in the Netherlands (18) and how she strongly believed that it should be lowered. In her opinion, society “shouldn’t put an age of consent on politics...It’s really weird that you can drink and have sex (when you are 16), but that you can’t decide on politics” (Anne-Maria, 2007). This concept holds a great deal of importance when considering that the only way any citizen can actually speak out and make a difference with their opinion is by voting. If children were granted the right to vote at a younger age, and in actuality, be granted citizenship, there would be no need for an investigation into the issue of how they are silenced. By voting, they would have a voice. This is a clear example, relating to Foucault’s theory of power-knowledge, of a societal device that serves to silence youth in an attempt to preserve authority over them.

Anne-Maria is a unique subject in that she has come to her own conclusions about controversial issues such as sexual responsibility and political identity, which she claims is a result of the fact that “my parents always treated me like an adult...a lot of my parents friends didn’t like that, but I was always seen as an adult” (Anne-Maria, 2007). She raises two important points with this statement – first, that by treating your child like an adult, they learn to think critically and responsibly from a younger age. This is an example of one of the ways by which to include children in a debate – by educating them on empowerment at an earlier age. I will speak further about this is the subtopic of *how could children be included?*

The second point that Anne-Maria raised was the issue of how, upon seeing her parents treating her like an adult, other adults felt threatened by the societal position that was being awarded to her, as a child. Jason described a similar experience: “my parents

wrestled between their desire to trust me/listen to me and the judgment they would have to face from family, neighbors and community when trusting me might not be convenient or would be embarrassing” (Jason, 2007). Both of these occurrences expose another one of the concrete ways that children are kept out of the debate on age of consent laws. There is a belief that children have a specific place in society and when that position is violated, it makes adults uneasy. As Jason explains, this could be because “adults are afraid kids will say things they don’t want to hear...that sex isn’t nearly as “bad,” dangerous, or as hard to figure out as we’ve been led to believe...(and) that won’t do in an authoritarian ‘society’” (Jason, 2007).

A concern that was raised by Margriet and by many survey responders is that “children have less power than adults. They are supposed to listen to parents, and they are supposed to go to bed on time, and they are supposed to go to school, and they are supposed to do what their parents say” (Margriet, 2007). For this reason, Margriet explained that she believes children should be protected; that because so much about their lives are already predetermined, that they do not have a good enough grasp on how to articulate or decide what is best for themselves. However, without being given more responsibility and freedom to make decisions for themselves, it will be, of course, not “safe for them to enter in the debate with people that are so much more advanced in talking about sex because they’re older.” This is a catch-22 that exists in our society: constraints are placed on how educated and involved children can be, and then their consequent inability to exist independently is used as a means to keep their freedom of expression to a minimum.

Margriet also raised the issue that, when she was a young child in school, there was a book of “pictures of naked children and also of a girl sitting in like, a yoga position...I think her hand was somewhere around her pussy, and then it said ‘when I



touch myself here, it feels very nice'. And I was like, this book is so, extremely forbidden here now" (Margriet, 2007). This is just one example of the ways by which, over time, sexual education materials have been censored in efforts to "protect" children. By closing off their gateway to a full, honest understanding of sexuality, society has taken away the ability for children to acquire a vocabulary with which to partake in a serious discourse about their feelings and thoughts on their own sexuality. Both of the issues raised by Margriet are further examples of Foucault's theory of power-knowledge at work.

***Should children be included?***

Among the responses that I received to this question, only one of the interview participants believed that children should have complete control over what the age of consent should be. Marthijn, who politically identifies as a Human Liberal and would like "as much freedom as possible," explained that one of the real foundations in the creation of age of consents laws is that parents "don't want other grown up people to have power over their child" (Marthijn, 2007). His view, much like a view expressed by Margriet, explains that for adults, "your children represent your status...if they go wrong...you failed as parents" (Margriet, 2007). Marthijn's response to this societal construct is that a child is not property and it is not realistic to pretend that they do not have their own feelings and opinions.

Jason and "Mark" both responded similarly by raising the point that yes, "principally there is a place for young children in the debate on age of consent laws" ("Mark," 2007). However, merely arguing that "principally there is a place for them," is not the most effective way by which to give children the power of expression due to the current lack of value placed on children's opinions in society. If it were possible, Jason specifically supported the notion of a lower voting age whereby young people could

express their opinions in a political forum. However, both “Mark” and Jason came to the conclusion that children’s involvement would be most effective through research or opinion pieces. The importance of children getting their views out in the open in one form or another was shared by all of the interview participants, whether they supported a child’s full autonomy to make decisions, or merely the right to be heard.

