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Pädophilie ohne Grenzen

Theorie, Forschung, Praxis

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# Pedophilia Unbound: Theory, Research, Practice

Translation of

Pädophilie ohne Grenzen: Theoria, Forschung, Praxis

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# I. INTRODUCTION

## Tabooed Child Sexuality

### Going Forward

The present volume represents an attempt to fill a void. Distinguished authors from science as well as practical experience deal with diverse aspects of the phenomenon of sexual attraction between children and adults. Here children are regarded as normal sexual beings, whose sexuality and sexual experiences are not necessarily less important than those of adults. There are reports on the situation of pedophilia in present-day society, on the results of scientific research, and on the status of the issue in matters of legislation. Interviews complement the volume. Essays are also taken up; as well as a report on emancipation abroad and a new commentary from the Human Sexuality Working Group (AHS). Also included are ethnological studies in the sphere of pederasty as well as more recent research on institutionalized Greek pederasty.

Research into children's sexual behavior is, nowadays, subject to widespread taboos. This has a significant impact on our knowledge about the sexual arena, for without this research, even the sexuality of adults is not able to be understood. It is strange that science has limited itself to adults; that is, by not incorporating experimental, sexological studies in the child-sphere into its very foundations. Although there is indeed an extensive literature concerning matters pertaining to child sexuality this is, generally speaking, theoretically driven, meaning that it is not based on facts. For legal reasons, experimental sexological studies are now impossible. Child sexology as such has still not grown out of its baby shoes, and there are no specialized child sexologists.

Pedophilia is a sub-category of child sexuality. With erotic relationships between children and adults, what we have is not a one-way street: impulses come from both sides; in many cases, they are even stronger from the child's end of things. Numerous studies have shown this to be the case. This phenomenon has not been – and perhaps still is not – sufficiently acknowledged. The construction and evolution of transgenerational sexual attraction is part of man's genetic legacy. Analogous manifestations can also be found in the zoological arena.

Pedophilia may be found all over the world, among all races and peoples. It has always existed, in every era. It is not confined to particular population groups or classes. Also, it is not associated with particular types of persons: there is no such thing as the typical pedophile. The tendency can manifest itself in persons who are predisposed to it, if the right conditions are present. That is why we gave this book the title "Pedophilia Unbound."

The person who is of legal age differs from the under age person, above all, by the fact that he is held responsible for his own decisions. He makes an effort to learn. The life of the underage person, on the other hand, takes the form of acceding to the prevailing morality of the time.

Our culture's preformed canalization of sexuality in the direction of heterosexuality, which prescribes an enduring relationship between two adults in marriage, leaves little or no room for other forms. And so, to a great extent, pedophilia breaches this customary canalization. This is one reason why it is not easy to discuss this subject, and why the reactions against doing so are strong.

Pedophilia is a thoroughly emotional subject, a fact of life which often leads to wrong conclusions being made regarding pedophilia. By the same token, this also has awful ramifications for the entire society. Society would, moreover, be quite unaware of them. Here lies the principal problem.

With pedophilia, what we are talking about is an erotic and sexual attraction between a child and an adult, and vice versa. A typical intergenerational bond, to use this modern term, which has manifested itself again and again throughout the history of mankind. It is, however, not always a matter of intergenerational relationships. A girl of eleven, who has fallen in love with a woman of twenty one, cannot be classified thus, because the age difference is not large enough. In this case, we of course speak of a pedophilic relationship. Though the manifestations of and adult attitudes toward the phenomenon may change, its nature is, at bottom, always the same. We have, admittedly, still not fully freed ourselves from the medical model, which has

influenced science for decades now. This form of attraction between two people is classified as deviant, and is, simultaneously, criminalized. Victims are created. In the early 1970s I coined this phenomenon 'crimes without victims.' The negative influence of the construction of the victim image has become all too clear of late. Society is always being confronted with it.

Here we do not wish to minimize or even squelch the negative consequences. And so, as with any interpersonal intercourse, greater or lesser conflicts can also arise here. Realistic changes in legislation can certainly have prophylactic effects on criminality. On the other hand, sexual oppression can be a cause of crime; neurosis is the result of a conflict between desires and prohibitions. All people are "different." Some allowance should be made for this diversity, to the extent that it is able to be socially integrated. In many ways, the boundaries that have been drawn in this area are quite arbitrary. One need only compare the "sexual taboo" laws of various countries and epochs. The chaos then becomes clear, for the differences are great.

At the present, many critical, open questions still remain regarding pedophiles themselves. Many of them are certainly awkward. And many of those concerned tend to avoid them.

One should always call things what they really are. All too often, pedophilic groups or the relevant literature makes no distinction between children on the one hand, and teenagers on the other. This is due in part to the public relations efforts of those concerned. In this way, whereas of course some things are concealed, others are highlighted, as, for example, when in casuistic discussions the emphasis is placed on the teenager. One thereby hopes that all of society will become more accepting. Such dodges do not, however, aid in throwing some light on the problem. To the contrary. For it is precisely those contacts between prepubertal children and adults which are regarded as problematic. By excluding this from the discussion, pedophiles are – consciously or unconsciously – discriminating and reinforcing the taboos against themselves.

Pedophilic emancipation is in dire need of a change of attitude. Reflection upon a new, subsequent strategy is to be desired. Times have changed; therefore, a new plan is required. One could call this a new cultural revolution.

The image of pedophilic society (in the US one would speak of a "network") is a negative one. There are clear indications that the current clichés are based on ignorance, and above all, misleading notions.

It is likely that the psychosexual differences between people (and by the way, between many kinds of animals as well) are of a quantitative, rather than a qualitative, nature. The difference between the statistical majorities of the population and the deviant minorities are more a matter of degree. It is possible that all tendencies and preferences which deviate from the society, or are characterized as deviant, although present in all people, are quite differently distributed. Something which, in one person, has scarcely developed at all is, in another, quite strongly pronounced. The words of Goethe are fitting here: "Nothing which is human is foreign to me." Different people are differently constituted. Freud speaks of a "complete series." And so erotic feelings towards children are seen as being a part of those feelings which adults may be able to have from time to time. People are, even unconsciously, influenced by more stimuli from the environment than they think or believe possible. At their core all societies are "multi-sexual," and it is precisely for that reason that a sphere of tensions arises, which can have either positive or negative effects.

It obviously would not be possible to represent every sphere and facet of this complex of problems in a single chapter. The theme areas will be worked up from a multi-disciplinary perspective. In addition to some fundamental contributions, the reader of this compilation will also find important references to the specialized literature. An address list of institutions, societies, and associations may be found in the appendix. Anyone who is looking for texts on child abuse will be disappointed. This subject will only be mentioned in passing: the present book is concerned with pedophilia, as a counterpart to or complementary aspect of child sexuality.

*Dr. Frits Bernard*

## II. EMANCIPATION

### WERE WE ALMOST THERE?

by Dr. Frits Bernard, Sexual Scientist, Rotterdam

#### The Underlying Problem

As the analysis of the media-driven campaign against pedophiles shows, it is based on stereotypical notions. Prejudice makes easy work of it, because man has an inborn tendency to develop prejudices. He is in fact inclined towards generalization and so called clichés, or else has constructed and expressed undifferentiated categories. So for example: The young people of today are lazy. The reality is simplified and summarized into a kind of photograph. In quite general terms one could say that pre-judgment is a judgment which one makes without objective criteria, and which does not subsequently get verified or corrected. It is a sham verdict, which is usually negative. There is, admittedly, also a positive and subjective inclination towards overly favorable assessments.

It is in this way that a hostile attitude towards other groups or individuals, because of their membership in these groups, may arise, due to a mistaken view of – or oversimplified abstractions of – reality (overgeneralization). Now facts, including scientific ones, are generally not accepted or assimilated. Quite the contrary: one opposes them.

This was the case for a long time with, for example, the phenomenon of homosexuality. The misconceptions lived on; people were actively resistant against revising their views.

Sometimes, a single, unpleasant experience with someone who belongs to a particular race, belief system, or sexual group can be enough to sustain a general aversion. Prejudices are unconsciously transferred over to other persons – they spread like wildfire. Soon discrimination, and even aggression, is lurking around every corner. The road to persecution is open.

Because the possession of prejudices is a universally human phenomenon, the question presents itself: How can one undertake something which goes against one's own prejudices? This happens, in short, when one breaks through one's own mental isolation, and is prepared to listen to more than just one side and accept as givens facts from different sources. One should also make up one's own mind, in the course of which one will seek out contact with those about whom one does not even have a favorable opinion. And so, it never ceases to amaze me that so few psychiatrists and sex researchers make the effort to attend meetings of pedophile organizations, in order to finally be able to perform the necessary "fieldwork." Far too often, verdicts are rendered from the comfort of one's armchair.

This prejudice, these undifferentiated thoughts and judgments about sexuality, may be addressed only with great difficulty. If we do have to cast an eye to the future, then we must reckon with the fact that prejudice will continue to remain a stubborn obstacle.

The distribution of information will always have to play an important role. Approximately sixty five years ago, Magnus Hirschfeld wrote in his "Sexual Knowledge" (Stuttgart, 1930):

In no other sphere are ignorance and misconceptions so tightly bound together as in the sexual one; the more negative they get, the more that absolute stupidity predominates.

The risk of a "moral panic" of course continues to exist. With mass psychological phenomena, one can see that people are not immune to mental contagion. Even scientists aren't. There is an ever-lurking possibility for mass hysteria. Past as well as more recent events demonstrate this.

#### Prehistory

When one describes the history of pedophile emancipation, one must surely draw from memory as to what the beginning was all about. For today's generation, it is scarcely even possible to imagine the conditions

under which pedophiles lived until not all that long ago. Their existences were isolated from one another, and "coming out" was, really, quite out of the question. The laws were applied rigorously, and in the Netherlands §248 of the penal code, introduced in 1911 and abolished in 1971, was still in effect, which drew a distinction in favor of heterosexuality.

Homosexual contacts and relationships between adults and youth under 21 were punishable, whereas the age of consent for heterosexual contacts was 16. <sup>1</sup> There was still no such subject as 'pedophilia,' and the phrase "sexual minority" was not yet in common use. There was still very little literature in this area, aside from that of a psychiatric nature and analyses which dealt with the pathological aspects of pedophilia.

Even homosexuality was a difficult business in the society of the time; however, the Scientific-Humanitarian Committee, which was founded around the turn of the century in Berlin by Dr. Magnus Hirschfeld, did perform some pioneering work in this area. <sup>2</sup> There was a Dutch branch, represented through the L.S.A.M. by Römer, a physician from Amsterdam, who later on lived in the Dutch Indies. Also influential in the homosexual movement was the magazine "Der Eigene" ("One's Own: A Journal of Male Culture") edited by Adolf Brand, as were the writings of John Henry Mackay, published under the name Sagitta.

The advent of National Socialism in Germany meant the end of the archives of Hirschfeld, and of sexology in general, in these countries. The Dutch branch of the Committee was dissolved a few days later, following the start of the German occupation. At the end of World War II, there was little left of that which, at one time, had begun with such hopefulness.

### **The Beginning**

In 1940 I had a conversation by telephone with Mr. J.A. Schorer, who at the time was the Chairman of the Scientific-Humanitarian Committee in the Netherlands. Through him I got in contact with Dr. Benno Primsele, one of the first sexologists in the Netherlands. This was my first concrete step in becoming involved with the subject of pedophilia. However, the German invasion and the dissolution of the Committee cut short any further contact until the following decade.

Misconceptions flourished, and there was active resistance to any change in attitudes. The issue that I was concerned with was fighting these attitudes and bringing pedophilia into the discussion, so as to better the lot of those persons who have pedophilic feelings. I was of the opinion that this would have to happen, in the first place, through discussion and education; and furthermore, that scientific research must be facilitated, and a group should be formed which was dedicated to the integration of pedophilia. Up until that point, nothing of this nature existed. It was a completely new idea.

If one sees pedophilia as the love of children, including in the erotic sense, which can be directed towards girls and/or boys, then it is clear that pedophilia does not fall under the category of homosexuality. Despite this, one of my first contacts was with an organization for homosexuals. I had my first conversation with Bob Angelo (pseudonym for Nick Engelschman) in the year 1957. At the time he was the Chairman of the Culture and Recreation Center COC, an organization in the Netherlands which is devoted to the interests of homosexuals. I wanted to give form to my idea of creating a section that was concerned with the interests of pedophiles within the COC. The COC, which today is the "Dutch Association for the Integration of Homosexuality COC," was divided in terms of its posture towards pedophilia in the 1950s. People felt threatened by it. However it actually was the COC which, between 1959 and 1964, published a series of articles on pedophilia – some long, some short – in its monthly magazine "Friendship." <sup>3</sup>

In 1962 an attempt was made – through "Friendship" within the COC – to arouse interest in a positive and practical approach to acknowledging pedophilia. <sup>4</sup> In one article, I proposed that a section of the COC be formed which would concern itself with problems surrounding pedophilia. Though this was well-received at the beginning, later on, when the thing actually began to take form, and a meeting of pedophiles in the COC was announced at the Hague, the leader of the organization became fearful, and the meeting was cancelled. These same fears torpedoed any further plans, and led to a prohibition on the founding of a pedophilic group within the homosexual organization. My plans failed, because the time was still not ripe for it. Another Dutch organization, the "Dutch Society for Sexual Reform" (Nederlandse Vereniging voor Sexuele Hervorming,

"NVSH"), had also long raised objections against acknowledging pedophilia and everything connected with it. Only at the beginning of the 1970s did the NVSH change their posture.

Meanwhile, my attempts to form the "Circle Enclave" were, nevertheless, taking shape. The name "Enclave" was chosen because it reflected the fact that pedophiles live lives of isolation, in a sort of enclave. Its start in the 1950s was difficult, and not at all a bed of roses. Although at the beginning the Enclave was conceived as being for both heterosexual and homosexual pedophiles, thus "two-pronged," the group evolved in more of a homosexual direction. It is not clear why. There arose, remarkably enough, in Spain the "Lolita Club," a smaller club, which was formed by a number of heterosexual pedophiles. Members corresponded anonymously with one another, and exchanged non-pornographic photos through the mail. This organization disappeared without a trace. Nothing more was heard about its founder, a businessman from Barcelona. What actually happened will probably never come to light.

The initial foundations for the "Circle Enclave," which slowly evolved into the international Enclave Movement, were laid down in the Hague, at 3 Mispelstraat. It was there where the first meetings and discussions took place, albeit in very small settings. The first newsletters were composed and distributed. In 1960 the Enclave relocated to Rotterdam.

People from various countries joined; the Enclave was affiliated with a series of institutions and organizations: the first network in the world., The numerous letters that were received showed the huge psychological need of pedophiles from all over to get in touch with one another. Correspondence was carried out in no less than six languages. And yet, the Enclave remained, in part, an underground movement. The time for a real "coming out" had not yet come.

The goals of the international Enclave Movement were, among other things, to break down the prejudices surrounding erotic contacts between youths and adults, offering both information and advice as well as initiating a program of direct assistance. Needless to say, efforts were made to change the penal code.

The underlying philosophy of the international Enclave Movement was to attempt to develop new moral perceptions of pedophilia. In particular, such conceptions should be based on objective scientific research, as opposed to traditional moralistic judgments (which find pedophilia to be nearly universally unacceptable). In order to answer the question as to whether the movement for the emancipation of pedophiles is justified, and whether those with pedophilic feelings even should push for their rights, we must look at what children think about pedophilic contacts, and what psychological consequences consensual pedophilic contacts have for the children who experience them. Moreover, we must rely on results which are obtained through objective, scientific research. Research which was carried out at the beginning of the 1970s confirmed that consensual sexual contacts between children and adults are not negative in and of themselves, and in certain cases can even have a positive effect on the child.<sup>5</sup> Therefore the Enclave endeavored to justify them.

In the final analysis, the whole pedophile problem is a political one. I have often pointed out that facts are the basis for constructive discussion in politics. In discussions about pedophilia it is essential to lay the facts on the table before any kind of solution-driven discussion can begin. Only then can a debate. e.g., over the lowering of the age of consent, bear fruit. Furthermore, emotions undoubtedly also play a role; all in all, this can be useful in exposing the sphere, of intolerance in this area. When those with pedophilic feelings are bad, then this can be taken as a signal, and the injustice of their situation can be pointed out. we should take these uproars very seriously, and not reproach them for it. But listening to others will always be a difficult business.

At the beginning of 1958 I wrote the short story "Costa Brava," and in the summer of that same year the novel "Persecuted Minority," to which a scientific epilogue was added.<sup>6</sup> The progressive press "Storm," in Utrecht, was prepared to print the book; doing anything was pretty difficult in those days. There was a delay in putting the final touches on it, which meant that the books did not come out before 1960; and then on the very same day. "Costa Brava" was set against the backdrop of the Spanish Civil War (1936-1939), and "Persecuted Minority," in the Netherlands of the 1950s. They were published by Enclave, at the time in the Hague, and were meant to reach a wide audience. The goal was to educate people about sexuality between children and adults. In those days, I could not have imagined that, in later years, these books would be translated and put out by respected publishers in other countries.

Also in 1960, in "Friendship," appeared the three-part series "Ephebophilia and Science." Here a more precise study of the concepts of pedophilia and ephebophilia were undertaken. In this article, I explained that pedophiles were mainly interested in pre-pubertal children, and that ephebophiles were principally interested in pubertal and post-pubertal youth. The dividing line between the two preferences is not to be understood as being a strict one, given that the two phenomena overlap one another, It is, nevertheless, important to draw a distinction between them. Authors such as Benedict Friedlander and John Henry Mackay place the emphasis not on pedophilia, in the full sense of the word as the love of children, but rather, on ephebophilia. Imprecision in the description of the two sexual variants has sometimes led to confusion and misunderstanding, both in earlier eras as well as today. Particularly in America and England is this distinction ignored: There, every sexual contact between an adult and a minor is regarded as pedophilia.

The Enclave essentially remained an underground movement, as this is what the times demanded. The hostility towards pedophilia was simply too great. The one exception to that, its only real activity, was its continuing publication of books and brochures, later on also in various languages. Between 1960 and 1964 no less than five books – both literary and scientific – were published, as well as a large number of brochures.<sup>7</sup> Not to mention articles in other publications in the Netherlands and beyond. These were years of great productivity.

There were also various magazines which were sympathetic with the goals of the Enclave, among them the German magazine "The Road to Friendship and Tolerance," edited by Wolf H.F. Prien in Hamburg, "Amigo" from Denmark, and "Rational Parenthood," a monthly NVSH journal, in which very positive discussions about Enclave publications appeared. Among the personages who sought out contact with the Enclave were Jef Last<sup>8</sup>, Cor Huisman<sup>9</sup>, Heinz Oelfke<sup>10</sup>, and scientists such as Willhart S. Schlegel, and Albrecht D. Dieckhoff, a lawyer from Hamburg and the author of "Protestant Report, including a complete translation of the Griffin Report.

In order to guarantee confidentiality, the Enclave did not keep a membership list. It could quickly be produced from pedophiles' many letters, when it was important to have addresses to which one could write without any difficulties. Here is an excerpt from a letter written in 1961:

Although it is not possible, as they themselves have written, to find a solution to my problem, your writing has, nevertheless, done me a lot of good, because I finally have a letter from someone who is not reproachful. One hears nothing but scandalous, over-the-top tirades against pedophiles. Your letter makes no remarks whatsoever about pathological aberrations or ways to cure deviant behaviors. From your letter, I get only understanding and hope of assistance. It is impossible to go on living as I have been, and yet, I am deathly afraid when I contemplate the possibility of a prison sentence. It doesn't surprise me in the least that you have gotten so many responses to your books. This is a problem affecting a much greater number of people than most would dare to imagine.

Many writers end their letters with the request that the letter be destroyed, and in these ways, we have lost a whole series of historical documents.

One letter of historical interest was written by Jan Hanlo, dated September 14th, 1962. Hanlo would later become one of the most important contemporary Dutch authors; his letter was published by Van Oorschot (1989):

Dear Sir!

I recently read your brochure "On Pedophilia" . . . It would be a great delight for me to make your acquaintance . . . Perhaps you might have seen my poems in the volume edited by Van Oorschot, in which it becomes clear that this phenomenon lies very close to my heart.<sup>11</sup>

Here is another excerpt, from a letter written in 1965:

The reorganizing of COC's "Friendship" in "Dialogue" (Obviously corresponding to the changing situation in the Netherlands) was a great disappointment to me. Above all I miss your literary synopses,



which were of great interest to me. And I have an intuitive sense that in "Dialogue" (and perhaps in "The Jackal" as well) the phenomenon of pedophilia, in accordance with public opinion, has been pushed as far as possible into the background, as if they wished to distance themselves from the subject. Because of these trends, I have now subscribed to "The Way" and "The Circle," as well as "Amigo" from Scandinavia, in order to remain current. I would, therefore, appreciate hearing whether the pedophile magazine, which the "Enclave" intends to supply on an international basis, is actually being put out. Or, is there another way of obtaining new literature? I would be very disappointed if I had to miss any pedophile magazines.

In 1964, preparations for the publication of an international journal were truly put into motion. The first issue was ready for the printer. But at the last minute there were cold feet, and it did not come out. This was another hasty reaction on the Enclave's part.

In 1960 I went to America, where I formed alliances with prominent personalities of the New York homosexual movement, with the intention of obtaining support for the Enclave's goals. I was received enthusiastically, and the results of the trip were very promising. In the meantime I made contact with people in a whole series of countries. In 1962 I traveled to Japan, something which was unusual prior to the jet age. In August of that year, I gave a lecture at the University of Nishinomiya, under the auspices of a congress organized by the Japanese Psychologists' Association (Tokyo University).<sup>12</sup> Contacts in Tokyo led to discussions with those who were interested in the Enclave.

Other countries that I visited at that time included the Philippines, Hong Kong, Singapore, and India. Close contacts were maintained with a number of European countries, especially Germany. Correspondence with pedophiles in some African states was also initiated.

The Enclave was cited in scientific literature outside of the Netherlands; for example, in Tom O'Carroll's book "Pedophilia: The Radical Case," he writes:

Efforts towards the emancipation of pedophiles began in the 1950s in Holland with the rise of the "Enclave" movement, which brought pedophiles into correspondence with one another, both within and outside of Holland. In 1958 Enclave also became an international publisher, particularly focused on pedophilic books.<sup>13</sup>

Ken Plummer (University of Sussex) mentioned in his article *The Paedophile's Progress: A View from Below* the founding, in the late 1950s in the Netherlands, of the "International Enclave Movement." Here this was placed in historical context.<sup>14</sup>

Between 1966 and 1969 the activities of the Enclave diminished, not because the problem had become less urgent, but rather, because I was occupied with other scientific subjects. The development of a second phase of emancipation would not take form until the 1970s.