Anne-Maria, a young person herself, expressed that while she believes it is important that the requests of young people be considered, she also strongly believes that “they should not get the *final* vote” (Anne-Maria, 2007). Of the third of the female survey participants that responded that they were unsure if children should have a say in the law, very similar thoughts we expressed. There was a distinct theme of hesitancy in regards to a child’s ability to make decisions due in part to the view that the “opinion (of a child) is very emotionally colored...their Theory of Mind has to develop more” (“Richard,” 2007). The attitudes of those expressing uncertainty seemed to be driven by the notion that trusting an emotional child or adolescent who lacks in sexual experience to make a well balanced decision is somewhat precarious.

Margriet expressed this sentiment by saying that “in puberty it’s a really difficult age to articulate what you want to,” and therefore a child’s place in the debate is not “with people that are so much more advanced in talking about sex,” but rather in a “safe environment,” either with other children or with researchers. The method proposed by “Richard” of “writ(ing) about it and publish(ing) it (their opinions) and, via this way, participate in the debate” (“Richard,” 2007), can also be considered a “safe” environment. In this manner, children are able to articulate what they feel without the threat of being influenced or overshadowed by those who are more experienced in talking about sex.

It seems that while there is a consensus about the importance of including children in the debate on age of consent laws, there is still a fear even amongst the most liberal participants of this study that the decisions they make will not be in their best interests. What seems to be the key factor in whether the inclusion of young people is supported is the way in which they are permitted to contribute.

***How could children be included?***

The most directly effective way to include children in the public debate would be, as Anne-Maria suggested, allowing them the right to vote at a younger age. It was also mentioned that “proposals have emerged around the EU to lower voting age” (Jason, 2007). However, this option is less than feasible due to deeply engrained, socially constructed views on the inability of children to be productive members of society. The next most effective method, also suggested by Jason, would be for children to speak out through research. As Margriet explains, “I would see that their place in the debate would be by...taking them as subjects of research, subjects of stories they can tell and their experiences” (Margriet, 2007). This way, opinions and stories could be heard outside of the “mainstream discourse (which operates) via media and pop-culture, (and) only includes the perspective of youth who were/are abused” (Jason, 2007). The notion is that quantitative and qualitative research will hopefully, at some level, be considered a more reliable source of information in contrast to the individual stories reported in the media which only discuss children who have been victimized.

Anne-Maria’s statement about how she always felt that her opinions mattered because her parents never treated her like a child indicates that the act of expecting and allowing a child to act with the same intellect and responsibility as an adult promotes more mature behavior and thought process. In our interview, Margriet made a similar comment, explaining that in order to be able to form insightful, well thought out

opinions, children “first have to learn how to talk about sex. And mostly you learn that from your parents” (Margriet, 2007). The key concept in this statement is not that children learn from their parents to talk specifically about sex, but rather that they learn how to have a rational dialog about any issue they wish to raise. Only then would they have the tools to actively participate in discussion about the issues that affect them.

In order for children’s opinions to be heard, Marthijn argued that there must first be a change in the media (*see Relevant Terminology section*) so that a dialog could exist for children to partake in. At this point in time, he explained, “children are invisible in the media. You almost never hear children talk about...sexual rights or war; about all the important topics they are not asked what they think about it” (Marthijn, 2007). This is due, in part, to the lack of value that is placed on the opinions of children in general and also in to the fact that when it comes to children and sex, especially with adults, there is no room for debate. Two social constructs are at work here: the construction of childhood, which has already been discussed, and the construction of morality, which has also been touched on. As Steven Angelides (2003) explains, “the media is seen as a prime agent and conduit for expressing and arousing social anxieties,” and the basis of these expressions are the social constructions of good sex and bad sex, and how child sexuality has evolved into an example of “bad sex” when it is considered to be outside the realm of “child’s play.” In a time when the United States House of Representatives uses its authority to pass a resolution condemning a research study (Rind et al., 1997) because it states that certain types of child sexual abuse cause lasting harm while others do not, there is little room for children to express an opinion about the matter ([The Library of Congress on Rind et al., 1998](#)).

Another structural change that must take place in society before children will have the ability to speak out is a shift in the attitudes and practices of what Foucault

refers to as “the new medical power” (Foucault, 1990). As of now, there is no distinction made between harmful cross-generational relationships and those that do not cause harm when it comes to the psychological treatment of children. In this way, there is no possibility of positive sexual experiences with adults and “if his (the child’s) parents find out about it (the relationship), they can go to the police and socio-therapists...these people can hurt a child afterwards tremendously. What might have been a nice relation and experience turns out to be disastrous for the child” (“Richard,” 2007). What “Richard” refers to is the instant guilt and victimization that the child is taught to feel by those working in the mental health field, despite the fact there the relationship may have taken place consensually, if not, as it sometimes happens, at the request of the youth (Kinsey et al., 1953).

In a time when “it is necessary (to exclude children from the public dialog) in order to maintain the power structure of a guilt/shame based society” (Jason, 2007), the process by which the medical establishment (*see Relevant Terminology section*) makes children feel vulnerable and victimized is used as a tool for maintaining control over the opinions they have and the choices they make concerning their sexuality. This is a clear example of Foucault’s theory of power-knowledge at work to maintain influence over the will and ability of children to make decisions autonomously. As Marthijn explained, “even if the sex isn’t harmful, the child doesn’t know how society thinks about it. And that child can be very harmed when people say ‘it was a bad thing and you are hurt’ ” (Marthijn, 2007). Only when medical professionals begin listening to whether a child *feels* hurt as opposed to telling that child that they *are* hurt, will there be an opportunity for young people to speak out without their opinions being manipulated by the way they have been told to feel.

## Conclusion

### *Summary & Implications*

Through my research, I have attempted to outline how every aspect of society, both moral and concrete, has an effect on age of consent legislation aside from the population that the laws were supposedly created to protect – the children. All facets of society (most prominently government, media and the medical establishment) influence the opinions of the people, and simultaneously the opinions of the people influence the course of social constructs and the cultural climate. The overarching theme of the current cultural climate in regards to children is that their sexuality in general, with or without the involvement of adults, heavily stigmatized in our society. There is an untrue assumption that “minors don’t have sexual feelings” (“Richard,” 2007) and that they can only be “victims and not sexual beings” (Margriet, 2007). In the 1978 radio broadcast of “The Danger of Sexuality,” psychiatrists responded to Foucault’s claim that the “new medical power” sought to ignore child sexuality by saying that though they agree that it exists, “child sexuality is a territory with its own geography, and that the adult must not enter” (Foucault, 1990). Despite the admittance of a sexual culture existing amongst children, there is still a refusal to admit that the attractions of children may stray outside a child’s designated “geographical territory.” Only once the taboo of *all* aspects of child sexuality is broken can there be an honest dialog about what, in reality, goes on in children’s sexual culture and the “actual views, perspectives and voices of youth” (Jason, 2007) can be heard.

***Recommendations for Further Research***

I believe that it is extremely important to carry out further research on young people about this issue, and for that matter, every other issue that affects them. In our society, children do not have the opportunity to be heard, do not want to put in the effort, or have been made to believe that it is not their place to speak out. However, it is my belief that they must be recognized as citizens with at least the right to have their opinions acknowledged. As Margriet said in our interview, “their place in the debate (on the age of consent) would be by interviewing them. Research – like taking them as subjects of research, subjects of stories they can tell and their experiences.” This is the only way to be sure that the laws being created are actually in favor of what those who they affect want and need.

## Relevant Terminology

**Age of Consent** – In this study, the term “age of consent” is used to refer specifically to the age of sexual consent. The current age of consent in the Netherlands is 16, as specified by the Dutch Criminal Code, Articles 245 and 247, which read:

(Art 245) "*A person who, out of wedlock, with a person who has reached the age of twelve (12) but not yet sixteen (16), performs indecent acts comprising or including sexual penetration of the body is liable to a term of imprisonment of not more than eight years or a fine of the fifth category.*"

(Art 247) "*A person who, with a person whom he knows to be unconscious or physically unable to resist or to be suffering from such a degree of mental defect or mental disease that he is incapable or not sufficiently capable of exercising or expressing his will in the matter or of offering resistance, performs indecent acts, or who, with a person who has not yet reached the age of sixteen (16) years, out of wedlock, performs indecent acts, or by whom the latter is enticed into performing, or submitting to such acts, out of wedlock, with a third party, is liable to a term of imprisonment of not more than six years or a fine of the fourth category*" ([Overheid.nl](http://Overheid.nl) translated by [Wikipedia.com](http://Wikipedia.com) "[Age of Consent in Europe](http://Wikipedia.com)").