### **The Continuation**

For a long time, the NVSH had objections to pedophilia. However following the conference "The State as Moralizer," in the year 1969, its attitude toward pedophilia slowly began to change. The old structure of the preexisting organization disappeared, a process of democratization took place, and it became easier for a new, growing movement to raise the level of understanding. The by-laws of the organization were undergoing some changes. At the beginning of 1970, a number of prominent members came together to discuss a program on the subject of pedophilia. Actually, this early January marked the start of the Pedophilia Working Group. A number of resolutions were adopted, which later influenced all further developments. Among other things, the go-ahead was given to write a book on the subject which was intended to throw light on many aspects of pedophilia. A commission was formed, consisting of experts<sup>15</sup> from various disciplines, which went to work right away. Already in the first half of the year 1972 "Sex with Children" came out, edited by the NVSH. This book signaled the beginning of a new development. Pedophile working groups were established in a number of cities. They accepted themselves as being pedophiles in need, and organized many kinds of activities: public forums,

readings, etc. Educational outreach was provided beyond the pedophile community, such as to schools, the police, and the press. This helped to pave the way for a more open attitude towards sexuality and pedophilia.

The book "Sex with Children" had an impact on Europe and beyond. The historian Dr. E.O. Born underscores, in the Foreword to his brochure "Pedophile Integration Since 1959":

Dutch pedophiles feel like they have endured a long occupation. Some have dared to "come out;" most go on living and hiding, and most endure whatever difficulties may arise. Even today, we can scarcely imagine the courage that was required to talk about pedophilia in the 1960s, not to mention the courage that was required, less than ten years earlier, to revisit an awful taboo, to stress the urgent need for assistance and understanding, and to stand up for a wiser, prejudice-free approach to the phenomenon of pedophilia. It was only in the last year that the integration of pedophilia into society began. Attempts to do this may be retroactively dated back to the beginning of the 1960s.<sup>16</sup>

The national pedophilia Working Group attained official status with the "NVSH Board of Directors Commission on Pedophilia" on January 20th, 1973. New, local pedophile working groups are always being established.

In an informational brochure from 1973, the goal of the Working Group was described as follows:

The primary goal of the national and local working groups is to provide a chance for pedophiles to meet one another, and through that, to help them overcome their isolation. This possibility is a liberating experience in and of itself.

Through support of pedophiles who are in need, further work is done to improve the lot of this discriminated-against group. Moreover, within and alongside the working groups, controlled contact between pedophiles and non-pedophiles takes place. This is possible because non-pedophiles are also included in the working groups and their steering committees. Members of the NVSH Board of Directors are also represented in the national and local working groups also work outside of the organization, through the distribution of information, giving presentations, etc.

The working groups gather material from documents as well as data from records of recent events and from the history of pedophilia in recent Working Group.

Through their educational campaigns, the decades.

The working groups likewise collect material for scientific research.<sup>17</sup>

Out of an underground movement a thriving organization has evolved. This could not have happened without the careful work that was carried out in the fifties and sixties.

Pedophilia was also a theme outside of the NVSH. The media paid attention to the subject. Under the auspices of the "National Center for Public Mental Health (Nationales Zentrum für geistige Volksgesundheit, "NCGV"), in 1973 a special Working Group was formed to look into the possibility of providing help to pedophiles. Because they were not appropriately informed about pedophilia, already existing public assistance programs were not able to undertake this task. This NCGV Working Group was made up of leading experts from various fields such as psychology, criminology, psychiatry, etc.<sup>18</sup> This group convened for the first time on March 18th, 1974, in Utrecht.

Their mission was outlined as follows:

Due to the lack of psychosocial outlets for forming pedophilic friendships-relationships or contacts, or for responding to their requests, it is necessary to:

- a. get to the bottom of this deficiency;
- b. think about the important social problems facing pedophilia;
- c. describe the possible connection between these deficiencies and existing problems;
- d. specify whether or not, and to what extent, a connection exists between, on the one hand, these deficiencies and problems, and on the other, society's socio-sexual attitudes regarding human relationships;

e. point out ways in which the revealed shortage in assistance programs could be quickly addressed, while at the same time anticipating the arising of deficiencies in the future. It is, likewise, expected that the Working Group will provide recommendations and practical suggestions to assistance program authorities.<sup>19</sup>

The final report on the commission's findings came out in 1976 under the title "Pedophilia and Society." Here are some important conclusions from the voluminous report:

The most acute and generally also the most serious difficulties arise as soon as the police or justice system are inserted into the problem. Many problems escalate unnecessarily when one neglects to ask what the problem actually is, and/or one does not consider communicating with the parents concerned or the child.

The Working Group is of the opinion that it is wrong to treat sexual acts with children under the age of sixteen as punishable acts, and the Working Group supports, instead, the abolition of all of the paragraphs or sections relating to that, as contained in Section XIV of the Second Part of the Penal Code. The working group made known and gave the reasons for this view in a letter, dated December 20th 1974, to the morality legislation consultation commission. We therefore stand in agreement with these same interpretations, as they had already been previously communicated to the consultation commission by a special consulting group of the National Center for Public Mental Health, and by the Rutgers Foundation, the Cornhart League, the Dutch Institute for Social—Sexological research, and the Liberty Rights Federation.

Just like any other person, the child has the right to express his or her (sexual) feelings and needs.<sup>20</sup>

In the report, the words "pedophilia" and "pedophile" were used as follows:

Pedophilia is a human quality which is characterized by the fact that one's feelings of attraction to children, including in the bodily sense, are experienced as being so significant that they have dominion over one's own life. Every adult for whom this attraction is of fundamental significance is a pedophile, so long as this attraction is important to him or her.<sup>21</sup>

At the end of the report is an overview of the legal situation in various countries at the time the text was compiled.

The diversity of the criminal law in matters of child sexuality and pedophilia in the various countries reflects great uncertainty with regard to this phenomenon. The laws vary from country to country and from era to era, from no punishment at all on up to the death penalty.

People's attitudes towards pedophilia and children's sexuality can also vary starkly from one another in different countries and cultural codes. This just goes to show that in other places as well, people have no idea what to make of the phenomenon.<sup>22</sup>

The report clearly filled a need: It had to be reprinted. It provoked discussion.

Meanwhile, the National NVSH Working Group organized the international gatherings between 1973 and 1975.<sup>23</sup> This signified the first true "coming out"! As a result of these meetings in Breda, working groups were also established abroad. The NVSH was the model.

Since 1976 the National Working Group had gone under the sub-heading of the Working Group for the Emancipation of Relationships Between Older and Younger Persons, thus making it apparent that here it was a matter of more than just pedophilia. In 1979, the name was changed to the "National Working Group on Youth Emancipation." From there on the emphasis was placed on the child; the focus was on the child's liberation. The platform comprised both the child's right to sexual contact as well as the right to remain free from it. The lack of a right on the child's part to either have sexual contacts, or not have them, was seen as a problem requiring a solution.

Following the five international congresses in Breda, in 1977, the "Pedophilia and Society" Congress in the RAI Building in Amsterdam achieved a new high water mark in the history of pedophile emancipation, clearly a true "coming out" to the outside world. The congress was held under the auspices of the NVSH and the NCGV. Over two hundred people from the fields of social work, social science, and politics took part. A twelve-year-old boy even sat at the executive committee table there as a youth representative. The Rotterdam Police Chief, B. Kalma, delivered a positive speech on the subject. Various aspects of pedophilia were discussed by a number of experts, and the chairman of the NVSH, Tom van der Loo, wrapped up the gathering.

In addition to the NVSH, the "Protestant Foundation for Responsibility-Conscious Family Planning" (Protestantische Stiftung für Verantwortungsbewusste Familienplanung, "PSVG") also stood up for pedophilia. In the year 1979 (revised in 1981 they put out, in their series on sexuality, a courageous pamphlet entitled "Pedophilia." The first edition was illustrated with drawings; the second, with photos. The author was a sociologist and then-director of the PSVG. The text was directed, first of all, towards children, parents, and pedophilically-predisposed men and women. The pamphlet was, furthermore, aimed at everyone who had something to do with the subject (police, judges, counselors, etc.). It was quite well suited for distribution to children in elementary school, because then the teacher would be able to more easily discuss the subject in class. As of that time, ten thousand copies had been sold or distributed. The text noted the most recent sexual science findings in the areas of child sexuality and pedophilia, and can be used as a model for compiling educational writings on the sexual sphere.

I shall cite very briefly, in terms of keywords, from the text. Following a clear introduction is a clear description of what a pedophile is: Someone who loves children. This literal meaning actually states specifically what is meant by pedophilic feelings.

Which people are these? One can find people, who love children above all, all over. They are men and women, twenty-five-year-old women and fifty-year-old men, fat men and thin ones, big ones and small ones, attractive ones and not attractive ones.

What do children and pedophilic persons do with one another?' Here things are rightly called by name, and this is probably the most difficult part of the emotionally-laden subject. The acts between the adults and their younger friends are described precisely. The assumption is made that one should have more than vague information.

If the relationship develops gradually, then sexuality, at any given time, is deemed to be something which is a part of the overall relationship.

Moreover, it is usually not the case that one of the two 'directs it'; –instead, following certain mutual 'signals,' a sexual contact arises. It is, as we said, not always necessary for a long term relationship to have existed previously. Sexual contacts often also occur in one-time or short-duration relationships. Moreover, it is likewise the case that these too come about following such mutual signals.

It can also happen that the sexual contact is compelled. The adult can abuse his power; he can employ coercion, or in cunning ways induce the child to allow it. This is, however, not characteristic of pedophile sexuality. Even in homosexual and heterosexual adult contacts, the talk may be of coercion and force. But children are less able to defend themselves against it than adults. Children can be more easily abused (by the way, this holds true not only in the sexual arena). Dealing with children always requires respect and reticence.

It is then further described what children get from their pedophilic contacts, and moreover what feelings are experienced (love, being in love, etc.). The chapter ends with a description of children and sexuality in a general sense.

There follows a list of misconceptions (things which are not true). For example: Pedophiles are child murderers. Actually, one can no longer call this a misunderstanding, for it is a far too serious accusation. Very, very rarely does it happen that a pedophile commits homicide. This is, then, often due to fear of the pedophilic acts being discovered. Many crimes certainly are committed out of a fear of punishment. So, someone who steals can come to murder, and so, a pedophile can come to homicide.

But once again, this is very, very rare, and happens due to a fear of discovery (and therefore due to fear of punishment), and has nothing to do with pedophilia per se.

What is spoken of then is harm caused by the environment (attitude of the parents, police, justice system, etc.).

In conclusion follow a series of practical pieces of advice for parents, pedophilically-oriented persons, and educators. These end with the sentence: "NEVER go to the parents or the police in a panic! This does more harm than good."

The "Protestant Foundation for Family Planning" pleaded for a change in the law in the sexual sphere.

Probably the most important thing was that the text helped to dissipate fears, and did not wish to turn children into inhibited adults. This was its prophylactic function.

Now, in the 1990s, selling and distributing this to elementary schools would be impossible without wading through a great deal of resistance. The police would immediately intervene. The aforementioned pamphlet is a clear example of the change in mentality that has occurred over the past decade or so. Who would have thought that the historical evolution of conceptualizations of sexual matters would be able to take place so quickly?

In this vein one should also mention the second educational exhibition "Sexuality '78" (also called the Sex Fair), which was held from September 1-10, 1989 in the AHOY Building in Rotterdam, attended by many visitors. It was put together by the NVSH's National Pedophilia Working Group, with four other national NVSH working groups taking part.<sup>24</sup> The COC as well as the Rutgers Foundation were also there.

In the summer of 1980 appeared the long-awaited "Final Report of the Advisory Committee on Morals Legislation." The Committee was led by A.L. Malay, Professor of Criminal Law at the University of Leiden. There were a number of recommendations in the report relating to sex with children and pedophilia, above all, that sexual contacts with children between twelve and sixteen years of age should no longer be punishable, if the initiative comes from the child. This shows that the sexuality of children over twelve years old is taken seriously and accepted: a decidedly positive development.

We should not forget an initiative by a small group in Tegelen (Limburg), under the leadership of Herdy Sigfrid Scheller, in the area of heterosexual pedophilia. Scheller published a German-language magazine called "Pedophile International Journal"; he also wrote two books: *The Manipulated Psyche: Considerations Regarding Heterosexual Pedophilia* (Sandra—Verlag, Tegelen, 1979), and *Pedophile Emancipation: The Motives and Philosophical Foundations of Pro-Pedophilism* which was self-published. Scheller is no longer active.

The "Martijn Society" in Amsterdam stood up for the acceptance of pedophilia. It had almost six hundred members at the time, and their journal "O.K. – Informational Magazine in Relationships Between Children and Adults" carried the most recent news, short stories, book and movie reviews, and also background information. It is illustrated with photos and drawings. A press service is also put out for its members, a bimonthly compilation of press clippings on sex and emancipation.<sup>25</sup> For some years now "Martijn" has been a member of an active section within the ILGA, the "International Lesbian and Gay Association," which has consultative status in the United Nations. This has led to controversy. In 1994 "Martijn," together with the "North American Man-Boy Love Association" (NAMBLA), was expelled. Under pressure from the United States, which threatened to withhold their annual dues of approximately 175 million Deutschmarks, the Economic and Social Affairs Commission (UNESCO) recently decided to suspend the ILGA's membership. The reason for this was that, based on their opinion, pedophile groups were still members of the IIGA.

In the area of heterosexual pedophilia, there appeared in Amsterdam (and New York) a small illustrated magazine with the title "Uncommon Desires Newsletter," which included news and information.

At the beginning of the 1980s came political upheaval. American legal officials, who were very much against more liberated notions in sexual matters, prepared an assault. It is not at all surprising that at that time, the magazine "PAN (Paedo Alert News): A Magazine About Boy-Love" was cited over and over again; this was a journal published in Amsterdam, reporting from all over the world. This periodical was affiliated with the "Spartacus Guide," at the time under the leadership of and edited by John Stamford. The first issue appeared in 1979, in which an interview with myself was published bearing the title "Paedophile Liberation in Holland, an Interview." Also in, among others, Issue 7 of this journal, appearing in December of 1980, there came a text

from my own pen: "The Pedophile – Some Aspects of Personality." Frank Torey, the chief editor of PAN, founded the "Acolyte Press." Later on, "Global Academic Publishers" (GAP) was added. Both publishers bring books about pedophilia and epehebophilia to the market. In January of 1977 I launched the periodical "Goal: Integrating Child Sexuality" (Naar Integratie Kindersexualiteit, "NIKS"), a journal affiliated with the NVSH's National Pedophilia Working Group. Meanwhile, in the Netherlands, child sexuality and pedophilia could be widely discussed, and the media was mostly positively disposed towards doing so. And so, on October 30th, 1978, came an hour-long, favorable program in the series "You: A Full Hour." The times were becoming more progressive. Until, suddenly, on November 29th, 1984, a sensational newspaper article appeared in which it was asserted that in Amsterdam, there were auctions of children for sexual purposes. Children were allegedly bought and sold for the child-trade, and for the purpose of producing child pornography. This – as would later emerge – completely false report originated from the "Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, United States Senate, 1984." The negative influence, above all from the United States, continues apace. There followed the never substantiated sex scandal in Oude Pekela, Rotterdam (De Boldekar) as well as the – also never-proven – rituals with child-victims. Pedophilia was, by then, being equated with child abuse and rape. On May 21st, 1986, a new law pertaining to child pornography was passed which prohibited erotic images of children under sixteen. In 1989, the justice minister at the time – Korthals Altes – declared that there would be weekly discussions with the Americans as well as the British. This cooperation had been occurring since 1985. Alas, even Hirsch Ballin later on did not act strongly enough, and unfortunately did the same things with the United States. If the government would have taken a clear position against the influence of the United States, things would certainly have turned out quite differently. Now, emancipation had been rendered impossible. Functionaries of the Dutch justice system were trained in the United States by the FBI. Undercover agents visited the Netherlands. All of this in order to put child pornography in check. It was never proven that the Netherlands had played the role that it had been tagged with. To the contrary: In the final report of the "Child Pornography Working Group" (L.A.J.M. de Wit, Chair), established by Korthals Altes, presented in 1986, it was established that the commerce in child pornography was not significant. American assertions were not at all based on facts. But the damage had already been done. Though the physician Dr. Koers was shocked by the working group's conclusion, he was unable to refute it. It was much discussed, and the multiple documentaries on child pornography, prostitution, and the child trade were aired on television. All were textbook examples of journalistic deceit. Pedophilia could no longer be objectively depicted. Objective description was tabooed.

### **New Laws**

Of course, on November 6, 1990, somewhat unexpectedly, the Second Chamber of the Dutch legislature made some important changes to the sexual criminal law. The penal code has altered as follows:

A. Paragraphs 242 through 245 were replaced by the following paragraphs:

§242.

Anyone who, through violence, threats of violence, or other circumstances compels another person to expose oneself to acts which consist, in whole or in part, of sexual penetration into the body, is guilty of rape, punishable by a maximum of 12 years in prison or a Category 5 fine.

§243.

Anyone who, with another person whom he knows to be in a state of unconsciousness or physical powerlessness, or is in such a fragile condition or suffers from such a pathologically distorted state of mind that he is not, or not completely, in a position to form or express his wishes or offer resistance, commits acts which consist, in whole or in part, of sexual penetration into the body, is punishable by a maximum of eight years in prison or a Category 5 fine.

## §244.

Anyone who practices acts upon someone under the age of 12, which consist, in whole or in part, of sexual penetration into the body, is punishable by a maximum of 12 years in prison or a Category 5 fine.

## §245.

1. Anyone who, with someone between 12 and 16 years of age, commits lewd acts outside of marriage which consist, in whole or in part, of sexual penetration into the body, is punishable by up to eight years in prison or a Category 5 fine.
2. Prosecution shall occur only in those cases which fall under §§248 and 249, or, by complaint.
3. In addition to the complaint mentioned in sub-paragraph 2 are those by legal agents in civil rights matters, mentioned in §65 subsection 1, as well as those authorized by the Child Protection Committee.
4. Exempt from the provisions of §§64 through 66 are those persons, against whom the act was committed, who authorized the making of such a complaint at the time, whereby the period of time within which the complaint can be made is the same statute of limitations as set out in s70.

B. In §246, both 'through violence' as well as 'through the threat of violence' are inserted; or, another act of violence.

C. §247 is replaced by a couple of paragraphs, which read:

## §247.

1. Anyone who, with a person whom he knows to be in a condition of unconsciousness or physical defenselessness, or is in such a fragile condition or suffers from a pathologically distorted state of mind that he or she is not, or not completely, in a position to form or express his wishes or offer resistance, or commits lewd acts with someone under 16 years of age outside marriage, or induces the aforementioned to practice or endure such acts outside of marriage with a third person, is punishable by up to six years in prison or a Category 4 fine.
2. If the person indicated in sub-paragraph 1 is between 12 and 16 years of age, except in cases falling under §248 and 149, criminal prosecution shall only take place when a complaint has been lodged.
3. The 3rd and 4th sub-paragraphs of §245 are to be applied in a corresponding manner.

E. In §249, sub-paragraph 2\*, the clause following the sub-paragraph is to be replaced by a semi-colon, whereupon a sub-paragraph is to be added as follows:

3.\* One who is employed in the health and social work fields and practices lewdness with a person who has been entrusted to him as a patient or a client.

So goes the official text.<sup>26</sup> Consequently, it follows that sexual contacts with persons between 12 and 16 years of age are no longer prosecutable at the authorities' behest (as so-called official offenses). The police and justice system can no longer launch an investigation on the basis of a suspicion, so long as no criminal application has been tendered. This is somewhat different from an announcement. Complaints can be made only by the young person, though also including long after the act; by the parents or guardians (legal representative); or, in cases of incest, by the Child Protection Committee.

A distinction is now made between sexual acts with or without penetration. The boundaries are not precisely specified. It would even be mentioned that the maximum punishments are as follows: with persons under 12 years of age, twelve years; with persons between 12 and 16 years of age, eight years. Sex with boys under twelve can be punished doubly as seriously as under the old law.

These changes in the law, which were adopted by the Second Chamber of the Dutch legislature on November 6th, 1990, came into effect on Tuesday, October 8th, 1991. On these same dates, the First Chamber also adopted a draft law whereby sexual contacts (without penetration) with girls or boys between 12 and 16 years of age were no longer punishable. However the general protective age limit remained 16 years of age.

The interpretation of §242 did not, however, remain entirely clear. Is a person who, for example, inserts a finger or an object into the body of another person punishable? And what about a tongue-kiss? The jurists J.

van der Neut and W. Walzinga proposed, in the Dutch Jurists' Journal NJB of February 1994, that §242 be interpreted in the broadest sense, with criminal sexual perpetrators thereby being unable to escape punishment. They also proposed making the law clearer, as well as dispensing with the distinction between marital assault and rape.<sup>27</sup>

Looking back on the 1970s, we can say that these were years of progress, of emancipation, of research, and above all, of optimism. The 1980s showed themselves to be quite different. After 1982-83, things quickly went into reverse. In the Netherlands, there arose opposition to hard won sexual freedoms, and other countries, especially America and Great Britain, tried more and more to influence Dutch conceptions of morality.

In the 1980s, the number of NVSH members fell drastically to under 10,000, thereby leading to a financial crisis.<sup>28</sup>

Pedophile organizations in other countries had difficulties: Worldwide press and television became focused on the "Center for Research into Information on the Child and Sexuality" (CRIES) in Belgium in 1987, and later, on the "Research Group for a Different Childhood" (GRED) in France. The "Pedophile Information Exchange" (PIE) in England had already encountered great difficulties and had been dissolved. This was also a huge media spectacle. The consequences were disastrous all over: A whole series of members were arrested and given long prison sentences. The "Swiss Pedophilia Working Group SAP" came under attack. And finally, following a huge raid in 1993, the Italian "Gruppo P" was forced to dissolve.

After twenty-five years, the Dutch NVSH Working Group was still filling a breach. They were needed now more than ever.<sup>29</sup> Over the course of years two new names arose: the "National Pedophilia Working Group" (LWGP) and the "National Working Group for Youth Emancipation" (LWGJ). In 1993, the two were combined under the name "National Working Group for Child Adult Relationships, Intimacy, and Sexuality" (NVSH lwg JORIS). The term "pedophilia" was no longer used.

### **Assessment and Conclusions**

Pedophile emancipation began about forty years ago in the Netherlands. A historical analysis shows how this process has developed up until the present day:

- a) Before about 1957, there were really no developments in pedophile emancipation, pedophiles lived in isolation. There was only a one sided and, above all, dubious psychiatric engagement with the subject.
- b) Between about 1957 and 1965, this began to change via the Enclave. Pedophiles came in contact with one another. Help for those affected began to be offered. There developed a new interpretation of the phenomenon. Scientific research was placed on the agenda. The COC played an important role in all of this through its monthly journal "Friendship."
- c) The years between 1965 and 1975 were a period of consolidation. The COC distances itself; its new magazine "Dialogue" is not pedophilia friendly.
- d) The decade of the 1970s saw a number of Enclave initiatives being put into action. Within the NVSH there arose the "National Pedophilia Working Group." The book "Sex with Children" came out in 1972. Scientific research was carried out. Pedophiles came together once again, although this time within an existing organization. There were congresses in Breda between 1973 and 1975, an initial "coming out." The Working Group took on an identity of its own. There was an important symposium in Amsterdam in 1977. The Working Group appeared in newspapers, on the radio, and on television. At the end of the 1970s came a change in the group's primary aim: The child was put at the center, and child-emancipation was made the group's most important goal.
- e) In the 1980s, emancipation suffered a setback. One began to ask oneself whether one's understanding of sexual emancipation was correct.

According to C. Straver emancipation processes have three phases, which in my opinion are also applicable to pedophilia:

These are:



1. An elite vanguard emerges to represent, in moderate ways, the interests of the group relative to the dominant spheres of government and society with their own prevailing opinions, appealing to and trusting in its sense of justice and freedom from prejudice.
2. Through mutual standing—together the group builds up an identity of its own, and works on strengthening self-consciousness. The accent is on self-determination, although few initiatives are directed towards the world outside.
3. The group emerges with a strategy, allowing its demands to be met, confronts the dominant society with the existence of its rightful claims, and brings its demands to fruition by means of education and (provocative) action. The emphasis here is on activities designed for integration into the society, in order to be regarded as having equal rights. Assistance and care for one another are pushed to the back burner.<sup>30</sup>

Through my psychotherapy practice, as an expert witness, through the Enclave, the COC, and the NVSH, and via personal contacts, I have, over the course of many years, encountered more than a thousand persons with pedophilic feelings. The number of children who have contact with these adults numbers over three thousand. When I think back on all of these cases, I can only come to the following conclusions:

- \* Pedophilia is, first and foremost, not a problem for pedophiles; it is obviously not a problem for the child. Pedophilia is, in the first place, a problem for non-pedophiles, for society.
- \* Our attitude towards pedophilia may very well be the touchstone for the way in which we are able to and are allowed to accept sexuality in general, and that of children in particular.
- \* Heterosexuality, homosexuality, bisexuality, and pedophilia should be regarded as forms of human behavior which are of equal value.
- \* Pedophilia can enrich society by bringing to it new perspectives.
- \* As in so-called normal sexuality there are, in the arena of pedophilia, both good and bad contacts and relationships. In between the two poles of good and bad we find an almost endless series of possibilities, as is commonly the case with people in general. It is not the sexual that does the harm, but rather, the how, where, and when. Only individual, particular cases can be evaluated.

It is known that pedophilic feelings can occasionally, and even suddenly, be found among non-pedophiles. These are, then, of a fleeting nature, and one usually does not allow them to be entertained. This would be an indication that the difference between pedophilia, involving an exclusive attraction to children, and that directed towards other people, is merely a matter of degree, not essential or substantial. This could mean that pedophilia stands at the end of a continuum.

A new study from the Dutch Institute for Preventive Public Hygiene (NIPG, *Niederlandisches Institut für preventive Gesundheitspflege*) and the TNO in Leiden found that 17.6% of Dutch youth (schoolboys) often felt themselves to be physically attracted to teenage boys and adult men. Among Turkish boys the number was 46.8%; among Moroccans, 35.4%. The study was carried out in the year 1989 (N=11,431 schoolboys between 12 and 18 years of age).<sup>31</sup>

A survey of children conducted by telephone found that, during the second quarter of 1993, around five hundred boys reported the occurrence of sexual contacts within the family, or with persons from within one's own circle of acquaintance, which were not experienced as problematic. Are these wishful dreams or fantasies that were expressed, or is this reality? ("What kind of sex do boys talk about over the telephone?")<sup>32</sup>

Were we almost there? The discovery of incest marked a turning point. Rineke van Daalen and Bram Stolk write in their article "Psychosocial Assistance for Problems Relating to Homosexuality, Pedophilia, and Sexual Abuse" (*The Psychologist, Professional Journal of Dutch Psychologists*, Volume 28, 7/8, 1993):

Based on the content of the discussions, the prospects for a substantial improvement of the situation of pedophiles in society has, for some time, not been bad (p. 287).

According to the opinion of these authors, the acceptance of pedophiles ran aground against the oncoming debates over sexual abuse and violence. Society turned against pedophiles. In the 1980s, it again became acceptable to regard pedophiles as sick and perpetrators of crime.

Even Herman De Coninck (Belgium), in his article "Pedophilia: Everything is Allowed! But Not With My Child"), *HUMO*, 2/3/1994, comes to the conclusion that pedophilia had come within a hair's breadth of its goal.

Towards the end of the 1970s, I myself had also thought: It has been attained! But the final hurdle had not been overcome.

In his book "Attraction to Children – A Portrait of Pedophiles," Rüdiger Lautmann (1994) comes to the conclusion that "The attraction to children as a delimited sexual form is bound to an ethic," and furthermore:

Pedophiles actually manage to furnish themselves with a sort of code, though there is no authority to assist them with this. This is all the more astonishing, given that their position at society's margin might cause one to expect a complete absence of obligation.

And again one bases oneself – and this is not only the media – on old, stereotypical notions. Therefore, a targeted response against the one-sided conditioning of the populace through the mass media is now an absolute necessity. Publications such as this are intended to contribute to at least setting in motion a more objective discussion, and breaking through pat attitudes. The question remains: "*Quo vadis paedophilia erotica?*"

Our twentieth century is drawing to a close: a solution to the conflict will be the province of the next century. But so long as the discussing parties do not agree on a scientific definition of sexual abuse and its counterpart (or polar opposite), a factual discussion will not be possible. The nowadays negatively-laden terminology in science (and the media) has a clearly negative effect. Studies by Bruce Rind and Robert Bauserman, researchers at, respectively, the University of Miami and Syracuse University (in the U.S.), show this.<sup>33</sup> The adult is, in the international literature, characterized as an "offender," an "assailant," a "perpetrator," an "exploiter," and an "abuser." The minor, without any reference to his or her age (sic!), is called an "abused child," a "molested child," a survivor," or an "exploited child." From the very beginning this terminology suggests harm, which is not automatically the case.

### Endnotes

1. In particular, it should be mentioned that someone who seduces a girl between 12 and 16 years of age, and has sexual intercourse with her, can only be punished if a complaint has been lodged (§ 245), whereas someone who does not have sexual intercourse with a girl from this same age-class, and yet, does perform lewd acts, is automatically punishable. (No longer in effect as of 1991.)
2. I myself can well remember the following event. In May of 1935, when I was 14, I was standing, after school, on the veranda of our house in Spain, and was leafing through the newspaper "La Vanguardia Española" or "El Noticiero Universal" (I believe it was the latter.) My eye fell on a brief report of the death of Magnus Hirschfeld (May 15, 1935) and the things which he had dedicated his life to. Until that time I had never heard of Hirschfeld, but the article stayed with me.
3. At that time, just like everyone else, I wrote under a pseudonym in "Friendship." Even the editor used assumed names. This changed at the beginning of 1965 with the appearance of a new publication "Dialogue." A new phase began; with the magazine coming out, the discussion was brought to the outside world.
4. See "Victor Servatius: On Pedotinia – A Center for Pedophiles? A Note on Pedophilia" (Rotterdam, Enclave, 1962.) This also appeared earlier in "Friendship," Vol. 17, Nos. 2 and 4, 1962. "On Pedophilia" was the catalyst for many discussions. It also appeared in "Kontiki" No. 59 (Zurich), April 1983, under the title "Pedophilia 1962 -1983," and, much later, in English in "Paidika – The Journal of Paedophilia," Vol. 1, No. 2, 1987.
5. See, e.g., "The Consequences for the Child," in "Sex with Children." (The Hague, NVSH, 1972.) Excerpts from this can also be found in "Love and Attraction," edited by Mark Cook and Glenn Wilson (Oxford & New York: Pergamum Press, 1979), pp. 499-501, and "Children and Sex," edited by L.L. Constantine and E.M. Martinson (Boston: Little, Brown & Company, 1981), pp. 189-199. A complete English translation can be found in "Unbound: "The Consequences for the Child," Part I, San Francisco 1987, and Part II, 1988.

And even later, Theo Sandfort, "The Sexual Aspect of Paedophile Relations: The Experience of Twenty-Five Boys," Pan/Spartacus, Amsterdam, 1982, and "Pedophilic Experiences – From a University of Utrecht Study on Sexuality in Pedophilic Relationships," Gerd J. Holzmeyer Verlag, Braunschweig, 1986.

**6.** During this year I used the pen name "Victor Servatius."

**7.** The chronological sequence of the publications out by the Enclave was as follows: Victor Servatius (Frits Bernard): "Persecuted Minority, a Novel with Scientific Foreword," 1960; Victor Servatius: "Costa Brava," 1960; Victor Servatius: "Ephebophilia and Science: Status of the Issue," 1960; Victor Servatius: Phenomological Considerations Concerning Bisexuality," 1961; Victor Servatius: Schlegel's Analytical Personality Research," 1961; Victor Servatius: "Legal Determinations in Sexual Behavior," 1961; Victor Fervatius: "On Pedophilia – a Center for Pedophiles? – A Note on Pedophilia," 1962; Jef Last, "Judas's Youth," 1962; Cor Huisman: "The Legend of Magelarg," 1964; O. Brunoz (Edward Brongersma): "Pedophilia – The Love of Boys," Preface: Victor Servatius, 1964; Frits Bernard: "Persecuted Minority/Costa Brava," issued in one volume, illustrated, with an Epilogue, 1984; Frits Bernard: "Paedophilia – A Factual Report," 1985; "Selected Publications of Frits Bernard, An International Bibliography, with a Note on the Second, Revised Edition," 1992 (1st ed. 1989); Frits Bernard: "Persecuted Minority," illustrated, with an Epilogue entitled "Annotations to the French edition of 1992 (excerpts from printing notes)," 1992. Joseph Geraci offers a historical overview: "The Enclave Press," in "PAIDIKA: line Journal of Pedophilia," Vol. 2, No. 2, Amsterdam, 1990.

**8.** Jef Last (Josephus Carel Franciscus), Dutch author, 1898-1972, He studied Sinology in Leiden and Hamburg (graduated 1957) and headed the Film Office of the Institute for Vocational Development. He traveled to the Soviet Union and fought in 1936 in Spain. From 1950-1953 he was a teacher and royal consultant for culture and art to Bali (Indonesia) From his teenage years onward he was an avowed socialist; for several years, a communist. His literary work encompasses some 65 volumes, including poetry, novels, and essays. He was one of the most important socialist writers of his generation, and certainly the best essayist. (Source: Oosthoek's Encyclopedia, 5th Ed., Utrecht 1962.) His "Judas's Youth" was published by Enclave in 1962, with a cover illustration drawn by him personally. In my opinion this was his best book. It also appeared in English under the title "The Boyhood of Judas," in the edited volume "The Fifth Acolyte Reader," The Acolyte Press, Amsterdam, 1991, with a cover by Mario de Graaf.

**9.** Cor Huisman, author and journalist. He particularly wrote about affairs and personalities in North Africa and the Middle East. His "The Legend. of Mangelang 1964) was published by Enclave with a cover illustration by Mario de Graaf. Many years later he collaborated with Mario de Graaf on the Dutch film "The Bach Virus – A Film About Pedophilia," which was also broadcast on television.

**10.** Heinz Oelfke, author and poet. From his pen came works like "The Main Things We Live – Children's Days Between Church Steeple and Canons." (1987) Heinz Oelfke translated "Costa Brave" into German.

**11.** Jan Hanlo (Johannes Bernardus Maria Rafael), Dutch poet and author, 1912-1969. His first poems were published in 1951; in 1954 his poem, "Ote," caused such a sensation that it was discussed in the Dutch parliament. The original of his letter can be found in the "Dr. Frits Bernard Foundation, Inc." In 1989, in "Maatstaf," I published my "Remembrances of Jan Hanlo." Also by Jan Hanlo: "Letters," First Volume, 1931-1962, Second Volume, 1963-1969, Van Oorschot, Amsterdam, 1989.

**12.** The lecture was entitled "Athletic – Athenic and Ardromorph – Gybaemorph Variations."

**13.** Tom O'Carroll: "Paedophilia: The Radical Case," Peter Owen Pub., London 1980, p. 251, Footnote 16.

**14.** In: Brian Taylor "Perspectives on Pedophilia," Batsford Academic & Educational Ltd., London, 1981, p. 129.

**15.** Its members were F. Bernard, E. Brongersna, L. Haagsma, W. Sergers and P. van Eeten.

**16.** Dr. E. Born: "Pedophile Integration Since 1959." Utrecht 1973, p. 3.

**17.** NWH "National Pedophilia Working Group Brochure," 1973.

**18.** The working group that was formed at this point consisted of: S.de Batselier, F. Bernard (vice chairman,) P. Blok, Mrs H. M. ter Braak, C. Gutter. G.A.A.T. van der Heuvel, C.J. Huizinga, Mrs. W. van Rijssel, Frau L. Rouweler-Wuts, W.J. Sengers (chair), J. van Ussel, and Mrs. M.C. Verhuist-van der Lans.

**19.** The technical journal "Public Mental Health," March 1974.

20. "Pedophilia in Society," NCGV Utrecht and the "Institute for Preventive and Social Psychiatry," Erasmus University, Rotterdam, 1976, pp. 96 and 100.
21. *Ibid.*, pg. 7.
22. *Ibid.*, pg. 185.
23. These meetings also offer an opportunity for scientific research, i.e. , through the use of psychological tests: studies of neurotic and/or psychosomatic symptoms and the assessment of personal characteristics. See, e.g., "Pedophilia – An Illness? Consequences for the Development of the Child's Psyche," in *Sexual Medicine (Medical Tribune)* 9, 1972; Pedophilia and Neuroticism – Results of an Empirical Study. *Sexual Medicine* 4, 1975; What Does the Pedophilia Working Group Want? *Sexual Medicine* 4, 1976; Why Pedophiles Organize – Study of a Dutch Working Group. *Sexual Medicine* 5, 1976; also, *Concerning Education*, 1973, and An Enquiry Among a Group of Pedophiles, *Journal of Sex Research* 3, 1975. In the Dutch, *Medical Contact* 23, 1975, and *Journal of Recovery Clients* 10, 1975.
24. The other NVSH groups were the "Forming a Speaker's Bureau," "Transvestism/Transexuality," "Emancipation," and "Handicapped Persons in Society" National Working Groups.
25. The "Martijn Association" can be reached at P.O. Box 93.548, NL–1090 Amsterdam. The association currently has 600 members.
26. The paragraphs which were not changed are not noted here.
27. *Volkskrant*, 2/5/94.
28. This was a serious situation for an organization which had existed for well over 100 years, and which, at its zenith, numbered some 240,000 members. Journal: "Sekstant."
29. The working group can be reached at the NVSH's main postal address: P.O. Box 64, NL–2501 Den Haag, The Netherlands.
30. C. Straver: Homophilia in the Netherlands. *Intermediair* 1972.
31. M.J. Danz, T. Vogels, R.W.M. Gründeman: "Youth and Sex: Knowledge, Attitudes, and Behaviors Along Turkish and Moroccan Youth in the Netherlands," INO – Health Research, NIPG – Publication, with Bibliography," Leiden, September 1993. Bram Pols: "Turkish and Moroccan Youth Ignorant About Sex," NRC 1/11/94.
32. *Volkskrant*, 2/23/94.
33. Bruce Rind and Robert Bauserman: Biased Terminology Effects and Biased Information Processing in Research on Adult-Nonadult Sexual Interactions: An Empirical Investigation. *Journal of Sex Research* 30, (3), 260-269, August 1997.

(Trans. note: pp 58-60 in the original reproduced a pamphlet. Only the text, but not the format, follows.)

**NATIONAL WORKING GROUP FOR THE EMANCIPATION OF CHILDREN**  
**Society for Sexual Reform (NVSH)**

At the time National Pedophilia Working Group of the NVSH (Dutch Society for Sexual Reform) changed its name in 1979. It is now called the National Working Group for the Emancipation of Children. It was, thereby, recognized that its goal is the sexual liberation of children. In this way the working group reflects the established goal of the association itself, of which it constitutes a part: "The emancipation of human beings and of society, above all in the sphere of sexuality."

Based on our Working Group's opinion, the problem is not one of having to increase the degree of tolerance towards a marginalized group of persons which – as seen by society – have a deplorable propensity towards sexual contacts with children. No, our point of departure is that every person, therefore including the child, must be regarded as being of equal value, even when it comes to emotional and physical intimacy. Children often have intense feelings of desire, and they are – if only their environment would not hinder them in this – already in the position of living this out as well.

Whoever shares this point of view would not wish to establish any age-limit for sexuality. Even the attainment of reproductive maturity is, in practice, not an essential boundary for experiencing one's own sexuality. Just as unimportant is whether the partner is a member of the same, or the other, sex. In short, the

Working Group is endeavoring to remove every impediment to the voluntary, intimate intercourse of persons who are characterized as children. Only free will, and the partner's satisfaction, together determine the continuation of the relationship and the form of the contacts.

The adult partners in such associations with children are not confined to any particular group. A great number of parents, educators, and youth leaders discover such potentialities within themselves, and deepen, in these ways, their personal relationships with "their" children.

The above-mentioned impediments are regarded, by the Working Group, as part and parcel of a social system in which the family contributes to maintaining the existing socio-economic order, in which they rear and furnish people for the establishments of just that order. In practice, these impediments exist by way of the law and public opinion. Dutch law considers engaging in sexual acts with a person under sixteen years of age, and moreover with any minor person (under 21) whom one has a duty to care for or supervise, as a crime.

The Working Group influences political and justice system authorities through information – above all through examples from practice. Moreover, we attempt to intercede with the victims of the police and the justice system – therefore the older as well as the younger partners – in their immediate environs and, if possible, look after them further. Even in the arena of public opinion, information, a thought-provoker, is a means of overcoming resistance. We in part address ourselves to the general public by means of the press, radio, and television; and moreover, to groups which might come into contact with this problematic area in the course of their work, i.e., educators, physicians, social workers, members of the clergy, psychologists, officials, and those looking after the interests of the accused. With many of them there has arisen, in consequence of this, a close degree of cooperation.

The National Working Group consists of a board of directors and delegates from the regional NVSH working groups. The regional working groups respond to those seeking assistance, facilitate conversations among collaborators, and influence public opinion on more regional and local levels. In these ways the working groups seek to realize their goals, thereby, moreover, rendering their own existence superfluous.

NVSH 1980

**Prof. Rudiger Lautmann, Ph.D., University of Bremen**  
**Pedophilia: Should It Be a Given?**  
**Questions on the Occasion of a Book**

As I write this, precisely six months has passed since my book *Attraction to Children* came out. In it, I reported the results of a survey of pedophilic men which had been prepared, carried out, and evaluated by a team of people over the course of several years of work.<sup>1</sup> An unusually large number of questions have been directed towards us, sometimes intensely critical, sometimes well thought out, sometimes openly curious. Counting among the remarkable reactions was even the much discussed silence on the part of some. Most of the inquiries came from the mass media. An entire series of pedophilic men had made their presence known. Some sexual scientists' reviews were positive; others responded with quiet embarrassment. The more animated the response got, the more questions were posed; I shall try to comment on and grapple with them here. They shed light on the status of the social discourse on pedophilia.

**Why Do They Study Pedophilia?**

Many reasonable bases may be cited for making adults' sexually-tinged love for children – that is, pedophilia – the subject of a research project. Admittedly, though, these reasons pale in comparison to the following extraordinary bonus which was recently received by way of a letter:

"I have just read a draft copy of your book *Attraction to Children*. I "gulped it down," as one who had almost died of thirst would do with a cup of water. I have been wandering in the wilderness for several years now. It is mysterious, exciting, menacing, hostile, beautiful, and completely surprising.

Nothing, seemingly, is as broad and wide as an unidentifiable boulder, insanely iridescent in the harsh sun. And stones, which would seem to render the route somewhere between arduous and impassable. Stumbling blocks, dry and thorny undergrowth, ravines, and chasms incite fulmination: Why was I just left in this wilderness?" (D.M.)<sup>2</sup>

In actuality, these love-relationships constitute a sort of blank spot on the map of our knowledge. Even the experts said: You can't get anywhere near these men. (Not to mention pedophilic women, who also may, perhaps, exist, and who we have tried, absolutely in vain, to track down.)

Anyone who approaches a form of sexuality as a sociologist also looks, through the lens of social inequality, at the prevailing attitudes. He pays close attention to who stands "above," and who stands "below." As far as public opinion is concerned, there is nothing lower than a so-called 'child molester.' No one wants anything to do with them, even in the sexual science arena. For me, this massive devaluation has functioned as an impetus. In sociology, hierarchies, prejudices, and scandals are subjected to close inspection. We ask professionally: What actually lies beneath that?

Pedophiles are caught, almost helplessly, in a Catch-22. On the one hand, they declare that they truly love and erotically admire children. On the other hand, precisely because of that, they are treated particularly harshly by the justice system; however, they do not deny, and do not distance themselves from, what they of course do again and again. The confessions and needs of these men have moved me. In spite of their generally desperate situation, many seem completely unpathological, even healthy – at peace with their desires.

### **Is Pedophilia a Taboo Subject?**

Because my research report has just recently come out, I have been dealing with excited reactions of every sort. Many of them were quite nice. Two reviews mentioned that "it took a lot of courage" to write about this. (K.R.B., S.Q.) The truth is, I must have overlooked certain risks there, given that I do not at all regard myself as being particularly courageous. That I should have produced a "provocative book" (S.W.) – well now, because people have allowed themselves to be provoked, this obviously means that it has gone against some things they had taken for granted. The book takes "the reader on an emotional roller-coaster. The pendulum swings between sympathy for the tragedy of the adults involved, and a radical rejection of them; between benevolent understanding and a more profound concern and fear for the affected children." (D.G.)

"Pedophilia is, as it has always been, a taboo subject." (S.W.) A younger colleague declared to me insistently that "a taboo on such a sensitive subject will not simply allow itself to be called into question; the taboo has a social function." (V.K.) And whoever stirs up a secret, whereby he talks about it – what happens to him? One doubts whether one will still be able to take him seriously. Whatever he writes "sounds like euphemisms, and rouses suspicions of minimization." (B.v.S.) What is at stake here is credibility and competency, and thus, the elementary prerequisites of a scientific endeavor.

In a similar vein, as some interviewers and even institutional colleagues have said to me, my book has been interpreted as an "apologia." I was said to be soliciting sympathy for pedophilia, and describing it as not harmful. (C.B., P.L.) When I asked my (actually well-meaning) colleagues why they found it to be an apologia, they read the following section of it back to me: "Instead of rejecting them out of hand, as far as what the child-lovers had to say about the children's manifestations of willingness is concerned, I suggest that we take a look at their own accounts." (pg. ???) Furthermore this says that, in the highly inflamed climate which dominates today's discussions of adults' sexual contacts with children, even the mere act of picking out a small group of pedophiles is enough to be labeled an apologist. (M.M.) "A statement like 'there is true pedophilia' IS an apologia; it lacks distance." (V.K.) And many of my female colleagues have made additional comments, to the effect that they cannot understand why I would get involved in a project like this.

Today, the following maxim is employed quite openly: Whoever does not speak of "abuse" should keep quiet about pedophilia. A divided discourse exists: On one side discussion is allowed; on the other, it is not. Public attention is directed exclusively towards the sexual side of the goings-on, in order to stir up indignation. Such perceptual blinkers do not allow one to notice how condemnation becomes a self-fulfilling prophecy: By narrowing the view to that which is bad by definition, then, of course, it is unimaginably hideous. The images

people have in their minds arise independently from the images which one could obtain by taking a look for oneself. The images are already there, and no amount of contradicting information will erase them.