This law is relatively new, having been changed in 2002. “The Netherlands still had the so called ‘klachtvereiste’ in the law concerning sexual contact with young people of 12-16. This meant that sex between 12-16 was still punishable, but only after a minor or his or her representative in law made a specific complaint with the police” (Mark 2007).

**Age of Consent Legislation** – Age of consent law-making and policy building.

**Child/Young Person** – I refer to a child as anyone under the age of consent. I refer to a young person most frequently as someone who is over the age of consent but is still in some type of schooling (late high school or university aged).

**Cross-Generational Relationships** – Typically defined as a sexual relationship between two people with at least a 10-year difference in age ([Dangerous Liaisons 2003](http://Dangerous Liaisons 2003)). It does not inherently have to be pedophilic, but the term is often used as a name for pedophilic relationships that is less stigmatized than a title with the word “pedophile” in it.

**Media** – I refer to media as radio, magazines, newspapers, television – both entertainment and news, or any other source of influence over the thoughts and beliefs that people have outside of direct interaction with another person.

**Medical Establishment** – I refer most directly to the mental health field when I use the term “medical establishment,” but in fact, all areas of the medical profession are interconnected. This includes medical doctors who can prescribe drugs for conditions that mental health professionals diagnose, and pharmaceutical companies who profit from that.

**Normalization** – The act of making something a part of mainstream culture.



***PNVD*** - Partij voor Naasteliefde, Vrijheid en Diversiteit (Party for Neighborly Love, Freedom, and Diversity) is a Dutch political party. It was officially founded on 31 May, 2006, by Marthijn Uittenbogaard (chairman), Ad van den Berg (treasurer) and Norbert de Jonge (secretary) and a few other members who wanted to remain anonymous. The party currently has no parliamentary representation and is yet to participate in any election (<http://www.pnvd.nl/>).

***Public Dialog*** – This refers to an official discourse intended to affect public opinion or policy. This is as opposed to a private discourse which is any type of informal discussion that is not intended to promote pervasive change.

***Relationships of Force*** – This term refers to any sexual encounter in which one partner is victimized by the other physically. This relationship relates specifically to an adult victimizing a minor.

***Relationships of Incest*** – This term refers to a sexual relationship in which the two partners are related. In this study, the reference is specifically to a minor and an adult.

***Relationships of Manipulation*** – This term refers to any sexual encounter in which one partner is victimized by the other mentally and emotionally. This relation also refers specifically to an adult manipulating a minor.

***Sexual Feelings*** – This term, used in my student survey, refers to any feelings of sexual attraction or desire, either directed at others or in relation to the sexual discovery of oneself. The question is aimed to benchmark the point at which a person becomes a sexual being.

***Sexual Experiences*** – This term, also used in my student survey, refers to a number of possibilities. It is a subjective question aimed to reveal what the participant considers to be their first sexual experience. For some this is kissing or hugging, for others this is sexual intercourse.

***Sexual Relationships*** – Does not necessarily refer to an ongoing, long term relationship. This “relationship” can refer to a casual sexual encounter or a meaningful but short lived sexual experience, as well as the mainstream definition of the word. It refers to any occurrence of two people having been intimate with each other in a physical manner.

***Vereniging MARTIJN*** - a Dutch association that advocates the acceptance of pedophilia and legalization of sexual relationships between adults and children (<http://www.martijn.org/>).

## Appendix A

*The following survey was distributed via Blackboard to a first year sociology class of roughly 100 students at the University of Amsterdam. The survey distributed was a Dutch translation and the students were most likely able to provide more thorough, lengthier responses for this reason.*

### AGE OF CONSENT SURVEY

(\*Please add additional comments or thoughts at the end\*)

Age: \_\_\_\_\_ Gender: \_\_\_\_\_ Hometown/City: \_\_\_\_\_

1. At what age did you first have sexual urges or feelings? (*See Relevant Terminology section*).

4-5   6-7   8-9   10-11   12-13   14-15   16-17   17-18   18+   never

2. At what age did you have your first sexual experience (*see Relevant Terminology section*) with another person? (This includes kissing, touching, oral sex, intercourse, etc).

4-5   6-7   8-9   10-11   12-13   14-15   16-17   17-18   18+   never

3. At the time of your first sexual experience, do you recall feeling that you were...

Too young

Too old

A typical age

4. Did you ever have a sexual experience or relationship (*see Relevant Terminology section*) with someone at least five years older than you when you were younger than 16?