### **Do You Have Children?**

He who pleads a case takes sides. Actually, sociologists have often spoken as advocates for silent or oppressed population groups, without, mind you, then having their credibility placed in question. In my research report, I made it clear that I myself was not a child over (which some pedophilic readers already found to be an unnecessary distancing). Through some of my earlier books, I had also made clear that I am a gay man, and thus equally so, a gay researcher.<sup>3</sup> One sympathetic journalist was struck by the fact that, in the book, it was emphasized that no one in our research team evinced a sexual preference for children. "Are they afraid of being defamed?" (B.v.S.) No! I probably stressed this because, up until then, most of the research which had been done on pedophilia was done by people who had a personal stake in it, and therefore, approached the issue from an entirely different perspective. I think that, from the outside, one sees a sexual activity differently than when one is personally involved in it.

But of course, this time around, all of the above was not sufficient to convey an impression of neutrality, and satisfy the demand for objectivity. (It may well be that, in the present battle of opinions, a neutral, "objective" analysis is not even being asked for.) People constantly wanted to know from me: "So, what do you think about pedophilia now?" This even in my research group.

In a world in which incestuous fathers, rapist men, mothers pulling at their little sons' penises, and all too experiment-happy older brothers seem only to be multiplying exponentially – there, everyone is "somehow affected." The old standby of the sex-fiend, who was held up as a rare specimen (signs: candy, a stamp collection, etc.), was abolished as an interpretational figure in the mid 1980s.<sup>4</sup> Since then, no one can stand on the sidelines, stay quiet, or remain above such matters any longer.

One journalist, who made no secret of her disconcertment at my book, was especially resourceful. Sometimes, in the course of an interview for a general-readership publication, at the conclusion of the printed text, she would poise the question: "Do you have children?" R.L.: "No." (P.B.) With these five words, everything that was said before that was made to seem unreliable: Only parents can assess what is harmful to children.

Here, what is different is lit only diffusely. Is pedophilia necessarily parent-hostile; is it perhaps in the opposite camp to that of the family of origin? I think not. Pedophilic men usually cultivate a relationship with the children's parents, who are of course obliged to spare their offspring from any and all burdens. Also, many pedophilic men would themselves like to live together with their little sweethearts, in a family-like setting.

In the heat of the moment, I am almost tempted to turn the tables on them. In and of itself, the current critique of the family is quite far from my own thoughts; indeed, I am actually a well-known fan of family/marriage/marriage-analogous-partnership way of life. Some of the tensions inherent in the relationship between the child and the family should probably not be overlooked. If families were that healthy, then there probably wouldn't be any abuse to talk about. And, how competent are parents in the sexual concerns and affairs of their children? The sexual misery of all adults has its origin in their families of origin. Of course, when the child's sexual stirrings become more obvious, concealment, secrecy, and diffidence are the order of the day. All of this can be better seen from the outside. Worry is an inherent part of parenting (even today there is the anxious question, whether one has always done the right thing); but they do not have a monopoly on expertise.

### **Should the Children Be Interviewed As Well?**

"The author must admit: The children themselves were not interviewed." (S.W.) How, exactly, would or could we have been able to do that? A moral outcry – from the parents, first of all – would have chased away any researcher with intentions of that sort. But what is intended as a criticism of our data collection method, simultaneously sheds a curious light on (at any event, pre-existing) parental privileges which are akin to the ownership of property.

Children can, at best, be interviewed as victims, for example, by psychologists within the context of criminal investigations against alleged perpetrators. A whole series of long, drawn-out, and costly court proceedings provide an interesting picture of how children's statements can jump all over the place when it comes to substantiating the allegations. This alarming chapter from current-day criminal proceedings (characterized by few legal protections for the accused, weak evidence, and finally, unendurably long prison sentences) only goes to show just, how audible the deafening silence of our sexual science surrounding this has become.

The following suggestion is, indeed, well taken: "First of all, every passage in which the interviewees describe and frequently interpret the children's behavior as seductive is in urgent need of proof; i.e., for these same scenarios to be described by the children themselves." (P.R.) Admittedly, it is unlikely that any child would be able to report completely independently of the condemnations all around them. It is, of course, also true that neither can any adult neutrally, retrospectively portray what happened at a given time. Consequently, the desire to investigate the children's experience borders on the impossible. (The upshot of this is that the preexisting picture of how things are remains inviolate.)

Quite remarkable is a new study by the Bielefeld pedagogue Georg Neubauer and his research group, who have done sex education work with children and youth since 1982. In his new project on "Sex Education and Sexual Abuse," the team interviewed special-needs pupils and other visitors at a youth center. "In group discussions, the sexual abuse of youth was rarely talked about. Thus, sexual contacts (including sexual intercourse) between boys and adult women were not defined as sexual abuse or rape, but rather, were evaluated as positive experiences. (In stark contrast to that stands the evaluation of sexual contacts between adult men and boys. We ran into difficulties when trying to talk with boys about this, because it touched on what, to them, was the disgust-laden and repugnant sphere of homosexuality." <sup>5</sup> Another stumbling block is getting information from the junior female partners involved in pedophilia!

The fact is, all of the data concerning child sexuality that is collected is collected from adults. Sometimes, they are asked to look back and describe their own development. Other times, care-persons (as a rule, the mother) are asked to observe and report on the behavior of the children in their charge. When I, after careful examination, lend broad credence to the pedophilic men's accounts, I am simply following every tenet and tradition of research. What would improve the result would be to subject the interviewees' narratives to hermeneutic analysis (suggestion by M.M.). This seems sensible to me.

Even when all sorts of other, more costly possibilities are dreamed up, the method of choice is still to interview pedophiles about their relationships and longings. This is, by far, the most considerate as well as most economical way to proceed. Rather than fundamentally criticizing or even rejecting it, we would do better to put our heads together to figure out how to optimally employ survey and assessment instruments.

As of this point, no major objections have been made concerning the cross-section of our interviewees. We gained initial access through so-called self-help groups, to whom we were permitted to introduce ourselves. In addition to that, we sought out and found interview partners via local newspapers. In the end, we had a very wide catchment area – from emancipation groups to pedophiles living in hiding. .

We have conducted several hour long conversations, and the interviewees were quite eager to make their remarks. There were very fluid narratives, which were somewhat halting only in reference to sexual activities. The men wanted to open up, perhaps because we were the first people who were not interested in oppressing them on account of their sexuality. And we opened ourselves up like tourists – nay, ethnologists – in order to scout out and describe a hidden subculture.

### **Who Are the "True Pedophiles?"**

There are adults whose desires (preference) are directed towards children. True pedophiles love their young partners. First of all they erotically desire them. Sex actually comes second.

Within this characterization lies, as has become clear to me in the meantime, a fair degree of offensiveness. Our study defined the concept of the pedophile, distinguishing him from practitioners of incest, abuse, and sadism. And we showed that such men do, indeed, exist.



Our thesis went as follows: Desire for children is a free-standing and differentiable sexual form. The child-like, as an autonomous object of sexual desire, manifests itself even when it is partially able to detach itself from the dimension of age; namely, when "adults" are eroticized because, and to the extent to which, they seem childlike.

What created an uproar, therefore, was the notion that the sexual form of "pedophilia" is distinguishable from the phenomenon of "sexual abuse." The fact that pedophilia indeed is a free-standing sexual form manifests itself in its complex construction which, in its essential dimensions, looks quite different from incest and abuse. As such dimensions I name the following: the forms of communicating with the child, being acquainted with the latter's needs (example: being prepared for the end), improving and arranging living spaces and organizing leisure time activities, contact with the parents, establishing rules for what kinds of language will be used, as well as refuge from intervention by child protective authorities. (The book by Rainer Hoffmann describes these dimensions.)

Erotic moments show themselves in the initial making of an acquaintance. A pedophile initially looks, for example, at the child's face, which is a mirror for his or her, character. For a great number of our interviewees, only after that did one's glance fall on his or her physical characteristics. Other pedophiles like to go about things in the opposite order; both are analogous to inclinations shared by all adults. The initial approach is a very complex event. The pedophile's glance wanders to playgrounds or other locations where children gather, through the crowd, searching for a child who holds his gaze, who looks back at him, and who does not immediately look away. Consequently, he is searching for one of those rare children who might be amenable to getting involved in such a relationship.

It is certainly well-known that this happens in other sexual subcultures. Why should pedophiles be any different? While public opinion does regard them as monstrous, the truth is, in the main, they themselves do things which, in our culture, are typical of all interpersonal dealings. Whereas a portion of their action-repertoire is "normal" – namely, characteristic of complete intimacy – the other part is "specific"; i.e., marks them as pedophiles.

Therefore, there is also a clear line between homosexual and heterosexual. Some of my pedophilic readers were not fully in agreement with this. "So long as you do not show me on a two-peaked distribution curve on the basis of all sexual orientations, I simply do not believe in a relatively sharp demarcation. This would, of course, mean that youth in a certain age span would show a "lover-dip" – a for me quite improbable assumption." (W.T.)

For me personally, the dissimilarity between homosexuality and boy-oriented pedophilia was a surprise. I had originally thought that boy lovers were a variant of a gay orientation. However, one must make a distinction between pedophilia and homo/heterosexuality. Someone who loves girls is not even "able" to be sexually intimate with a woman. To this extent he is not heterosexual, but rather, loves girls. And a man who gets involved with boys is more likely to be with an adult partner who is a woman, rather than a man. The most salient aspect is that an adult is, as a rule, declined.

Another writes: "I am of the opinion – obviously in contrast to the majority of your conversational partners – that the desire for (sexually mature) boys already had a lot to do with homosexual longings. It is the "pre-manly body, sweet and tangy" (Thomas Mann) which, based on my observations and experiences, attracts most boy lovers, without, by the way, requiring a lot of experimentation beforehand. Of course, from time to time it also happens that men who originally thought of themselves as homosexual, over time, choose younger and younger partners, thereby landing in the realm of pedophilia as well." (F.)

Both of these letter-writers think about young men ("sexually mature boys" in the case of F., "lads" in W.T.'s case). Actually, something has recently come to the foreground, which was not discussed separately previously. Same sex inclinations towards children, youth, or adults had, in the past, been regarded as equally bad. Only recently has pederasty gained in stature.

A stroke of the legislator's pen has made this possible: Some pederasts were excused from the pedosexual grouping. Now they even have their own magazine, which explicitly refers to itself as the "heir to ancient Greece." KOINOS (since 1993) seeks to develop "the language of the boy," and overcome existing moral boundaries. What are discussed here are boys between twelve and eighteen years of age. I would like such a journal not to be regarded merely as a tactical move, which one uses in order to expand the legal

breathing room, and thus, the allowed age limits. Rather, I sense an effort to present a particular type – the emergent man – as object-partner. This would be pederasty in the strict sense; or, we could refer to it ironically as the New Good Old Student Days.

### **Does Every Sexual Act With a Child Constitute Abuse?**

To this question, there are two equally simple as well as diametrically opposed answers. One says: Obviously, and without any question, using a child sexually is abuse. The other says: In the broad spectrum of sexual acts with children, there are some which need not be called 'abuse.' The contrast could not be greater. It is, for the time being, of a more logical nature, and is not based on actual empirical knowledge.

That is to say, anyone who declares any sexual contact – without exception – to be sexual abuse means this in a conceptual sense. To them, pedosexual acts equate from the very outset – and consequently, without further empirical verification – to a crime. (And then, general grounds are cited for this equivalency.) On the other hand, anyone who differentiates among pedosexual events – perhaps into the three categories of exploitation (using a child as a mere sexual object), sadism (pleasure from pain and violence), and pedophilia (the relationship with the child plays out in the triad of love – eroticism-sexuality is, by way of definitions, creating a logically tiered interpretational frame, without requiring any empirical information for it.

Therefore, the quarrel between the two positions is, for the time being, of a tautological nature, and therefore, quite futile. Definitions should be of help in classifying experiences; but they still do not provide any information about actual reality. Behind the struggle over proper terminology are, first and foremost, ideological and sexual-political positions. What is at stake here are how children are conceptualized and the development of mature human beings. The battle of the sexes also plays a part in this. (Still, a great deal more could be said about the ideological nature of the campaigns for and against pedophilia.) In struggles of this type – which are designed to shape public opinion – it is also necessary to invest concepts with specific meanings. Thus the words "pedophilia" and "sexual abuse," beginning with a flood of American publications, came to be used interchangeably; all potential distinctions were discarded, which is to say, denied. For the campaign, this was a victory; for sexual science, a defeat.

In order to go beyond what is, in the end, an unproductive argument over terminology, one must again give greater consideration to theory and empiricism. What are our ideas about sexual socialization? How are intergenerational relationships, including sexual ones, actually brought about? Following the din of the campaign to protect children from abusing men, we must think things through again, and investigate anew.

### **On the Current Status of Research**

Up until now, it was customary for sexual contacts and relationships involving an adult and a child to be regarded as all of a piece: in the criminal law, in sexual medicine, and in child protection literature. Differentiating between exploitative and loving acts was expressly rejected. Moreover, it was merely entertained as a theoretical possibility that a given portion of contacts with children might not be harmful, and would not be regarded as serious. Studies which would be able to substantiate this very hypothesis are not accepted for publication in virtually any of the scientific journals. The moral nature of all these decisions is quite clear; the position is that there is no need to research this.

Removing pedophilia as a construct from the collective term "sexual abuse" would be irresponsible if this form of sexuality were just as harmful for the children involved as rape, incest, harassment, and other assaults undoubtedly are.

What long term effects do children's sexual experiences with adults necessarily have? Contrary to what one would expect, reading the scientific literature raises more questions than it answers. In many writings, the age difference and moral disapproval of such acts are sufficient to render the affected child a 'victim' (case in point: David Finkelhor).<sup>6</sup> But of course, this merely signifies a choice of wording which, while presuming harm, does not, of course, establish it.

As Allie Kilpatrick demonstrated convincingly in her overview of the research, there are prerequisites for – as well as types and extents of – negative consequences which, as of this point in time have only been

clarified in a fragmentary way.<sup>7</sup> Kilpatrick compared the existing psychological studies on long term effects. First of all, she pinned down the methodological framework within which the problems in this area of research have arisen: how concepts were defined (e.g.: How closely related must the participants be for it to constitute incest? What acts are "sexual?" Up until what age is someone a "child"?), what samples or cross-sections were studied (e.g.: sample size? from what social statuses, found in institutions, or in the field, control groups used?), and finally, how the consequences of the sexual acts were measured. The majority of the studies examined evidenced shortcomings: unclear concepts, small and distorted samples, no examination of causality, etc. Those studies which did, to some degree, correspond to normative standards of psychological harm actually do report the presence of harm however, above all, as a consequence of incest.

Many level headed social scientists do stress that pedophilia, in the strict sense of the word, should not be lumped together, for theoretical and political purposes, with sexual abuse. Included among such distinction-drawing voices are Gisela Bleibtreu-Ehrenberg, Kurt Freund, – Berl Kutchinsky, and Eberhard Schorsch – to a person, with a broad perspective on all sexual phenomena. On the other hand, speaking in favor of "lumping together" are those who talk exclusively about rape and abuse (e.g., Elisabeth Trube-Becker). They consistently characterize these problems less as sexual ones, and more as ones of patriarchal domination.

### **Where Do We Draw the Line Between Pedophilia and Child Abuse?**

The criteria are as follows: voluntariness, and harm. The two are to be examined independently of one another.

The abuser is one of those numerous men – and they are, overwhelmingly, men – who, though he does sexually approach children, he does not actually crave a sexual partnership with the puerile form. Pedophiles, on the other hand, are persons who find children erotic, love them, and establish a friendship with a child, in order to subsequently find sexual fulfillment with him or her.

The concept of child abuse incorporates the notion that the youngster is harmed. As far as contacts with true pedophiles are concerned, this harm is highly questionable. They proceed extraordinarily cautiously, and have far less sex than is generally assumed. What they are aiming for is by no means sex per se, but rather, first and foremost, an erotic relationship with the child. They behave no differently than do those of us whose partners are other adults: We establish an intimate relationship, in which sex can also take place, when the other party is agreeable to it. This consent is given by the child in a quite neutral way. Mind you, this will inflame the debate over whether children really can consent to sex.

### **Can Children Consent to This Kind of Sex?**

I cannot imagine that the human ability to engage in sexual acts is suddenly switched on when he reaches the age of majority, or, when he becomes a lawful object of sexual desire; that is, at the age of fourteen. I think that the ability to engage in sexual acts is something which evolves from birth onwards. Therefore, from very early on, a child is made ready for sexual acts with himself and with others. To the extent that a child has developed, he can also agree to a sexual interaction; that being said, sex always means something different to a child than it does to an adult.

Precisely because the latter notion is so universally held – however speculative it may sound – the point remains a tricky one. The reason why it remains so difficult is because we know little about children's sexual yearnings. Many proceed based on the assumption that the child is really unable to consent to this, which is something that should be reserved for adults. In that sense, of course, we will already have solved our problem in advance, and must cease investigating issues relating to agreement and consent.

It is my impression that what we have here is something akin to a natural correspondence of wishes, which does not mean that the two have consented to the same thing, but rather, that the child has agreed to the aforementioned forms of the pedophiles' wishes, and then allows to happen, to and with himself, something which he personally finds pleasurable. It may be that in terms of sexual development, children vary even more among one another than adults do. That is why there may well be "suitable partners" for pedophiles,

notwithstanding the fact that we as outsiders, based on our own experience, would scarcely be able to conceive of it.

In actuality, the problems arise only later on, when the child is told that he has done something immoral and impermissible here. Then the child would begin to doubt his own ability to consent. The readiness to rashly and exclusively view sexual advances towards children within a perpetrator-victim paradigm is questionable. Here the sexual pedagogue sees an "incapacitation situation for the child." Offering assistance or exposing the situation without the child's consent means, according to Neubauer, "once again a boundary violation and hindering the competence to decide and act. The 'victim' stigma fosters the impression that children, teenagers, and women are helpless and must be protected, because they do not seem to know what is right and good for them." The authors suspect "that it is less the abuse, and more the victim stigmatization, that impedes children's development." <sup>8</sup>

The idea of sexual self determination is no mere linguistic notion, which would be attained only in ethical reflection. In addition to the normative element, it would comprise a personality and action image which must be suited to a particular group of persons. Autonomy is culturally and, above all, generationally dependent; it is an empirical concept.

Neubauer et al.'s survey shows what notion of abuse is held by children themselves. It is, surprisingly, a narrow definition, limited to rape and unwanted approaches by strangers. The children were provided with criteria, according to which they would, or would not, permit an approach. Sexual advances were, to the group studied, an everyday occurrence, and were not always assessed as being negative or unpleasant. "Moreover, they made it known to us that they had developed a competency to be able to deal with these routine approaches. The public and scientific debate should, therefore, also be oriented towards children's and teenagers' life-situations." <sup>9</sup>

Only when the old icons of the 'asexual child' and a latency period are wiped from our minds will we get a clear picture of voluntariness and self-determination. Neubauer et al. conducted an impartial inquiry; and their results were remarkable. "In our work, we were able to discover that children under ten years of age already have ideas about what sex could be, and what they define, for themselves, as sexual abuse. On the one hand, they would allow sexual advances when, to them, the person seems nice. . . . On the other hand, the children made it known to us that they absolutely felt they were in a position to deflect such approaches." <sup>10</sup>

### **But – The Power Imbalance Between Adults and Children!**

Even we had initially presumed that an imbalance of power between adult and child clearly exists. However, in the course of our interviews, we were surprised to what extent the men themselves were obliged to proceed with caution, in order to simply establish as well as maintain contact. Obviously, children also have at their disposal means by which to keep the man away from them, thereby bringing some measure of balance to the relationship.

In sexual intimacy, the participants stand, as it were, naked before one another – disrobed of the attributes of their outside lives. Here, dominance comes into play differently than it would elsewhere. With money, intelligence, or physical strength I might be able to buy from someone, talk someone into, or compel genital contact with someone – but never the self-abandon upon which sexual longing is based. In an erotic exchange, all power gradients have merely shifted their meaning: Although dominance does function as a symbol, it does not bring about any kind of fusion.

So then, who says that a sexual encounter is only successful if the partners are socially equal? A given individual (myself, for example) may well desire that this be so; but this is not the only conceivable case. Regarding this, let us now have a look at the history of the ideas about love.

The philosopher Genot Böhme writes: "Eros as a type of love relationship between two persons was shaped by Greek boy-love. . . . The fundamental structure of eroticism consists of its asymmetry: The Greek verb "erato" (I love) denotes only the man's relationship towards the boy, not vice versa. (...) Lover and beloved are not equal, they do not mutually love one another, and that love is a definitively unequal game. . . . Initially the beloved doesn't even know what it's all about; he is the naive one, the uninitiated one, the 'innocent one,' who is only drawn into the love affair through erotic intrigue. All of the lover's efforts are directed towards drawing the

beloved into the game. But what he is able to attain is by no means requited love; at most, the beloved simply allows himself to become involved in the affair, and gives the lover what he wants." <sup>11</sup> And so forth – the entire passage is worth reading, and is quite thought provoking. Not that today's pedophilic relationships would be procured in just such a manner, no. Rather, it is a matter of the different question of equality in love in our culture.

Pedophiles keep an eye out for the physical, mental, and sexual well-being of their child counterparts. The awakening of genital desire is their primary goal. But they soon discover that the child does not experience sex in the same way that they themselves do: It is not lost on him that a child – above all a younger one – initially experiences self-directed desire. They cannot expect – at least initially – that the child will have an interest in the adult's genitalia. At most, curiosity, the need for information, and things of that nature may be detected.

Nothing a child could do would impede things as much as simply staying away. Every single one of the pedophiles we interviewed feared that the child would simply stop showing up. They long for the next time. Consequently, they do not actually have power over the child. With their authority, pedophiles can only direct children to a very limited degree. Also, they seek out not frightened children, but rather, self-confident boys and open minded girls. And nowadays they do not rely on intimidation; i.e., that they are the adult, are bigger, are learned, and have more money.

Here we must also consider the historical evolution of childhood. The change in the relationship between different generations is described by Neubauer et al. as follows:

"Today's norms are not discipline and strict obedience, but rather, the fostering of children's independence, willingness to cooperate, and ability to communicate, which is not engendered through authority, but rather, through partnership-analogous, argumentative behaviors. This evolution has led to a reduction in the degree of power imbalance, as well as conflict, between parents and children. The relationship between the generations is, therefore, more liberal and open; but at the same time, it has also become more fragile, more emotional, and more complex." <sup>12</sup>

From that, I conclude that the dimensions of the power equilibrium must be determined by today's childhood relationships, not those of previous decades.

### **Does the Pedophile Dump the Child When He or She Becomes 'Too Old' for Him?**

Several times, 'sympathetic' reporters have asked me at what point the children would lose their pedophilic appeal, and what would then happen to them. What is behind that is obviously the notion that the children would get 'thrown away' after they had been made use of and had become unattractive.

None of our interviewees reported any such thing. The men only withdraw sexually from their young boyfriends and girlfriends, once their age limits have been exceeded. They themselves are frequently surprised when contact is kept up. Frequently cases are reported of things turning into decades-long friendships. Presumably, the less intervention there is into these pedophilic friendships, the more likely it is that this (changed, but still) close relationship will manifest. The children are not, as a rule, left by the wayside.

Obviously, the pedophilic relationship is inherently transitory; the man knows that the boy or girl will grow out of his/her childhood; he sees and observes this process, sometimes even with a certain degree of relish at the child's development. Even pedophiles with a monogamous partnership lifestyle foresee an eventual separation. Given that the end is always "physiological" in this way, and thus, as the facts of physical maturation draw near, the degree of sorrow would be modest. (Usually, the relationships end because one of the parties has moved away or the parents intervene/break it off, etc.) In the ideal situation, the relationship is able to be maintained over the course of several years (in order to then turn into a non-sexual friendship), and this 'natural' end therefore means there is no "loss."

## How Is Pedophilia To Be Judged?

Children grow up under some quite varied conditions: good, less good, poor, and even, destructive. Only a few situations could be characterized as ideal; and this category probably does not include what a pedosexually-interested man has to offer his beloved. But, it could still be a lot better than the environment from which such a child comes, which is precisely the reason why he or she is approachable in the first place. Where no one else is looking after a child appropriately, then, a pedophile can place himself in a position to rescue and support him or her. Under the given circumstances of a particular case, this may, then, be regarded as the best thing that could happen to the child.

So, when pedophilia is characterized as not being the "best" form of sexuality, that's really not the point. In particular cases, it absolutely can be the second best thing; that is, when the best option is not attainable. In that case, it may mean a stroke of luck for the child. Here is what Eberhard Schorsch has to say regarding this: "Statements regarding harm are (and can only be) applicable following a more precise examination of individual cases."<sup>13</sup>

## Should the Abuse Paragraphs Be Changed?

Reader F. writes to me: "The fact that this – for pedophiles – essential aspect was left out of the book was a bit disappointing for many of those concerned, particularly given that one had already been exposed to some very firm statements from you on this complex issue. (I am thinking of your support for the idea of granting sexually mature young people the right to sexual self-determination.) I am already aware of the fact that, strictly speaking, this was not part of the book's focus; nevertheless, many of those with pedophilic inclinations would certainly have expected at least some comment regarding what might be, in your opinion, the crimino-legal implications of your results."

It seems to me that, to have made claims, in my book, regarding the prevailing criminal law would have been inappropriate. "As is," the entire book is already a plea for a new assessment of pedophilia, which is also how a whole series of people posing questions about it have understood it. Strategically, I have always held that one must distinguish between two steps, taking just one at a time: first, elucidating what pedophilia actually is; the drawing of criminal-political conclusions is only done later on.

If something really can be undertaken in the area of the criminal law at the present time, then it is an appeal to the courts to treat pedophiles differently than has been done up to this point. As of now, they are punished particularly harshly as ideological offenders; this I am explicitly against.

Applying Paragraph 176 StGB to actual cases of child sexual abuse is right and proper. On the other hand, I feel that prosecuting pedophiles is unjust. Thus, I would like there to be the following consequences in the application of the existing regulations: that the inclination towards children, when lived out with decency, simply not be subject to prosecution.

What are problematic are the new regulations in Germany and Austria, according to which the mere possession of child-pornographic material is punishable. The idea behind this is to impact production by drying up demand. Meanwhile, anyone who collaborated in such production was already punishable. Its sale was also forbidden. However, because they could not get to the producers, and were unable to stop the traffic in it, now, they start with the customers.

Consequently, the new criminal norm is based on a goal which, even if the prohibited activity were halted, still would not – by any means – be attained. It is not the possession of child pornography that violates a legal right, but rather, the preceding activities. A rational criminal politics, however, only permits the personalization of a direct violation of rights (or, the attempt thereof). This principle has now been violated.

A large number of pedophiles have, or had, extensive collections of images. Provided that one wishes to look at genitalia, pornography is a ready-made way to do that. The typical child abuser, on the other hand, would probably not have any interest in such depictions. Once again, pedophiles are criminalized in and of themselves, without a showing of any harmful behavior on their part beyond some assumed effect on morality.

## Are Pedophiles Happy?

This might appear to be a rhetorical question, in light of all of the prejudgments and exclusions which are directed at child lovers. Branded as monsters, life cannot be exactly easy for them. Little by little, the mechanisms of social control shine their light into every recess within which pedophilic yearnings were, previously, able to be lived out. Recently (in the fall of 1993 in Germany), with the exception of the possession of provocative images, engaging in the relevant activities on trips to foreign countries was also made punishable.

Never has the social pressure been stronger than it is today. The police, the justice system, and youth authorities grow ever more merciless. In addition to that, public opinion and morality have become more and more focused on the issue. Although crushed as if by millstones by these social controls, as it has always done, this sexual yearning lives on. The reality of this situation certainly does make a strong impression.

Can pedophiles be happy under these circumstances? In their love relationships: yes, absolutely. With their lives: no. Their biographical misfortune cannot be separated from the depth of their yearning and the occasional attainment of their desires. No one who does not have to would choose the pedophilic way of life. Every one of them has tried to take a different path. But attempting to conform does not work.

The misfortune consists not of the fact that the children grow up, and consequently are lost as objects of desire. Quite the contrary: The eroticization of transition is well-versed in farewells; the liking lives on regardless. The misfortune results from the extreme devaluation, which became even stronger in the 1980s. Behind that they suffer especially from second-guessing, responding with self-reproach and withdrawal. The dissonance between their inner ideal and social degradation can tear the soul in two.

Nevertheless, I do not want the ideal type of pedophilia which I have portrayed in my book to seem merely Utopian. These adults described successful relationships with children in so many interviews, and a whole series of the men we questioned convinced us that they did in fact live up to the highest standards of the ideal type of pedophilia.

As I gather from many inquiries and reviews, news of this sort also made an impression on others. Thus, Petra Reinfelder characterized as remarkable every passage in the book "in which pedophiles describe with what sensitive attentiveness they observe children, following and interpreting their reactions, just to make sure they are not doing anything wrong, anything the child does not like. It is certainly likely that this is done in part out of self-protection; in addition, they want to avoid attracting attention as 'child molesters.' But it also shows a sensibility, as well as a sophisticated affection, towards children, from which so many 'normal' people who are fond of children – as well as parents and teachers – could learn a lot." <sup>14</sup>

In fictional works as well, which are often far ahead of science as far as visualizing sexual scenarios is concerned, there are depictions which demonstrate the liveliness and viability of pedophilia. What have made a particular impression on me here are stories by Griedrich Krohnke. <sup>15</sup>

## Outlook

In this heading, I have posed a question. The answers to it are diametrically opposed to one another: "Yes, that's obviously the case," says one. "No, this is just window dressing – in the end, they're all abusers," says the other. And both sides are absolutely convinced that they are right. Consequently, our scientific inquiry is in a tight spot: It does not represent any interests; neither those of the child-lovers, nor those of the children and their protectors.

In my book, I focus, in generational terms, on how men structure their erotic-sexual relationships with boys and girls. The self-reports of those interviewed confirm that true pedophilia does exist.

The prominent American sex sociologist William Simon recently predicted that pedophilia will likely continue to constitute a significant share of sexual deviancy ("perversion"). But Simon also suggests that the current discourse "approaches the horizon of plausibility." <sup>16</sup> This is what I believe: The social climate between the generations is changing, and this includes the sexual climate.

## Endnotes

1. Rudiger Lautmann (1994). *Attraction to Children: A Portrait of Pedophiles*, Hamburg: Ingrid Klein Verlag.  
Additional important publications by those in our research group include:  
     Rainer Hoffman (1994) *The Rules of Pedophilic Interaction: Frameworks, Rituals, Dramaturgy*, Ph.D. Diss., Bremen, (soon to appear as a book).  
     Marina Knopf (1993) Sexual Contacts Between Women and Children, in: [German] *Journal of Sex Research*, Vol. 6, pp. 23-35.  
     (1993); Michael Schetsche (1993) *The "Sexually At-Risk Child": Continuity and Change in a Social Problem*, Pfaffenweiler: Centaurus.
2. All names are abbreviated by initials.
3. Most recently: Rudiger Lautmann (Ed.) (1993) *Homosexuality: A Handbook of Theory and Research History*, Frankfurt/M.: Campus Verlag.
4. For a more detailed discussion on changes in patterns of interpretation, see Michael Schetsche, 1993 (Footnote 1), pp. 127-203.
5. Georg Neubauer, Inge Emmerich, & Dirk Achterwinter (1993) At-Risk Situations in Isolated Areas: Sexual Abuse. In: Center for Childhood and Youth Research (Eds.): *Transformations of Childhood*, Opladen (Leske), pp. 163-181.
6. David Finkelhor (1979) *Sexually Victimized Children*. New York: Free Press.
7. Allie Kilpatrick (1987) Childhood Sexual Experiences. *Journal of Sex Research*, 23, 173- 196.
8. Neubauer et al. (Footnote 5), pgs. 166, 170.
9. Ibid. pg. 177.
10. Ibid. pg. 178.
11. Gernot Böhme 1985) *A Pragmatic Approach to Anthropology*. Frankfurt/M.: Suhrkamp, pp. 101-102.
12. Neubauer et al. (Footnote 5), pg. 168.
13. Eberhard Schorsch (1993) *Perversion, Love, Violence*. Stuttgart: Enke, pg. 171.
14. Book review in *Süddeutsche Zeitung*, Vol. 7, May, 1994.
15. Published by Rosa Winkel (Berlin) and Ammann (Zurich).
16. William Simon (1994) Deviance as History. *Archives of Sexual Behavior*, 23: pp. 1-20.



### III. CRIMINAL LAW

#### From "Unnatural Lust" to "Sexual Abuse": Pedophilia and the Criminal Law, from Moses to the Present Day, by Wolf Vogel

"When a plant is unable to live in accord with its nature, then it dies. That's just how it is with men."  
(H.D. Thoreau, 1817-1862)

Anyone who has sex with minors will be punished. This has always been the case in all countries and cultures! Today, this view is virtually unanimous. But is this really true? Or do most people merely hope that "child molesters will get the punishment they deserve," as one hears everywhere? And: Based on what *motives* do most people want 'child molesters' to be punished? To what degree do one's own experiences lead to the demand for punishment, which traditional notions of good or bad result in a sexual behavior being rejected, not being permitted, or even, since time immemorial, making one's blood boil?

Prior to grappling with the present-day penal code, we shall go into the reasons for all of this. We will see that in scarcely any area other than the sexual criminal law, is the divine (at least, what we understand about it from legend) and the human, the all too human, mixed in together. We shall begin not with Adam and Eve, but rather, with the man whom God commissioned to lead the chosen people out of slavery and into the promised land: Moses.

#### Sex, Death, and the Devil

The man was angry. It wasn't hard to see. Hour after hour he had faced privation and toil head on, climbing a nearly impassable mountain, so that his Lord and Master might proclaim how his lambs were obliged to live. And during his absence, they were dancing around the golden calf! And of course they engaged in many other sensual games, thereby leading Moses, the man, to, at that time, come up with the postulate that: "Thou shalt not lie with lads as with women." (Leviticus 18:22) Whoever preferred this obviously quite widespread variant of coitus should be punished with death, for: "they have committed an abomination."

Whether the actual divine pronouncement was as Moses claimed would remain an open question. Several decades would be spent on the arduous road to the promised land. Therefore, Moses had to see to it that the next generation did not fail to materialize; therefore, only eroticism between men and women made political sense. Moses' successors, the scholars, church teachers, popes, and bishops, of course latched onto this and other verdicts which were so wonderfully suited to promoting living without sin as well as referencing one's own abstinence, even reclaiming a sort of infallibility. Thus the admonishing words which Paul echoed one-and-a-half millennia after Moses would attain the status of a divine commandment: "Be not deceived! Neither fornicators, nor idolaters, nor adulterers, nor effeminate, nor desecrators of young lads, nor thieves, nor coveters, nor drunkards, nor slanderers, nor swindlers shall inherit the kingdom of God." (1 Corinthians 6: 9-10) The saying "the country needs new blood" had probably already been coined by that time.

However, it must also have been corrupted in every era! Augustus Caesar had already tried, in vain, to decree that all men between 25 and 60 and all women between 25 and 50 had to be married; thus, Tiberius Caesar attempted, via the taxation of rent-boys (the world's first pleasure tax), to push the man back into the woman's arms. After all, Caesar needed warriors. But early Christendom would also take up the issue of sex. The teaching of the twelve apostles, the so-called didact, demanded that: "Thou shalt not kill, thou shalt not commit adultery, thou shalt not desecrate young lads, thou shalt not engage in lewd behavior, thou shalt not engage in sorcery, thou shalt not concoct poisons, thou shalt not kill a child in the womb and kill the newborn." Consequently, what was forbidden were things which were widely practiced at the time.

That sexual activity only served the purpose of procreation was also emphatically confirmed by St. Augustine (354-430): "Because anal intercourse does not beget new life, it violates the divine order. Anal intercourse only serves to promote hedonistic desires and appetites. It is a mortal sin, which must be expiated by the most severe of punishments." When Augustine wrote this he had already renounced his sinful ways, for in

his prime he was what today we would call a playboy. And while he was at it he disowned his lover, got engaged to a minor, and even kept a mistress on the side. In letters his mother railed against her son's attraction to men; on occasion he would sing of an Adonis' youthful beauty and well-formed buttocks. Sex was, simply, sin. "In any event, Pope Siricius, referring to the Old Testament laws concerning ritual purity (Leviticus 15: 12, 1 Samuel 21: 5-7) decreed in the Roman Synod of 386 that sexual activity makes people impure. He therefore attempted to make sexual abstinence compulsory for priests throughout the western church." (Stephan H. Pfurtner, *Sex-Hostility and Power*, Matthias Grunewald Verlag, 1992, pg. 40) Even Pope Paul VI relied upon and confirmed this statement.

The popes of the middle ages were of the opinion that the Vatican was the seat of all stately power, to which, indeed, all of mankind was subject. Therefore the Church attempted, successfully, to incorporate its own ideas about sexuality (which were in essence, the requirement for sexual abstinence) into secular laws. When we carefully analyze our sexual criminal laws of today, we find, side by side with legitimate governmental and individual protection interests, many religiously-based moral codifications.

Based on mankind's longing for a supernatural creator, as well as a merciful redemption following a sinful life, the church was able, early on, to exercise its moral power – which all sides would respect – over a whole catalog of behaviors. Because until the industrial era religion was, for the average, respectable person, by no means a merely private matter. Church laws were also, in large measure, binding in the secular realm; one did not wish to incur the wrath of the clergy, or even expulsion from the church community (excommunication). Therefore, it was absolutely binding when the Council of Elvira, in the year 306, established unmistakably that: "Even on their deathbeds, pederasts are no longer permitted to receive communion." Therefore, for the sinner, even the possibility of obtaining salvation for his soul, via repentance and atonement, was foreclosed to him. (Cited in Gisela Bleibtreu-Ehrenberg, *The Homosexuality Taboo: The History of a Prejudice*, S. Fischer Verlag, Frankfurt am Main, 1978, pg. 204.)

As early as the pre- and early middle ages, so-called 'penance books' were already focused on the sins of eros. The oldest Irish penance book, from the sixth century, prescribes two years of penance for anal intercourse between boys. Likewise, Cummean's Irish penance book, which supposedly came out in 660 and also later influenced the French penal code, decreed "seven years of penance for sodomy, two for interfemoral intercourse, one for bestiality; thrice every forty days for onanism (...); if it involves a child up to 15 years of age, a one-time penance of 14 days is sufficient." (Gisela Bleibtreu-Ehrenberg, pg. 211)

Binchy's Irish penance book, from the end of the 8th century, primarily dealt with youthful sinners: "Small boys who imitate coitus with one another atone for twenty days; acolytes who have intercourse with animals, one hundred nights, and an equal period of time for interfemoral intercourse. A ten-year-old who is desecrated by another shall do penance for seven days; however, if he consented to the act, twenty nights." (Gisela Bleibtreu-Ehrenberg, pg. 211) A French penance book from the early middle ages provides for a two-year penance for boys who engage in lewdness with one another. Another book, likewise originating from France, the 'Poenitentiale Capitula Judicorum,' required that boys who have committed lewd acts with another be thrashed. This was the first case of corporal punishment in the German penance books. (Gisela Bleibtreu-Ehrenberg, pg. 214)

The penance books were published under the influence and with the cooperation of Christian missionaries. One had to quickly establish which of their erotic feelings were correct, and which were punishable. Moreover, minors had perhaps the advantage of being punished less severely. And because people were easily subjugated via restrictions on their sexual urges, the kings and princes of the middle ages were quick to adopt the church's traditional prohibitions and punishments. The resigned, uncritical consciousness of the average European prior to the turn of the millennium, which in any event was firmly convinced that the creator would unleash the apocalypse on New Year's Eve of the year 999, prevented critical or even questioning notions regarding the church's arbitrariness.

With the prohibition on nearly all sexual practices being legitimate or at least legally enforceable, the expedient of false allegations could also be employed against undesirables. One oft-discussed example is the dissolution of the Order of the Knights Templar by the French King Philip IV (called 'the handsome') in the year 1310. It was one of the largest vice trials in the world, evoking great dismay throughout Europe. It was a trial against 20,000 Christian Knights, which had never been done before. Just one of the three great Knights orders,

which was supposed to protect and escort the Christian crusaders in the Holy Land, stood before the Court in Paris. The Templars were wealthy – very wealthy. In France and Portugal, they owned the largest castles and the greatest estates. And they were influential – for the French King, *too* powerful. If one wished to abolish the Order and confiscate its property, the obvious thing to do was to accuse the Knights Templar of immorality. In the middle ages this scandalous charge was already working, and very well. The Knights Templar were thrown to the wolves, and would have fallen from grace. This did not only result in their being taken into custody. Because they allegedly required all initiates to kiss them on the private parts, they were accused of unnatural lewdness. (At that time, initiates could be as young as seven or eight.) Now, it is reckoned that this accusation was leveled at a time when, in middle Europe, the cultivation of a common destiny among knights and squires had reached its zenith. (Squires, and those brought up with them, were boys who had recently turned fourteen. Previous to that, beginning at about age seven, they were instructed by a master.) Intimate kisses behind cloister walls – this is what the people in the fourteenth century were interested in, just like today. Philip the Handsome dissolved the order and confiscated its property and treasures. A compliant Pope Clement V agreed to co-sign the document of dissolution. "And then the funeral pyres were ignited! On March 12th, 1314, the grey Grand Master was the last one to climb the scaffold in front of Notre Dame. His parting words, which he proclaimed as the flames had half engulfed him, were passed from mouth to mouth: 'Clement, you wicked pope and mendacious judge, I call upon you, forty days hence, to appear before God's seat of judgment. Philip, you cruel king, I call upon you to follow him within this very year, and appear before the same seat of judgment!' Clement died on April 20th; the King, on November 29th" (Joachim Fernau, *And They Were Unashamed*, Herbig Verlag, Munich/Vienna, 1969, pg. 77)

The sexual denunciation of declared minorities was, to be certain, not restricted to the Middle Ages. For example during the reformation, amidst a dispute among the Protestant clergy over who possessed the true faith, the Lutherans or the Calvinists, the Count of Oldenburg could write to the Counts of Lippe that in Leipzig, the court chaplain's superintendent allowed him to eat his fill every day, and that he was also a sodomite, an adulterer, a thief, and a rapist. Very rarely did the denouncer have to face any consequences for making such accusations. Also, one should not forget that – as in the just cited example – the real motivation for such charges was likely to be strong financial interests. The full-throated declaration by a thirteen-year-old (with the maturity of a young man) in 1993/1994, that the pop singer Michael Jackson had sexually abused him, netted millions of dollars for the boy and his parents, after which the complaint was quickly withdrawn. The purported harm to the lad had apparently vanished into thin air.

But let us return, once again, to the early middle ages. The oldest written law from German lands is the Lex Salica, the Salfrancan Law, which can be dated to about the fifth or sixth century. The law provided for capital punishment for five crimes, one of which was a sexual offense: the kidnapping of a (free) woman by a serf or a freed serf. The Frisian Law, which was in effect from the time of Karl the Great on up to the 11th century, decreed that a sodomite was obliged to choose between self castration, being buried alive, or being burned alive.

The Lombardic law strictly related to families. Marriage consisted of a mutual, agreed-upon exchange of assets. The husband purchased his wife for a specified amount of livestock whose value was not permitted to exceed 400 Solidi, thereby preventing extortion. The minimum age was fixed at twelve for the woman and thirteen for the man. The "Saxon model," Saxon law, protected women from men's violent sexual desires: Anyone who raped an unmarried woman would be beheaded. An additional provision allowed for the house in which the outrage was committed to be torn down and all residing there to be killed, because they had not called for help, thereby making themselves accomplices to the act; it did not matter whether they were minor children, pets, or livestock.

A half-century later, around the year 1275, there arose the "Swabian model" for Swabian law. Though based on the Saxon model, it introduced the penalty of being buried alive. Anyone who violated a woman who was still virginal had to expect this punishment; if the raped woman was no longer a virgin, the perpetrator would be beheaded. During this time, executing "underage" children was prohibited. What was meant by this were pre-pubertal children; the distinguishing characteristic was the presence of pubic and armpit hair.

Early on the church succeeded in inserting itself into family law: It elevated marriage from a Roman legal contract to a sacrament, and was thereby able to regulate people's sexual lives. Every erotic activity

outside of "sacramental marriage" was regarded as being against God; therefore it was condemned, and had to be atoned for. Church leaders believed they had a special obligation to protect against any worldly things that might threaten the continued existence of the species. That is why three "crimes against nature" were pilloried above all: sodomy (homosexuality), masturbation, and abstinence (provided that one was not striving to consecrate one's body to God). "Ever since the end of the 13th century, unnatural lewdness has been declared, by theologians, to be the most serious of the sexual sins; accordingly, the church has never relaxed its most severe condemnation of the latter. But now it was urged, by civil authorities, to double its vigilance, above all in Italy, where a general familiarity with the evil had attained alarming proportions." (Jacques Rossiaud, *Lady Venus – Prostitution in the Middle Ages*, C.H. Beck Verlag, Munich, 1989, pg. 20)

Finally, in the year 1418, the "Collegium Sodimatarum" was established in Venice, whose task it was to surveil suspicious gathering places (dance, music, and fencing schools), use and pay informants, and enhance the punishments for sexual contact with minors. Also, in Florence, city leaders established a bureau to combat unnatural vice, whose lament against "the swamp of this abominable and monstrous crime" was echoed by fiery community sermons. In the end it was believed that this evil ran rampant throughout Italy, always finding new adherents, holding men back from marrying, and thereby serving to diminish the population.