Yes

No

A few (2-4)

Many (4+)

5. If yes, what kind of feelings do you associate with the experience(s)?

Positive

Negative

Neutral

Not Applicable

6. Did you ever have a sexual experience or relationship with someone at least five years younger than you when you were older than 16?

Yes

No

A few (2-4)

Many (4+)

7. If yes, what kind of feelings do you associate with the experience?

Positive

Negative

Neutral

Not Applicable

8. What messages did you receive about sexual relationships with those much younger or older than yourself?

- a) They are never okay
- b) They are okay under certain circumstances  
\*please explain which circumstances:
- c) There is nothing wrong with them
- d) No information received

9. Where did you receive those messages from? (You may circle more than one).

Parents                  Friends                  Teachers                  Media                  Other

10. What do you think about sexual relationships where there is a large age gap between the two partners?

- a) They are never okay
- b) They are okay under certain circumstances  
\*please explain which circumstances:
- c) There is nothing wrong with them
- d) No opinion

11. Do you feel that the current age of consent in the Netherlands (16 years old) is...

Too old                  Too young                  Appropriate                  No Opinion

12. When you were 16 or younger, how often did you feel adults listened to your opinions about sex?

Always                  Most of the time                  Sometimes                  Rarely                  Never

13. Do you believe children below the age of 16 should have a say in age of consent laws?

- a) Yes  
Please expand:
- b) No  
Please expand:
- c) Not Sure  
Please Expand:

## Appendix B

### Student Interview Guide

*The following questions were asked in my interviews with Dutch students (aged 18-25). These were carried out either in person or by e-mail if an in-person interview was not possible due to distance or time constraints. The interview questions were created to spark further conversation based on the interviewee's interests or experiences. Therefore, every interview produced a unique dialog. To see the full interview transcripts, refer to the interview transcript section of the Field Studies Workbook.*

1. What is your age and area of study?
2. How would you identify yourself politically?
3. At what age do you recall first having sexual feelings towards another person?
4. What do you think is an appropriate age to act on those feelings?
5. The age of consent for sexual relationships in the Netherlands is currently 16. This means that if someone over the age of 16 has a sexual relationship with someone under the age of 16, it is considered a crime. This can be applied to a relationship between, for example, a 15 and 24 year old, or an 11 and 36 year old.

Do you think that this law is fair or do you think that it should be different in any way? If so, how?

6. Have you ever been, or have you ever known someone who has been in this type of a relationship? If so, do you feel that it was harmless, harmful, or neither of these things? Please explain.
7. Do you recall feeling that your opinions on your rights and freedoms were acknowledged as a child or not?
8. If not, do you wish that they had been or do you think that your opinions as a child were not informed enough?
9. Looking back now, do you think that someone below the age of 16 is capable of making decisions regarding their sexuality?
10. If you had children, do you think your opinions about age of consent legislation and the rights of children in formulating it would change or remain the same?

## Appendix C

### Professional Interview Guide

*The following questions were asked in my interviews with professionals. These were carried out either in person or by e-mail if an in-person interview was not possible. To see the full interview transcripts, refer to the interview transcript section of the Field Studies Workbook.*

1. What is your age and occupation?
2. How do you identify yourself politically?
3. There are many different schools of thought about age of consent reform. How do you feel about the current age of consent laws in the Netherlands, and in what ways, if any, do you think they should be changed?
4. Certain studies have found that children who have reported long term psychological damage as a result of sexual relationships with adults were primarily involved in relationships of force, incest, or manipulation (Rind & Tromovitch, 1997). (*See Relevant Terminology section*).

Do you think this issue should be incorporated into the dialog about age of consent legislation? How?

5. It has been said that the belief that outside of violent, manipulation, or incestuous situations, pedophilic relationships are generally harmless, is an unacceptable attempt to “normalize” the practice.

What are your thoughts about this so-called “normalization” (*see Relevant Terminology section*) and do you think that this is even the case?

6. Do you think that there is a place for young people (under 16) in the public dialog about age of consent legislation? If so, under what conditions and in what capacity?
7. Why do you think children are excluded from voicing their opinions about an issue that affects them?
8. What are your thoughts on this exclusion? Is it necessary, right, wrong, fair, unfair, etc.
9. As a child, do you recall feeling that your opinions were listened to and acknowledged, ignored, or somewhere in between? How did this make you feel?

10. How would you feel if your own child decided to become involved with someone much older or younger than themselves? Would this affect your general opinions about age of consent legislation and the rights of children on the issue?

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