Although masturbation was not regarded as a serious sin in the early and high middle ages, the opinion of theologians changed in the 13th century, when the church was at the height of its political power. Still, as far as children were concerned, a certain forbearance was exercised. And so, around the year 1300 in the French diocese of Cambria, "sins against nature and lust during childhood, involving boys up to fourteen and girls up to age twenty-five, were subject to absolution by a minister." (Cited in Rossiaud, pg. 91) When a recurrence of the vice was discovered, the penance was more severe: In 1388 the Archbishop of the French city of Seine penned the work "Doctrinal de Sapience," in which he wrote: "With the occurrence (of a sin against nature), when, alone, a man or a woman, if he or she is alone, falls into the mire of sin, a simple priest will not be able to absolve him or her of it; then, on account of their difficulty, they are referred to the bishop or his representative or potentate." (Cited in Rossiaud, pg. 91)

The influential theologian and church politician Jean (Johannes Carierius de) Gerson (1363-1429), lecturer and chancellor at the University of Paris, even devoted an entire book to "self-pollution": "It is a sin against nature, more serious than extramarital intercourse with a woman or when a woman fornicates with a man, and its forgiveness is reserved to prelates." (Cited in Rossiaud, pg. 91) The possibility that a one-time, serious vice might be forgiven was thereby ruled out. Gerson recommended that [100] children's and teenager's confessors ask about this: "Unmarried young boys and girls must be thoroughly interrogated about this, for one day, they will be of an age when it can easily happen that they commit despicable and detestable vices, when they have not gotten married." And many, Gerson lamented in his book, "have not dared to confess the abominable thing, which they had begun at the age of ten, eleven, or twelve, as they were sleeping together with their brothers and sisters." (Cited in Rossiaud, S., pg. 92) Even today, to most educators, it would be unthinkable to allow children to spend the night together unsupervised.

### **Syphilis Further Enhances the Value of Virginity**

Wherever there is atonement, sin has preceded it. And there was in the middle ages, just like today, more sin than penitence. Since despite all of the prohibitions the sinful man was not meant to be *completely* sexually abstinent, he was, at least, allowed to sin within his own little 'niche.' For example in the brothels, services were offered to the landed gentry and the poor tradesmen alike. Even the Kaiser paid a visit, with the women and girls putting on their finest clothes for him. In Ulm, the route from the royal lodgings to the brothel was adorned with permanent light fixtures. The city's three most beautiful girls, completely nude of course, festooned the high noblemen with Greek laurels. And the entire city looked on; it would not have occurred to them to send the children inside.

Even clergymen patronized the brothels. "In Nordlingen it caused an uproar when, in 1472, the city council dared to bar at least the monks from staying overnight. Devout men were not warmly welcomed; they usually didn't have any money. . . . However the women, often overworked and client-weary, found children to be very straightforward and rather salubrious. The youngest of youths, twelve or thirteen-year-old sons of

shopkeepers, visited the tattersall of love inconspicuously but cleverly. In Ulm, it was only in the year 1527 that the city council decreed that all boys under fourteen years of age 'shall be driven out with a switch.' . . . That one did not wish to see children in there too early had, I fear, less to do with moral grounds than with economic ones." (Joachim Fernau, pg. 115)

The public baths and brothels of the middle ages endured for nearly four hundred years until, shortly after 1500, they came to a sudden end. Seafarers brought along with them an unwelcome gift from America: syphilis. The up until then devil-may-care attitude towards sexual adventures faded. Now, strangers were avoided; suddenly, local soldiers and door-to-door salesmen were no longer welcome, but feared. At this point, one trusted only his closest circle. Refraining from physical contact became highly esteemed. The bloom of youth was discovered anew: "Earlier, promises of marriage were given among children; but now, there was an increase in the number of cases in which mature men of the middle classes secured for themselves children, pure children, as future wives. One left the little ones in their parents' home, often attending to them in ways that had been totally unheard of previously; they did not rush anything, but rather, waited for years, accepted them absolutely as children, and wanted nothing more than to have this option." (Joachim Fernau, pg. 122) Virginitly, at whatever age, was equally respected and protected. The rape of a previously-untouched girl carried the death penalty.

From the archives, we know how much work, for example, the executioner of old Nuremberg, Meister Franz, had to do vis-à-vis the dark side of eros:

"In 1578, Hanns Mullner, known ad Model, a blacksmith, was executed by sword 'for raping a 13-year-old maiden and filling her mouth with sand so that she was unable to cry out'."

"In 1582, Sebald Keyser, a tailor and citizen of Nuremberg, was executed by sword for, though married, raping his 14-year-old maid."

"In 1589, the keeper of the Frog Tower, a man of advanced age, was executed by sword for forcibly kidnapping and violently raping Katharina Reichlin, a girl who had been entrusted to him, as well as for trying the same thing, though without success, with a 15-year-old girl who he was the guardian of and who lived with him."

"In 1612, the young schoolmaster Endress Feuerstein was, likewise, executed by sword for having raped sixteen schoolgirls, between six and eleven years of age, while threatening them with a stick, one of whom was so 'ruined' that she could no longer hold her water, with another being laid up in bed for a long time until she finally died."

(Cited in: Magnus Hirschfeld, *Sex and Crime*, Belrose Verlag, Rotterdam, undated, pg. 105)

The procedure by which, rape was proven was amazingly simple: "The girl must immediately, standing up, cry out loudly, 'with her hair standing on end,' walk through the streets to the town hall, and tell the first person she encounters there of the crime against her innocence." (Joachim Fernau, pg. 122) It would, of course, be rather hasty to assume that virginity would have been a constant, protection-worthy good in all cultures, at least in Europe. The Etruscan Volscinians had a custom of allowing young girls to be deflowered before the wedding, and indeed, by servants or slaves, since this 'pleasure' was regarded as dishonorable, unpleasant work. In Germany in the 16th century, the state of being 'untouched' became a commercial good. Therefore a new industry was established: that of the "hymen reconstructor." Nevertheless – and this is important for our considerations – it had established the duo of 'child and innocence.' This conceptual pair would influence legislation right on up to the present day.

### **The Pain in the Neck Court Decree**

In the year 1533, a legal code came out under the auspices of Kaiser Karl V: It was called the "Constitution Criminalis Carolina" (CCC), also known as the "Pain in the Neck Court Decree." With it, the individual city and state laws were consolidated, for the first time in German history. The CCC remained binding law throughout the empire until the year 1811, when it was replaced by the "Code Napoleon." As far as 'unnatural lewdness' was concerned, the CCC's Article 116 was based on the "Bamberg Neck Court Order," in

which it was ordered that: "If a person engages in unchaste activities with a beast, or a man with another man, or a woman with another woman, they have also forfeited their lives, and one should follow the common custom of burning them to death." (Cited in Bleibtreu-Ehrenberg, pg. 297)

One must bear in mind that "unnatural lewdness" is occasionally also referred to as "sodomy," and encompasses every sexual activity which does not serve to increase the population. Ecclesiastical tracts 'raised' such amusements to the status of mortal sins, with secular rulers using this classification for their own ends. (Anyone who wished to wage war on his neighbors or an enemy king needed soldiers.) A middle ages handbook for those hearing confessions, from the French Le Mans, characterized it as a most serious sin "when the woman takes her husband's member in her mouth, or places it between her breasts, or introduces it into her anus." Of course, also prohibited, according to this ideology, were homosexual acts as well as sex with minors. Initially, impregnating a girl and then subsequently marrying her was still tolerated. In the middle ages, the minimum age for girls to marry was twelve! Beatrix, the wife of Frederick I (Barbarossa), was thirteen years old at the time she was married; Barbarossa was thirty four. Such child marriages were not rare during the middle ages.

The Silesian Emperor Henry IV, who was obliged to ascend to this celebrated throne rather precipitously in order to make amends with the Pope, was betrothed to a same age girl at the age of fifteen, marrying her a year later. Gertrude, the mother of Henry of Louvain, was not yet fifteen when she gave birth to her son. Around 1250, a boy of fourteen could legally enter into marriage. He didn't even have to ask his father's permission. Girls had to be twelve years of age before they could lawfully become married. In the late Middle Ages, this age limit shifted somewhat: Around the year 1500, the age of marital majority was seventeen for boys and thirteen for girls.

Parent arranged child marriages, which came into fashion in the 15th century, had another function: to secure their own and others' lands. In the Rijksmuseum in Amsterdam hangs a painting by the Flemish artist Anthony van Dyck (1599-1641) depicting Prince William II of Orania and his wife Mary Stuart, both of whom were still children. To be sure, such marriages in the upper classes were subject to strict regulations, and did not entail sexual rights and responsibilities. Meanwhile, as far as the common people were concerned, anyone who had sex with children, and it became known, was punished in German lands under the Swabian and Saxon Models, and later, under the "Constitution Criminalis Carolina."

Actually, one has to put a question mark next to this subject, for in the middle ages, "sex with children" was neither a social nor a criminal matter about which one spoke. In the Middle Ages, the concept of 'sex with children' or 'sexual abuse' had not come into common currency. In the middle of the fifteenth century, it was obvious that those who wished to bathe would leave their homes, and walk to the bathhouse either naked or scantily-clad. In the bathhouse, women, men, and children washed themselves, naked, in front of one another. The Dutch historian van Ussel noted that, beginning in the 17th century, Parisian raftsmen were prohibited from pushing their rafts through the city in the nude. (Cited in Donata Elschenbroich, *Children Are Not Born: Studies on the Origin of Childhood*, Pad. Extra Buchverlag, Bensheim 1977, pg. 118.)

The diary of Heroard, the personal physician to the French King Louis XIII, is illuminating on this matter. Heroard was actually in the employ of Louis' mother, Catherine de Medici who, following the assassination of her husband, Henry IV (little Louis was just nine years old at the time), only reluctantly relinquished the affairs of state to her underage son. But this is not meant as a mere historical excursion; what interests us is what Héroard recorded in his diary regarding the physical development of little Louis (extracts):

Louis is born on September 27, 1601. .

July 24, 1602: Around 7:00 he is dressed, he takes great pleasure in, and roars with laughter, when his nurse tickles his genitals with her fingertips.

September 11, 1602: Mademoiselle de Ventelet tells him that he is going to bed with the Infanta – to whom he is betrothed, and who will become his wife thirteen years hence. He cannot help laughing about this.

September 27, 1602: He plays with his genitals, sucking in his gut in order to be able to see them better.

November 5, 1602: He goes to dine with the King. He laughs as several people kiss his genitals.

- August 12, 1603: He awakens at about 8:00, summons Mademoiselle Bethouzay, and tells her: "Look, my dick is playing 'drawbridge'; up-down, up-down."
- June 11, 1605: Dined with the Queen. Afterwards, he and her highness take their leave, lay together in bed with the King, completely naked, kiss each other, and provide the King much amusement. The King asks: "My son, where is the Infanta's little package?" He shows it to him and says, "There's no little bone in there, papa," then, after the penis begins to become erect: "Now of course — but of course, sometimes."
- November 19, 1606: He goes into his nurse's and Madame de Montglat's room and teases them, because they still have not lain with their husbands.
- January 26, 1612: After supper, the Queen says to him: "My son, I would like to marry you, are you in agreement with this?" "Yes, your Highness." "But you do not know how children are begotten." "Oh, of course I do, your Highness." "And how do you know that?" "Madame de Souvre taught me." (Cited in Donata Elschenbroich, pp. 122-125.)

One should not read too much into, or misinterpret, such diary entries. First of all, little Louis did nothing more than any German child of a working class or even highly educated family would do, if allowed to. Anyone who objectively observes children, for example in a sauna or on an FKK [Freie Körper Korps, i.e., nudist] beach, will see how little boys and girls are intensively and blissfully preoccupied with their little genitalia, whenever and for however long they feel like it. Second, it was precisely at the French royal court, perhaps beginning at the time of Louis XIII, that it became customary for every aspect of the King's life, including his sexual life, to be put on public display. The King ate, rested, and lived under the gaze of his people. Third, this diary of course implies an uncomplicated view towards child sexuality. To be sure, little Louis was seen more and more as a future successor to the throne than just another child. The morals and customs of the common people were, however, hardly any different. Even today, in Mediterranean countries, it is absolutely commonplace to calm small children by stroking their genitals.

But of course, in the middle European realm, things soon changed. In her landmark work *The Homosexuality Taboo*, Gisela Bleibtreu-Ehrenberg has explained in detail how the theocratic mindsets of late Middle Ages sovereigns pushed for the criminalization of the various forms of 'unnatural lewdness,' as a preventive measure against the wrath of God. Imitators' periodic lapses into the grotesque were more common than critiques. And so, in 1601, appeared the work *Praxis Rerum Criminalum* by the Dutchman Jodocus Damhouder, which differentiated between three types of sodomy: self-pleasuring (masturbation), homosexuality, and bestiality (intercourse with animals). "In the first place, the author talks about how hard it is to uncover, and how it only rarely comes before a judge, and for that reason is also only rarely punished; and when it is, it is with exile. The second offense type is subdivided; namely, into unnatural lewdness between a man and a woman, and that between two persons of the same sex. Like the third form of offense commission, sexual contact between a person and an animal, they are punishable by death by fire. Such harsh punishments must be pronounced, Damhouder believes, because otherwise God's wrath would be incurred; his vengeance, for transgressing his commandments, would take the form of . . . 'famines, epidemics, wars, earthquakes, floods, and other general calamities of a similar nature.' Intercourse between Christians and pagans is likewise regarded as sodomy and is also punishable by fire, because it made no difference whether a Christian copulated with a pagan, or a dog." (Gisela Bleibtreu-Ehrenberg, pg. 300)

The only way we can understand our present-day sexual criminal laws, and their occasional, feigned claim to be seeking to protect not morals, but rather, people, is by understanding the historical evolution of these laws, and the unholy alliance between ecclesiastical and secular power. The two strove to restrict human sexual desires ever more severely. Even today, masturbation is not a subject the CCC will deal with. Under pressure from self appointed moralists, this sexual behavior was made an object of judicial considerations in the middle of the 18th century. But one can readily see that a threat of punishment for masturbation was useless, given that the 'secret vice' eluded public control.

Nevertheless, the message got through. It manifested itself, in the moral category, in educational tracts of the worst kind, which called for young people's fingers and abdomens to be examined, as well as in judicial categories, with the notion that anyone who led others astray into such or similar lewd practices would be

severely punished. Thus was born the notion of seduction in the criminal law. The Middle Ages were over; blind faith in God had transformed itself. Critical intellects appealed to reason, and a separation between God's law and man's law.

In 1764, Cesare Beccaria put out his sensational book *Dei Delitti e Delle Pene*, which was quickly translated into German. Beccaria called the conventional concepts of vice and virtue into question, in order to extract them from the criminal law: The only basis and criterion by which a state could impose punishment was when the state and the society had been harmed. The punishment of sin was the sole purview of God's judgment, which the human jurist could not apprehend." (Paul Derks, *The Shame of Sacred Pederasty*, Rosa Winkel Verlag, Berlin 1990, p. 143)

### **The Merciless Prussians**

The progressive ideas of the Age of Enlightenment were not to last; sex remained encumbered by the yoke of objection. The mindset of the Middle Ages was even reflected in the "Draft for a General Penal Code for the Prussian states" of 1786:

"Sodomiterey, and other unnatural sins of that ilk which, due to their loathsomeness, cannot be mentioned here, requires complete extirpation from memory. Therefore, such criminals, once they have served one or more years in prison, reception and leave-taking, should be stricken from their place of residence, where his depravity became known, and be forever banished.

Whoever seduces another into unnatural vice, and abuses, him, is subject to double punishment. Parents, guardians, teachers, or educators who are found guilty of this crime should, consequently, be sentenced to a term of imprisonment of between four and eight years, reception and leave-taking."

Behind the almost quaint designation "reception and leave-taking" is concealed the requirement to flog the miscreants, both upon being handed over to the penitentiary, as well as being discharged from it. The Prussians did make an attempt to reform the "Pain-in-the-Neck Court Decree" of 1532, which was indeed merciless.

There were, in addition, a series of attempts at criminal law reform, with fantastical demands, regarding which one might smirk; nevertheless, lurking behind them are notions which still permeate many influential minds today, on the cusp of the third millennium. A draft by the Göttingen Professor Justus Claproth of 1774 calls for, among other things:

"Whoever discharges one's seed in an unnatural way, be they man or woman (!), should not be subjected to any inquisition and punishment; rather, he will be punished enough by the natural consequences of the act. However, when an adult person, if found guilty of having seduced a young person into this act, should be jailed for four weeks or sentenced to community service." (Cited in Paul Derks, pg. 146)

Eight years later, another draft for reforming the Neck Court Order demanded:

"An intentional discharge of one's seed, or another criminal abuse of the procreative member should, when it has become a public nuisance, . . . be punished by a jail sentence of 14 days, if need be by bread and water; day-laborers to the countryside, but if need be with the imposition of unusual hand or field work. . . . Parents, guardians, and trade-masters who are found guilty of doing the same to their children, trustees, or subordinates should, after standing for an hour with the words 'disloyal father/mother/guardian/trade-master' on their chest, be put in the pillory, and then sentenced to eight years of hard community service. Moreover, parents should also be declared to have forfeited the right to exercise any parental authority, as well as all corresponding prerogatives, including their children succeeding them." (Cited in Paul Derks, p. 146)



One of the best-known authors of this time, Johann Jakob Cella, even devoted an entire book to the vice in 1787: *On Crime and Punishment in Lewdness Cases*. The first chapter was entitled, "On Lewdness, thus, When It is Committed Against the Laws of Nature," wherein was mentioned onanism, the ravishing of boys, and lewdness with beasts. For Cella, masturbation is a "premeditated vice of softness and indolence," which pedagogues must put in check. The police should, if worst comes to worst, be on the lookout for its spreading, and be prepared for its seductive lure. Cella calls the boy-ravisher a "disgrace of the first order, a type of unnatural lechery detrimental to the state," which, as he presents it, is manifested above all, or exclusively, in anal penetration. There are "many adult and elderly libertines of this sort, who are drawn above all to minors:

"The boy-ravisher requires a subject who behaves very passively. Consequently, he is satisfied with a very young, non-adult, underage companion: Indeed, he usually seeks, in order to sate his sexual appetites, the youngest, most handsome boys as victims of his infamous lust." (Cited in Paul Derks, pg. 158)

Is this someone who is filled with envy for those who take pleasure in doing things which remain forbidden to him personally? The idiotic prejudice which says that adults would assault children because they wouldn't risk getting involved with a peer has a very familiar ring to modern ears. Even when he didn't trust himself to relax his own biases, Cella still listened to the enlightened jurists of his time. Though it is true that he called for *carte blanche* for the police to take steps against indecency, he also warned that:

"To the extent that the measures being implemented really are targeted at the various types of unnatural lust, one must be doubly cautious, so that the investigation does not itself give rise to scandal, which one shall then seek to control. . . . When the police drift towards trying to uncover every single incident they turn parents, children, and servants into spies, and sow the seeds of treachery and mistrust into the bosom of the family." (Cited in Hansferdinand Dobler, *History of World Cultures and Morals*, Bertelsman Verlag, Munich/Gutersloh 1971, pg. 254)

With the French Revolution, political circumstances in Europe changed. The standardization of the civil and criminal law so vigorously pursued by Napoleon also reached German soil. Although the "Criminal Code" – laid down in 1810 and translated into German a year later – of course still incorporated a sexual criminal law, it only penalized situations which especially merited it. In the German lands occupied by France, homosexuality was not subject to punishment; lewdness with minors, however, remained a criminal offense. At the beginning of the 19th century, criminal law reformers were hard at work in nearly all German lands. However no further liberalizations are detectable. But of course, the German realm was not a homogeneous one. The first reaction to the Code Napoleon came from Catholic Bavaria.

### **Prior to the Execution, First, the Pillory**

At the very beginning of the October 1st, 1813 draft for the "Penal Code for the Kingdom of Bavaria" was the following passage, dealing with prohibited acts and their punishment:

"Whoever is guilty of a prohibited action or omission, for which a law has threatened a certain evil, is subject to this lawful evil as its punishment. And to the extent a punishment of damages is increased or lessened, an upward or downward departure for the merited punishment will be imposed."

This clause makes clear how far we have moved away from a law of reparation, as, for example, ancient Rome was familiar with. The notion that the state also – as disseminator of criminal proscriptions – can put forward its own demands for punishment and atonement has definitively found its footing in the German criminal law.

The Bavarian Penal Code of 1813 provided for nine different kinds of punishment: the death penalty, being put in chains, the penitentiary, the workhouse, the citadel, honor and humiliation punishments, corporal punishment, detention in a jail or fort, and fines. And because, for Bavarian jurists, even the death penalty was still not enough, they devised the "enhanced death penalty," whereby, prior to the execution, the offender was placed in the pillory for a half hour. Bavaria was harking back to a Middle Ages model for presumed deterrence.

From the proceedings against the British Earl Gilles de Rais (1404-1440), Joan of Arc's comrade-in-arms in the conquest of Orleans, who stood accused of the murder of over 140 children, we know that government – and above all, ecclesiastical – authorities were quite willing to utilize spectacular legal cases in order to bind their "good sheep" closer to them. And so, as for example numerous transcripts show, the presiding Cardinal permitted "the issuance of interrogatory protocols for and rulings in these example-making proceedings, which allowed one to capitalize on the intimidation of sinners, the edification of the masses, and the glorification of the clergy." (Philippe Reliquet, *Knight, Death, and the Devil – Gilles de Rais, or, the Evil Magician*, Artemis Verlag, Munich/Zurich 1984, pg. 9) During the proceedings, Gilles de Rais did virtually everything he could to bring about the spectacle, which was craved for by the powers-that-be and the common folk alike. He was paraded before a multitude of Counts, influential landlords, and feudal Lords. And he was prepared – which was not required of him – to play the game "with a magnificent masochism, the masochism of the loser, who savors the display of his own downfall. On October 22nd, 1440, he came before the quivering masses. Included among the onlookers and bystanders who had crowded around him were the parents of his victims." (Philippe Reliquet, pg. 106) Three days later, the ecclesiastical court issued its verdict. Gilles was found guilty of heresy, apostasy, and exorcism. The punishment: excommunication, which cut off all social contact. Because Gilles had confessed to having earlier had sexual intercourse with the murdered children, he was also excommunicated for that reason, and was subsequently handed over to the secular authorities. The latter sentenced him to death. The following day, Gilles de Rais was hanged before a huge multitude.

With this brief excursion, I have attempted to show that justice has been a matter of spectacle for ages now. The indecency proceedings of our own era show that this odious tradition is alive and well. However, we shall return to the Bavarian Penal Code of 1813. The prescribed punishment was by no means limited to adult offenders.

"Children less than eight years old who commit an offense are to be relinquished to their elders for corporal punishment in the home; provided that is carried out with the assistance and under the supervision of the authorities.

"Young people who are at least eight, but not yet twelve, years of age should, when the attribution is able to be made to them, for an intentional offense and not otherwise, should be given corporal punishment or jailed for a period of two to six months, with this jail term, depending on the situation, being enhanced by corporal punishment or reduced portions of food.

"Whoever, at the time of the committed offense, is at least twelve, but not yet sixteen, years of age should, when the attribution is able to be made to them, get a modification of their punishment as follows: I. For 12-16 year-olds, the death penalty shall be commuted to a term of imprisonment; II. For 8-12 year-olds, the pillory or imprisonment shall be commuted to an indeterminate term of imprisonment; a determinate term of imprisonment shall be commuted to one to eight years in the workhouse; . . . "Sixteen is the cutoff age for the making of a free standing demand for a mitigation of sentence."

The Bavarian Penal Code of 1813 provides, among other things, for the following punishments: For sexual coercion ("rape") of persons over twelve years of age – four to eight years in the workhouse; for the same offense against children under twelve – eight to sixteen years in the penitentiary; for all other sexual acts against boys or girls under twelve years of age (enticement to "unnatural lasciviousness") – enhanced workhouse for one to four years. "Enticement to intercourse via a promise of marriage, which cannot be fulfilled by the seducer," is punishable by a one to six month jail term. And in addition:

"Intercourse with a girl under twelve years of age is to be regarded as involuntary lewdness on her part, and should be punished with a jail term of between six months and two years, provided that such act was not carried out through the use of violence or threats."

The reason why I have cited this penal code in such detail is because, in many respects, it was a template for later penal codes in German lands. What is certainly striking is the contrast between the, at places, quite mild threat of punishment in the sexual sphere (including vis-à-vis the punishments set out today) on the one hand, and the downright barbaric threats of punishment towards minors on the other.

### **The Discovery of Unnatural Lust**

The above criminal code endured for just shy of a half-century. On the 10th of November, 1861, the new "Penal Code for the Kingdom of Bavaria" came into effect. In the meantime, men got swept up by the furious pace of industrialization and, despite the fact that being tied up with work for many hours each day meant less time together with their families and inner circles generally and there was thus scarcely any time to sin, and they were too tired anyway, the Bavarian criminal law against eros was expanded in manifold ways.

Based on the new law, "rape" was now punishable by up to eight years' imprisonment. When bodily harm resulted, it was increased to between eight and twenty years, and if the victim died one was looking at a minimum of twelve years.

"Whoever, by going to bed with her, abuses a girl who has not yet reached the age of twelve . . . , shall receive the punishment commensurate with the crime of rape."

Also, for the first time, sexual intercourse between siblings was threatened with punishment:

"Full and half-siblings who consummate intercourse with one another are to be punished with a jail term of between three months and two years."

Abusing child-rearing, oversight, and officially sanctioned relationships – when parents, foster parents, or guardians engaged in sexual intercourse with their minor charges, clergymen with minor church members or child confessors, as well as teachers and educators with those entrusted to them – was regarded as a morals violation. The punishment was a jail term of not less than six months.

In their second stab at a penal code, the Bavarians discovered a whole new kind of unnatural lust. That is, the prohibited acts were the commission "instead of via natural intercourse, abuse against a person of the male or female sex," by which, no doubt, was meant oral and anal intercourse; the punishment provisions corresponding to vaginal intercourse were thus in effect.

What was also new was that "lewd acts" perpetrated through force, on unwilling persons, or on children under twelve were all brought under the same statutory umbrella. In the Bavarian Penal Code of 1861, such acts were punishable by a jail term of up to three years. The lumping together of, on the one hand, such serious acts as violent sexual assault, and on the other, vaguely-defined "lewd acts" against or with children, continued with the later §176 StGB, right on up to the sexual criminal law reform of 1973.

The Kingdom of Bavaria's pandering paragraph read in such a way that, apparently, it had become urgently necessary at the time:

"When parents or other relatives in an ascending line, or foster parents, guardians, clergymen, teachers or educators, abuse their relationship to their descendants or minor charges, minor church members, child confessors, or pupils who are subordinate to or entrusted to them, for the purpose of

satisfying their sexual desires by initiating or acceding to unnatural intercourse or unnatural lust, they should be subject to a jail term . . . of not less than two years."

Another provision of this penal code could even pass for one of the present day efforts at liberalizing the sexual criminal law:

"Whoever seduces a person of good reputation, who is between twelve and sixteen years of age, into intercourse, or permits abuse through unnatural lust, is punishable by a jail term of between three months and two years, to which a fine of up to one thousand Gulden may be added. Prosecution shall take place only at the request of the seduced person or his or her legal representative."

For the first time, the 1861 penal law also punished "anyone who caused offense due to lewd acts in public places (jail term of up to six months), as well as "anyone who published, publicly exhibited, posted, peddled, sold, or placed in a lending library or public reading cabinet, writings or other printed matter with lewd contents"(same punishment). What the state got out of this was that it enabled its citizens to be well versed in reading by the time they were of school age! Moreover, we must remember that this was also when photography was first invented. Paintings and drawings with erotic subject matter were readily available to the more or less educated classes. The French poet Gustave Flaubert noted in his journal, during a trip to the orient in Damascus, on September 6th, 1850: "Monsieur Garnier, clean shaven, bald-headed, moon faced, looks like an old woman, shows us obscene paintings from Persia. It's the same thing in every country: Due to smutty aims, nature is rendered impossible; in order to display the genitalia, improbable positions are depicted. What splendid aesthetic readings one could arrange, far superior to these smutty engravings and books! Because it's striking to me, how a man looks at a woman; her undone hair covers her back, and her (to the delight of the observer, nude) round, rose-tinged, broad arse fills up the entire picture and rises like the sun; on display here is an excessive predilection for the flesh." (Gustave Flaubert, *Voyage to the Orient*, Insel Verlag, Frankfurt am Main, 1985, Notebook 619, p. 284.)

There is no question about the fact that *every* erotic preference, including erotic desires towards minors, was represented in texts as well as images. One only has to think of the pornographic writings of one Alphonse Francois, the Marquis de Sade (1740-1814), who was also the originator of the following maxim: "In an absolutely perverse, depraved era, it is dangerous to be singularly good." To be sure, the rural population was only rarely acquainted with such obscenities. And yet, in the cities, a market seems to have developed for amorous adventures in word and image. In any event, the French author Louis Sebastian Mercier, who lived during the rococo era, grumbled: "Not only do they put out obscene books, whose titles and copper engravings mock both modesty and good taste in equal measure. Everywhere, they sell these monstrosities in tabletop baskets, alongside bridges, in the doorways of theaters, and on boulevards. The poison is not expensive; ten sous a piece. There is a race to the bottom in the unbridled manufacture of lasciviousness, assailing public decency with neither restraint nor shame. And with neither hindrance nor hesitation, the young person imbibes the elements of every vice."

Jurists saw an urgent need to strengthen the laws. People's morals, and above all the children's purity, seemed to be sacrificed on the altar of Eros. This was also the era which first made a distinction between childhood, adolescence, and adulthood.

However, combined with an expansion of the criminal regulations in the "Penal Code for the Kingdom of Bavaria" of 1861 was an easing of the penalties for juvenile offenders. Thus, a person under sixteen years of age would be exempt from punishment "if they lacked the maturity required to know what they were doing." Occasionally, they would "be placed in a home for wayward young persons." In every case, however – relative to the criminal law applicable to adults – a markedly reduced punishment would be pronounced.

Capital punishment survived in the Kingdom of Bavaria after 1861; now, though, it had a ceremonial component: "The carrying out of the capital punishment is announced via the pealing of a bell, which continues until the execution has been completed. . . . Moreover, the location where the execution takes place is near the

district council; twenty-four persons are convened – community representatives or other reputable citizens – in order to be present at the execution as witnesses."

In the middle of the 19th century, and thus in the middle of the "Victorian Era," the German princes were apparently seized by a fear that Sodom and Gomorrah might rise again. Evil tidings poured in from all quarters. The Minister to the Kaiser, Baron Joseph von Hammer-Pugstall noted, in 1827 in his *History of the Ottoman Empire*, how the renowned Hagia Sophia had been so shamefully used: "The entire church is one huge horror show. They used the altar as a notice board, crib, and couch, upon which they themselves dined, permitted their horses to feed, or raped girls and boys."

Travelers from Vienna, the light-hearted city, brought with them the erotic drawings of Peter Fendi. Cities such as Marseille, Brussels, and Amsterdam were famous for their male brothels, and a letter from that time documents that even Berlin was worth a visit: "I've already told you that boy-love is quite widespread here. Also as I've already mentioned, there are even houses where little boys openly present themselves as girls. I was sufficiently curious, that I allowed Mr. W. to take me over there. It was amusing, inspecting this crew of ten to twelve boys of various ages, all of them with feminine mannerisms, every one of these young bodies ravaged by lust. I saw with astonishment the caresses which the older lovers bestowed on the youngsters." (Cited in Johanna Furstauer, *New Illustrated Moral History of the Civil Era*, Gunther Verlag, Stuttgart 1967, p. 328.)

### Women as Child-Rapers

The justice system would not put up with such lasciviousness, responding to it swiftly. For example, in the Grand Duchy of Hesse, in the preamble to the penal code which went into effect on January 3rd, 1853, Ludwig II – "by God's grace the Grand Duke of Hesse and the Rhine" – declared: "In order to establish a uniform and suitably up to date basis for the fostering of the criminal law in every corner of the realm, we find ourselves compelled to put forth, herewith, the following penal code for the Grand Duchy of Hesse."

In it, Hesse determined that the death penalty should be carried out by means of public beheading; that is, via the guillotine. The offender had to be at least eighteen years old. Children under twelve years of age were not put in jail: "They are to be given over for corporal punishment in the home or in the school, with the proviso that, when necessary, a police-arranged means of reform shall be applied." When a youth between twelve and sixteen years of age had committed a criminal act, the only question would be whether the person had proceeded upon the basis of "a sufficient ability to know right from wrong"; if this were answered in the negative, the youth was to be handled, for criminal purposes, as a child.

"Whoever entices into lewdness and abuses a female person who has not yet reached fourteen years of age is . . . subject to the punishment commensurate with rape."

This meant imprisonment for up to ten years. Obviously, female persons could, in the Grand Duchy of Hesse, not only *be* seduced, but could also be the seducers themselves:

"The threatened punishment in the preceding article should, therefore, also be imposed whenever a female person entices a boy of less than fourteen years of age into lewdness, and commits the same with him."

Oddly enough, the word "abuses" is not to be found in the aforementioned article. If need be, sex with those over fourteen years of age could be punished under a porously formulated article concerning "unnatural lewdness," which carried a sentence of deprivation of liberty for up to five years. Of course, erotic lust involving entrusted minors was also forbidden:

"Foster parents, guardians, confessors, educators, or teachers of their foster children, wards, confessing children, or boarding school pupils who have intercourse or entice into lewdness and abuse the latter, are, when the person seduced by them is more than fourteen years of age, perpetrators, and are punishable by up to three years in a house of correction or four years imprisonment."

Likewise, anyone in the aforementioned personal circle is to be punished when he or she "furnishes the opportunity for lewdness or provides assistance to it." In addition, subject to a fine or imprisonment is anyone who "violates modesty by displaying or distributing lewd representations, or puts on lewd acts in public." . . . In all cases, pictographic representations are to be confiscated." Under this article, both men and women could be punished. Thus the Hessian penal code of 1853 was also acquainted with female exhibitionism. Whether this was actually punished is, to me at least, unknown.

### **Whoever Is Beheaded Also Loses Civic Honor**

In 1856 Friedrich Wilhelm, "by God's grace King of Prussia," instituted for his subjects the "Penal Code for the Prussian States and the Act for the Introduction of the Same." The most severe form of punishment it prescribed was beheading; the offender not only lost his head, but also forfeited his civic honor. This meant that he was no longer allowed to don the Prussian national cockade [a knot of ribbon, worn esp. on the hat, as a badge], hold any public office, post, title, distinction, or medal; he was no longer permitted to serve as a juror, witness, or expert, or exercise any other political rights. But seriously, the fact that death would appear to preclude all of the above (a penal code is not intended, by its authors, to be taken as satire) could only be lost on jurists.

In cases involving criminal acts by minors under sixteen years of age, the Prussian practice was merely to establish whether "the act had been committed with a cognizance of its wrongfulness" [mens rea]. The threatened punishments were similar to those which had already been developed in German lands during the course of the 19th century: "Lewdness between consanguineous [biological] parents and children" over sixteen years of age was punishable by a jail term of between three months and two years; by the same token, the guardian, teacher, clergyman, or educator who had been involved in "lewd acts with his or her minor pupils or charges" could get up to five years in prison; "unnatural lewdness" between persons of the male gender could get you up to four years' imprisonment, in the course of which, for the duration of the punishment, the exercise of civic rights and honors (except in the moral sphere addressed by these paragraphs!) was also forbidden: up to a year in jail (only at the urging of those entrusted with the young person's upbringing) for those who had "enticed a girl between fourteen and sixteen years of age, with a good reputation, into intercourse"; up to twenty years in prison for those persons who had either themselves been involved in lewd acts with children under fourteen years of age, or had induced them into committing – or had tolerated the commission of – lewd acts. What the Prussian Penal Code of 1856 meant by lewd acts was spelled out in the annotations:

"Here, 'lewd acts' means any lewd dealings, without that being limited to completed intercourse. It is also not necessary that the act be directed towards the satisfaction of the sexual drive, or that the consummation of intercourse is intended; violation of the general sense of morality via a bodily action is sufficient."

The reader gets the idea: It was here, at the latest, that the foundation was laid for *judicial* determinations as having the ultimate authority, which was also fully and specifically confirmed by the Federal High Court following the Second World War. It was not scientists, but rather, jurists, who would decide what was lewd; and, with this precedent, the abstract "general moral sense" is used as an alibi, without, of course, any scrutiny whatsoever as to what the general moral sense actually meant, or upon what it was based. Moreover the people, in whose name one was indeed making the most serious of judgments (including miscarriages of justice), were left out of the equation.

With this in mind, on February 14th, 1870, Chancellor Bismarck was able to present to his parliament of the North German Confederation – as endorsed by the Federal Council – a constitutionally ratified penal code. The first draft of §173 at the time read:

"Unnatural lewdness, which is committed between two persons of the male gender, or between a person and an animal, is punishable by imprisonment; civic honors and rights can also be forfeited."

Bismarck left no room for doubt as to his motives, which he appended as a "most respectful" enclosure:

"§173 maintains the threatened punishment for sodomy and pederasty in the Prussian Penal Code. To be sure, from the standpoint of medicine, as with certain theories concerning the bases for the criminal law, the abolition of these criminal determinations could be justified; the people's consciousness of right and wrong judges this act as not merely a vice but as a crime, and the lawgiver must not fail to argue against impunity for acts which, according to public opinion, are regarded as reprehensible. The notion that such persons - who have sinned against the natural law (sic!) in this way - should be placed beyond the purview of the secular criminal law, and instead be subject merely to moral judgments, would be regarded as a colossal legislative blunder." (Cited in Paul Derks, pg. 168.)

Anyone who, in the last five years, has paid close attention to the opinions of federal justice ministers, as well as members of the German Parliament Legal Committee for the Reform of the Criminal law, will note some striking parallels. The Prussian mindset of the middle of the 19th century remains "alive and well." After all, the penal code for the North German Federation went into effect on January 1st, 1871. For the first time in history there were, at least north of the Main River, uniform criminal regulations. Catholic Bavaria was not yet interested in acquiescing to Prussian moral attitudes. A royal Bavarian appeals office in Stenglein [130] had issued an opinion on the "Draft for a North German Penal Code," which stated:

"Unnatural lewdness is, in and of itself, not a punishable offense. It threatens neither the legal order of the state, nor its moral welfare. . . . Were it possible to protect morality via the criminal law, it would obviously have to be applied on a far larger scale, with each and every act of lewdness being punished. The state would run aground on the impossibility of carrying this out; therefore, it confines itself to punishing immoral acts which either encroach upon the rights of others, or attack the foundation of the state or the family. There is simply no basis for abandoning this boundary line and, through the punishment of unnatural lewdness, stirring up the muck of private sins, to the detriment of public morality." (Cited in Bleibtreu-Ehrenberg, p. 338.)

This text certainly would be a good jumping-off point from which to discuss today's proposals for a humane criminal law. Efforts at liberalization get about as much hearing from legislators as do the parades of criminal lawyers, physicians, and scientists who seek to remove same-sex acts from the criminal law. Bismarck alludes to such demands when he speaks of the "standpoint of medicine" and "certain theories. . .of the criminal law." Politicians have also frequently disparaged respected scientists, whenever their findings or results do not comport with the formers' political beliefs.

Many of the primary features of later legal phrasings are detectable in the North German Federation's Penal Code of 1871. Though capital punishment was still retained, the upper limit for a sentence of imprisonment was now set at fifteen years. If a "North German were punished for a crime or misdemeanor abroad," he could be hauled before the court once again at home. Children under twelve were not subject to punishment; it was only in 1923 that this provision was raised, by the Youth Court, to fourteen. Youth under eighteen years of age were absolved if they did not possess "the required knowledge of the criminal nature" of a punishable act.

Section thirty was devoted to "crimes and misdemeanors against morality." §173 prohibited incest; §174, sex with dependents (up to five years' imprisonment); §175, "unnatural lewdness" between men or with animals (up to five year jail term); §176 penalized sexual coercion and violence, non-marital intercourse with non-consenting women or mentally ill women, as well as lewd acts against or with children under fourteen years of age (up to ten years' imprisonment); §177, rape (up to fifteen years' imprisonment); §182, seduction of a girl with

good character between fourteen and sixteen years of age (up to one year in jail, prosecution only at the behest of the parent or guardian); and lastly, §184 prohibited lending out, or otherwise distributing, lewd writings, drawings, and representations (fine or jail term of up to six months).

### **The Greek Youth Haunts The Federal Constitutional Court**

Now, let us leap forward to the time following the Second World War. Section 13 of the [West] German Penal Code was still called "Crimes and Misdemeanors Against Morality"; also unchanged was §176, which made any eroticism with children under age fourteen punishable by up to ten years in prison. Both had also remained in effect during the fascist Third Reich. "Lewdness," the criminal law commentary from the time advises us, means the same thing as "lewd acts," which would be, those actions which "objectively transgress the universal sense of shame and morality, which are directed towards the satisfaction or arousal of either one's own, or another person's, sexual desire." Old Prussia sends its regards! "Lewdness," rails Magnus Hirschfeld, "is an ecclesiastical concept, not a legal one. Fine, listen to the sanctimonious pulpit – but not in the courtroom!"

The Federal Constitutional Court probably had its mind on sexual desire as well, given that it had to make the fundamental decision as to whether punishing male homosexuality, in contrast to the impunity enjoyed by female homosexuality, violated the equality principle. The Karlsruhe judges arrived at the personal assessment that the two were not comparable to each other: "The majority of the women who are demanding the right to engage in homosexual intercourse are between 18 and 37 years of age. With women, therefore, there is a homogeneity among the ages of the participants. . . . By contrast, the typical homosexual man loves youth, and is thus inclined to seduce them." (Cited in Rudolf Walter Leonhardt, *Who Will Cast the First Stone*, dtv Taschenbuch 774, Munich 1973, p. 244.) One has to ask: What practical experience do *they* have of this? In any event, a boy, carved entirely out of Grecian marble, appears to have come to life in the Constitutional Court. Moreover, the Karlsruhe jurists deliberately overlooked the fact that, at the time of this decision, male homosexual love had a "protection age" of twenty one, which was three years older than the typical beginning of lesbian solicitations. The contradictions in the lines of argument are enough to drive the scientist to despair; they seldom, however, bother the judge.

With the legislator placing every act with children – including those which are only loosely associated with sexual desire – under the threat of severe punishment, he is declaring that he wishes to be seen as protecting – as the Federal High Court, with a bow to theological loftiness, once formulated it – "the sexual inexperience, the sexual purity of the child's soul." It is, therefore, no wonder that, whereas a tongue-kiss with a young person under the age of fourteen already fulfills the definition of "serious lewdness," sexual acts by spouses do not, even when they are undertaken by force.

### **Today, "Abuse" Takes the Place of "Lewdness"**

With the Fourth Sexual Criminal Law Reform, which went into effect on November 28, 1973, 'lewdness' has been rendered obsolete. This "ecclesiastical word" was replaced by the concept of "sexual abuse." A good change, in my opinion – if only it were rigorously applied! In addition, the aim of §176 in the current penal code (StGB) has also changed; henceforth, the "child's undisturbed sexual development" was to be regarded as a declared protection goal. If only that were the case! If the legislator really were orientated by his own declared objectives, then he would be in favor of intervening vis-à-vis the child's undisturbed sexual development *only* when the child was forced to do something which he or she did not wish to. Only *then* would the young person – who of course, under the criminal law, is regarded as a child until he/she reaches age 14 – have the chance to engage in sexual experiences which comport with his or her own needs and desires. But of course, the legislator denies to the child any sexual experiences, while, at the same time, making the partner in such experiences subject to a jail term of up to ten years. In principle, this also holds true for children who are under age fourteen, although they cannot be criminally prosecuted. But the number of minors who joyfully engage in sexual experiences, and are then placed in a residential institution because of it, is shockingly large.



But of course, the legislator has another reason for maintaining §176: youth/child protection. That sounds reasonable. The reality, however, is rather different. If the legislator truly did intend to take seriously the concept of child protection, he would have long since established, in the statutes, children's right to *refuse* – for personal reasons – to give evidence; it is by no means rare to see cases in which, though they do not *wish* to do so, putative child victims of sexual crimes are *obliged* to provide testimony in court. Acknowledging this desire on children's part would be actual child protection put into practice. According to current jurisprudence, the child has no chance to refuse to give court testimony; unless, he or she simply says nothing at all. Then, a court would be powerless, for it cannot punish a witness under age fourteen for refusing to testify. There are probably a depressing number of cases in which a judge has allowed the police to force an unwilling child to give testimony, or, has threatened to place the child, or his/her parents, in an institutionalized setting for the duration of the case, if they refuse to provide testimony. There is no other way to put it: Anyone who compels children to undergo police interrogation – or testify in court – against their will, is acting in a violent manner towards children. Child testimony brought about by violating the child's will is child abuse.

No sensible person would quarrel with the notion that children must be protected from abuse and maltreatment of any kind. In this respect, I find the heading of §176 StGB, "Sexual Abuse Against Children," to be substantially more apt than the religiously tinged, woolly word 'lewdness.' But the legislator is so dishonest that, not only does he wish to punish sexual abuse, but even – as was already mentioned – every sexual learning experience as well. We shall see this in the text of §176, as well as its interpretation.

The current version of §176 StGB has the following wording:

- (1) Whoever engages in sexual acts upon a person under fourteen years of age (a child), or allows a child to engage in them upon his or her own person, is punishable by a prison sentence of between six months and ten years; in less serious cases, with a prison sentence of up to five years, or, a fine.
- (2) Likewise punishable is anyone who directs a child to engage in sexual acts with a third person, or allows a third person to engage in them upon his or her own person.
- (3) In especially serious cases, the punishment shall be imprisonment for one to ten years. As a rule, an especially serious case is present when the perpetrator consummates sexual intercourse with the child, or the child is seriously physically abused by way of the act.
- (4) If, through the act, the perpetrator brings about the death of the child, the punishment shall be a prison sentence of not less than five years.
- (5) Punishable by a term of up to three years imprisonment, or a fine, is anyone who engages in sexual acts in the presence of a child; directs a child to engage in sexual acts in front of him or her, or a third person; or influences a child, via the showing of pornographic images or depictions, through the playing of audio materials with pornographic content, or via corresponding conversation, to sexually arouse him/herself, the child, or another person.
- (6) Attempts are also punishable; this does not apply, however, to perpetrators subsumed under Par. 5 No. 3.

Accordingly, under Par. 1 of this statute, anyone who engages in a sexual act with a child, or allows a child to engage in one upon his or her person, is punishable when at least some touching has occurred. Sexual acts are, according to §184c StGB, "only those which, with regard to a protected legal right at any time, are due some consideration." That would cover not only touching of the genitalia; even stroking, for example, the arms, the back, or the head would, according to German jurisprudence and legal practice, fall under 'sexual abuse,' if the perpetrator had eroticism in mind at the time, and the child was able to detect this intention.

Paragraph 1 also comprises those sexual acts which an adult allows a child to carry out upon him/her. Moreover, from whom the initiative came is, as far as the law is concerned, irrelevant. Also, according to current jurisprudence, it is not necessary "that the child be concerned with satisfying his/her own sexual desire, or, that he or she is conscious of the sexual meaning of his/her behavior, . . . only that he or she have age-appropriate sensations or impressions." (All of the following citations relating to §176 StGB are taken from the text of the law itself as well as the current criminal law commentaries.)

In this paragraph, the state punishes sexuality in its broadest sense, between those under fourteen years of age and those over it, with a deprivation of liberty of between six months and ten years. Only in "less serious cases" is a deprivation of liberty of up to five years, or a fine, provided for. Occasionally, "seduction by an already sexually experienced child" or "in a partnership love-relationship between a child and a youthful perpetrator" will be regarded as a less serious case. But courts must not make a habit of this, and they do so only extremely rarely.

Paragraph 2 of §176 StGB prohibits persuading or asking a child to become sexually involved with another person. Here as well, a child should neither carry out a sexual act on a third person, nor permit one to be carried out on his/her own person. Again, the sexual acts had to be "of some importance." But this begs the question: When is a particular act, "with regard to a currently protected legal right, of some importance"? What actually *is* a "protected legal right," and who determines it? Indeed, §176 StGB even punishes sexual acts between thirteen and fourteen-year-olds. Where is the protected legal right in this threat of punishment? If the legislator's real intention is to suppress youthful eroticism in general, he would be well advised to return to the concept of 'lewdness'; at least that would be more honest.

Under Paragraph 3, particularly serious cases receive enhanced punishment. Here, what is meant by a serious case is actual intercourse with a child, or, sexual contact involving serious physical maltreatment. (The legislator has provided, in this statute, for enhanced punishment *only* when serious physical abuse is present; this is not to be taken lightly.) On the other hand, oral and anal intercourse are also increasingly regarded as serious cases of sexual abuse. If we are talking about the violent anal penetration of an actual child, then this is completely understandable. But what about when a child willingly wants to be the active partner in oral intercourse, which, at least among pubertal boys, is probably not all that of an uncommon occurrence? Here, at last, the legislator is ensnared by a dilemma of his own making; mixed in together in a single criminal statute are on the one hand, superficial erotic contacts which have been mutually consented to and, on the other, the most *serious kinds* of sexual abuse. Certainly, anyone who reads the political commentary regarding the corresponding legislative proceedings realizes very quickly that it simply does not occur to legislative bodies that children themselves might facilitate sexual activities of any sort; masturbation excepted, because that, in and of itself, is not punishable.

In Paragraph 4, extremely violent sexual offenses, in which an incident of sexual abuse results in the death of the child, are punishable by a minimum of five years' imprisonment. Such a case is present, for example, when the perpetrator of violence – in carrying out his sexual wants – covers the child's mouth so that he or she cannot cry out, thereby bringing about the child's death. Such a case would exist even "when the death is merely the indirect consequence of the sexual act itself; e.g., when the abused child commits suicide." Scarcely anyone would venture to criticize the threatened punishment here. Still, what is this paragraph doing in the *sex crime* statutes? Of course, it probably belongs in Section 16 of the Penal Code: "Life Threatening Criminal Acts."

In addition, Paragraph 5 punishes those who sexually satisfy themselves in the presence of a child (for example, someone who masturbates on an FKK [nudist] beach), or, allows the child to carry out a sexual act in his/her presence (e.g., in his home, permits the child to take off his/her clothes, in order to photograph him/her in the nude). Moreover, §184c StGB characterizes sexual acts in the presence of third persons as those acts "which are carried out in front of a third person who notices the event." Therefore, anyone who masturbates in the presence of a sleeping child is not subject to punishment. Anyone who shows pornography to a child is also punishable under this Paragraph. Admittedly, in order for a child to be bothered by a sexual act, under the law, a fleeting glance is not sufficient. Rather, the commentary notes, the child must have had some idea of what was happening, commensurate with his or her age. Anyone who has paid close attention to criminal proceedings knows that judges always have an answer to this as well. I am not aware of even a single case in which a judge has expressed, in his verdict, that a child did not understand the sexual content of an act in a way that was commensurate with his/her age. In court verdicts, children are always amazingly mature, a fact which, of course, has not yet had an effect on actual legislation.

Now, in the past, it has by no means been the case that Germans were content to spread these supposed blessings only within their own country. Prussian 'virtues' have frequently been brought to distant lands; many believed that Prussian discipline and order needed to be brought to other peoples. "The world should be rebuilt

in the German mold" was the dreadful sentence which encouraged the razing of foreign countries and traditions. With this merciless attitude, it would seem to be only a matter of time before the German criminal law would also become a corrective for "developing countries" which obviously had much too lax moral views, and offered sexually frustrated Germans a notorious launching pad for erotic adventures. In 1993, it went as far as this: The German parliament passed a bill proposed by the women's parties, and supported by all of the parties represented in the Bundestag, to deal with the amorous adventures of German citizens.

Alarmed by reports of lower ages of consent, lax morals, and flourishing prostitution in some non-European countries, a supplementary law was rushed through, according to which the German criminal law – independent of the law where the act was committed – would be applied to acts subsumed under §176 Pars. 1-4, 5 No. 2, and Par. 6, when the perpetrator is German and he makes his living in Germany. Consequently, what was regarded as the necessary age of consent in a given country was immaterial; the German arm of the criminal law reaches beyond the borders of the Republic. With crimes which are truly evil, this is, of course, quite laudable; however, in the context of a criminal regulation which has always been subject to social transformations, this legal venture constitutes a new form of colonialism. Is it really necessary for the world to be rebuilt in the German mold?

### **The Stake as Sexual Symbol of the Shameful Penis**

Now we shall take a look at the legislation in our German-speaking neighbors. In the middle ages, a portion of Switzerland was subject to Alemannic law, which had been shaped by the "Swabian Mirror" as well as the laws of individual German cities (Cologne, Freiburg). "Alemannic law, especially the Swiss law, stood out because of its particular harshness. . . This was especially evident in the punishments for abortion and child-murder, sodomy, and homosexuality. . . But then again, every sentence for abortion was suspended, and ecclesiastical authors and chroniclers were the only ones who drew attention to the fact that such an offense even existed. And so Meternus Berler, in his Strasbourg chronicle of the beginning of the 16th century, told of nuns who used herbs, blood-letting, and poisonous drinks and footbaths in order to expel the gestating fetus. Thus there evolved, in the later Alemannic law, the vague concept of 'child-spoliation,' whereby no one was entirely clear on whether this included abortion or child-murder." (Magnus Hirschfeld, pp. 113-114)

Methods of capital punishment included drowning and being buried alive. Both punishments were actually meant for women (men were beheaded or hanged); however, they were also applied to offenders against morality. "Moreover, burying alive, at least, was carried out with or without stakes, or, an equivalent punishment using stakes alone, with the stake as sexual symbol of the shameful penis." (Magnus Hirschfeld, p. 115) On August 1st, 1465, in Zurich, a young man named Ulrich Moser was executed for fornicating with six different girls, ranging in age from four to nine. They stripped the criminal's clothes off of him in the state court of law, laid him on his back, bound him to four stakes that had been driven into the earth, placed another stake on his navel, 'ran it through him and into the soil, and let his belly-aching die off.' This was, incidentally, the only execution of this kind in Zurich, and the image of it has stuck with us. Consequently, one sees that here the anguish is prolonged, and of course, how the naked body is just part of the show." (Cited in Magnus Hirschfeld, p. 117)

"In 1575 in Basel, a belt-maker from Memmingen who had fornicated with a 15-year-old girl was impaled, and a sixty-year-old deacon, who was 'willful' with a girl who was not yet eight years old, and had 'ravaged' her, was placed in a crate, buried alive, and then, even had a stake driven through his heart." (Cited in Magnus Hirschfeld, pp. 118.)

In Switzerland, not only secular, but also ecclesiastical jurisdiction, had a say. Under the influence of the church, the civil authorities enacted a new sexual offense: physical love on certain church holidays. And so, without further ado, sexual intercourse was prohibited on high holidays, as well as the eve before. In 1498 in Luzerne, two couples, "because of whoring on Easter week, were placed in a crate, and led shamefully through the city." In 1524, a certain Uli Frey lay with his beloved Trini Entli and "wooed her" – and this on holy Easter eve! He was locked in the Tower of Shame for three hours, and was even fined. There was, consequently, a sexual calendar, with certain days forbidden; whoever ignored it, paid for it with gold and honor. (Cited in Magnus Hirschfeld, p. 131.)

The Prussian criminal law of the mid-19th century had a particular influence on the penal code for the Canton of Bern, which went into effect on January 1, 1867. The citizens of Bern as well were acquainted with the death penalty via beheading. Early imprisonments were meant to be "enhanced"; namely, by giving the convict only bread and water on some days, and making him do with sleeping on a wooden platform. Children under twelve years old were not to be criminally prosecuted; with perpetrators under sixteen years of age, a decision had to be made as to whether they "had done it with or without the ability to tell right from wrong." In every case, the punishments against those of youthful age were reduced.

The paragraph "On Criminal Acts Against Morality," in the Bern Penal Code of 1867, began with a protective wall against immorality in words and pictures:

Whoever displays or distributes immoral writings, songs, or pictures is punishable by a jail term of up to twenty days or a fine of up to one hundred francs. At the same time, any plates or samples of questionable writings or pictures shall be subject to confiscation.

In the Canton of Bern, anyone who violated public modesty, but up to sixty days in jail, or a fine of up to 500 francs. The customary age of consent was fixed at sixteen:

Whoever commits lewd acts with a young person of either gender, who does not fall under a stricter regulation under the title (e.g., rape – author's note), or facilitates lewdness against the same, is punishable by a jail term of up to sixty days, a term of imprisonment of up to two years, or a fine of up to two thousand francs.

Anyone who – just as with any form of penetration – had employed violence in order to carry out the act, or, had consummated intercourse with a child under twelve years of age, was subject to the punishment for rape, which was two to ten years' imprisonment. If it resulted in the death of the abused person, the punishment could be raised to twenty years.

The Swiss penal code which was in effect following World War II only punished offenders who were fourteen years of age or older. When a criminal perpetrator was between fourteen and eighteen years old, the law mandated the following inquiry:

The appropriate authorities shall ascertain the facts of the case. To the extent that an assessment of the youth is called for, inquiries shall be made regarding his behavior, upbringing, and attitudes towards life, and reports as well as expert assessments shall be drawn up. The observation of the youth, for a certain period of time, may also be arranged.

Included in the Swiss penal code is a rather interesting article, which would cause parents to think twice before entrusting their ten-year-old offspring to a secondary school, tennis instructor, or gymnastics boarding school, as well as whether they should allow their boys to be circumcised following their birth:

Whoever, out of egotism or malice . . . overtaxes the physical or mental powers of his or her minor child, such that his health is harmed or placed in serious danger, is punishable by a term in jail or a fine.

Article 191 of the Swiss penal code punishes sex with minors as follows:

1. Whoever abuses a child under sixteen years of age, through sexual intercourse or similar act, is punishable by a jail term or imprisonment of not less than six months. If the child is the perpetrator's student, pupil, apprentice, servant, or the child, grandchild, adopted child, stepchild, ward, or foster child of the perpetrator, the punishment shall be a term of imprisonment of not less than two years.

2. Whoever carries out any other lewd act with a child under sixteen years of age, induces a child to carry out a lewd act, or carries out a lewd act in the presence of a child, is punishable by a jail term or a term of imprisonment of up to five years. . .
3. If the perpetrator proceeds based on the mistaken impression that the child was at least sixteen years old, and was not able to avoid the mistake through greater foresight, the punishment shall be a term in jail.

The fact that a child may already have been "corrupted" would not rule out punishment, and would also not be a mitigating circumstance; the same would hold true "when the child willingly submits to it , . . or when he or she stimulates the perpetrator." The Swiss penal code also deals with the issue of "unnatural lewdness" in Article 194:

Whoever entices a minor of the same gender, who is more than sixteen years of age, into carrying out or tolerating lewd acts, is punishable by a year in jail."

In addition, the criminal law of the Swiss Confederation still speaks of "lewdness with institutionalized persons, prisoners, and those accused of crimes"; of "luring into lewdness," "lewd pestering," "pestering through prostitution," and the "publication of opportunities for lewdness"; of "lewd acts in public" and "lewd publications," and "endangering youth through lewd writings and images." Oh yes – the "extolling of devices for the prevention of pregnancy" is also punishable. The Swiss penal code believes there are no more sins in alpine pastures.

### **When a Female Surrenders Herself to a Boy**

Likewise, the criminal law in Austria, following World War II, also paid greater attention to eros. "Whoever sexually abuses a boy or girl under fourteen years of age ... in order to satisfy one's lust in ways other than those described in §127 (intercourse: author's note), is punishable for "crimes of defilement," and is subject to "a term of imprisonment of between one and five years." And: "It is irrelevant whether or not the child fended off the assault, was morally corrupted, or personally wanted to engage in the lewd act; nor does it matter whether or not the assault was associated with bodily harm upon the child." The country where Sigmund Freud had decimated the myth of children's asexuality, now characterized children's sexual desire as 'moral depravity.'

The Austrian penal code characterizes as crimes – and incidentally, in one and the same paragraph – lewdness with animals, and with those of the same sex. And it resolved, ignorantly and dubiously, that: "If an accused intends to sexually use a cow, and places a chair in back of it for that purpose, this is to be regarded merely as a preparatory act." Even as far as gay emancipation was concerned, a bar more in the German mold was laid down: "Lewdness against nature comprises any act which is determined by and directed towards the seeking out and fulfillment of sexual satisfaction upon the body of a person of the same sex. Masturbatory intent is not required." The commentary also provides the reader with a similar example: "Upon meeting up with the man the perpetrator embraces him, kisses him, presses against the lower part of his body, and simultaneously makes thrusting motions with his own body." And by the way: "The man, and the second male person, are persons of the same gender."

A curious 'logic' followed from the distinction between male and female desire. On the one hand: "Enticing a girl under fourteen years of age to touch the exposed genitals of the [male] enticing party forms the basis for the crime of attempted defilement." On the other hand: "However, lewd touching by a female person of a boy under fourteen years of age, with the 'intention of carrying out sexual intercourse with the latter,' does not follow under the heading of defilement." And again: "Sexual intercourse, undertaken by a female person upon an underage boy, does not establish the grounds of defilement." But, mind you: "One can speak of 'sexual intercourse' when, on the part of the male partner, his physical development has proceeded to the extent that he is able to carry out the sexual act, which is not the case with an eight-year-old boy."

At the beginning of the 20th century, the Austrian author and legal critic Karl Kraus (1874-1936) was already mocking this state of affairs: "Ah, our justice system has not yet been deflowered. It at first allows, but then, does not allow, its utter cluelessness to be taken away." (Karl Kraus, *Morality and Criminality*, Kosel Verlag, Munich 1970, pg. 337).

This penal code endured until 1971, at which point various regulations were modified. The total prohibition on homosexuality was lifted; in 1989, even the prohibition on male homosexual prostitution was lifted. However, §209 of the Austrian penal code ("Same-Sex Lewdness with Persons Under 18 Years of Age"), which set the minimum age for relations between men at eighteen, remained; meanwhile, for relations between women, or between women and men, it was set at fourteen. For a few years, in Carinthia, there was a spectacular case which had led to the conviction of approximately fifteen people under this §209. "Within the context of preliminary proceedings, house-to-house searches were conducted, over the course of six hours, within a 50 square-meter large apartment complex; address books were seized, and all of the people listed in them were called on the phone, in order to ascertain whether they were young people. . . . The Graz Provincial Court imposed a sentence of fourteen months on a teaching student, with no previous criminal record, for having sexual relations with four boys, ranging in age from fifteen to seventeen, over the course of four years." (Helmut Graupner, "Between Liberality and Criminalization: Homosexuality in Austria, 1991," in: Wolf Vogel (Ed.), *Thorns in the Flesh – Uneasy Insights into Sexuality*, Human Sexuality Working Group, Berlin, 1992, pg. 41).

In its opinion, the sentencing court ascribed to itself dubious importance: "In examining the issue as to whether the sentence imposed on the defendant is proportional to his blameworthiness, this is based upon the punishment prescribed in §209 StGB, which sets forth a period of imprisonment ranging from six months to five years. Moreover, it is explicitly emphasized that the Supreme Court has already pronounced, in numerous decisions, that the StGB is absolutely true to life in terms of the average unlawful conduct of punishable acts, and, that today's sense of justice mandates – depending on the circumstances of the case – that the prescribed punishment be more or less the maximum." (Cited in Helmut Graupner, pg. 41.)

Following the above discussion of the sexual criminal laws, and their from time to time hair-raising foundations, in conclusion I wish only to cite a remark made by a German jurist at the beginning of the 1950s: "In the face of on the one hand, this conception of legality, and on the other, the results of the Kinsey Report, it would be hard not to write a satire!"

## Epilogue

We have, in brief snippets, been able to follow the evolution of the criminal law over the past few centuries. It needs to be said that things are still in flux; the sexual law too shall continue to evolve. Whether it does so within an ever more humane, or even liberal, context is debatable. In Germany there is, following reunification, a need to reconcile the different conceptions of legality in the East and the West. In June of 1994, §§ 175 and 182 of the StGB (West) were stricken, and replaced by a new "Youth Protection Provision." This newly redesigned law has the following wording:

### §182 Sexual Abuse of Youth

- (1) A person over eighteen years of age who abuses a person under sixteen years of age by:
  1. exploiting a predicament, or, engaging in a sexual act with him or her for a fee, or, allows him or her to engage in such upon himself; or,
  2. exploiting a predicament in order to induce him or her to engage in a sexual act with a third person, or, allowing a third person to engage in a sexual act upon him or her, is punishable by a term of imprisonment of up to five years, or, a fine.
- (2) A person over twenty-one years of age who abuses a person under sixteen years of age by:
  1. engaging in sexual acts against him or her, or, allowing him or her to engage in sexual acts upon him/herself, or,

2. induces him or her to engage in sexual acts upon a third person, or, allows a third person to engage in sexual acts upon him or her, and at the same time, exploits the victim's inability to exercise sexual self-determination, is punishable by a term of imprisonment of up to three years, or, a fine.

(3) In cases falling under Paragraph 2, action shall only be pursued upon petition, unless the criminal prosecution authorities, due to a particular public interest, officially regard an intervention into the criminal proceedings as being necessary.

(4) In cases falling under Paragraphs 1 and 2, the court may suspend the punishment prescribed in these provisions if, in the view of the person against whom the act was directed, the injustice of the act is small.

Exactly who this provision is meant to protect is not entirely clear, given that fourteen-year-old boys and girls are, now, probably in a good position to decide, on their own accord, whether and with whom they would like to have sex. Perhaps the legislator would prefer the simple joy of leather. A year earlier, even the mere possession of what was termed child pornography was prohibited, with the following passage being added to §184 StGB:

Whoever undertakes to possess, or distribute to a third person, . . . pornographic writings whose subject is the sexual abuse of children is, if the writings describe an actual event, punishable by up to a year in jail, or, a fine. Also punishable is anyone who possesses writings such as those described in Clause 1.

In order to garner majority support for this law, the Federal Justice Minister at the time could not avoid being influenced by the parliamentarians, as well as the public at large, with their demagogic slogans and demonstrably false statistics.

In Austria, citizens' rights movements are fighting for the abolition of criminal sanctions on certain sexual behaviors. In Switzerland and Italy, discussions have been ongoing for some years now as to whether the so-called protection age [age of consent] for sexual acts should be lowered. In the Netherlands, a general age protection boundary of twelve years of age was established; nevertheless, anyone who 'purchases' sexual services from a minor (which, in the meantime, has also become the case in Germany), with money or gifts, is also punishable. Nonsexual services are allowed to be purchased, including from minors. Is envy towards more beautiful, younger, more attractive persons the 'father or mother of the idea' here?

Anyway, we live in a crazy world: As to the right to be allowed to kill unwanted children, it is publicly discussed today, with women and men demonstrating for it in the streets; but as to the right to be allowed to love unwanted children, this is still not permitted to be discussed at all.

## STATUTES IN SWITZERLAND – 1992

### The New Sexual Criminal Law

By means of a plebiscite conducted on May 17, 1992, the new criminal law, with the following contents, went into effect:

#### Endangering the Development of Minors Sexual Acts with Children Art.187

1. Whoever engages in a sexual act with, seduces into a sexual act, or includes in a sexual act a person under the age of 16, is punishable by a jail term or imprisonment (Zuchthaus for serious offenders) of up to five years.
2. The act is not punishable when the age difference between the participants is no more than three years.
3. If, at the time of the act, the perpetrator had not yet attained the age of 20, and there are extenuating circumstances, or, the violated person is united with him in marriage, the appropriate authorities may refrain from criminal prosecution, referral to the court, or carrying out punishment.
4. If the perpetrator had proceeded based on the mistaken impression that the child was at least 16 years old, but, with due care, could have avoided this mistake, he is punishable by a term in jail.
5. The statute of limitations shall be fixed at five years.

#### Sexual Acts with Dependents Art. 188

1. Whoever engages in a sexual act with a minor person who is more than 16 years old and is dependent upon him in terms of an educational, caring-for, or work relationship, whereby he exploits this dependency in order to seduce such a person, through the exploitation of this dependency, into engaging in a sexual act, is punishable by a term in jail.
2. If the violated person is united with the perpetrator in marriage, the appropriate authorities may refrain from criminal prosecution, referral to the court, or carrying out punishment.

#### Attack on Sexual Freedom and Marriage. Sexual Coercion Art. 189

1. Whoever coerces a person into tolerating an intercourse-like or other sexual act, particularly when he threatens to use violence against her, places her under psychological pressure, or renders her incapable of resisting, is punishable by up to ten years' imprisonment (Zuchthaus), or, a term in jail.
2. If the perpetrator is the victim's husband, and lives with her in a long term relationship, the act is prosecutable upon petition. The right to make such a petition expires after six months. Article 28, Paragraph 4 is not applicable.
3. If the perpetrator acts with cruelty, particularly if he uses a dangerous weapon or other dangerous object, the punishment shall consist of a term of imprisonment (Zuchthaus) of not less than three years. In every case, such acts shall be officially prosecuted.

#### Rape Art. 190

1. Whoever compels a female person to tolerate sexual intercourse, particularly via threats to use violence, the use of psychological pressure, or rendering her incapable of resisting, is punishable by a term of imprisonment (Zuchthaus) of up to ten years.
2. If the perpetrator is the victim's husband, and lives with her in a long term relationship, the act is prosecutable upon petition. The right to make such a petition expires after six months. Article 28, Paragraph 4 is not applicable.
3. If the perpetrator acts with cruelty, particularly if he uses a dangerous weapon or other dangerous object, the punishment shall consist of a term of imprisonment (Zuchthaus) of not less than three years. In every case, such acts shall be officially prosecuted.



### Defilement

#### Art. 191

Whoever knowingly abuses a non-prosecutable person, or a person incapable of resisting, by engaging in intercourse, intercourse-like acts, or other sexual acts, is punishable by up to ten years' imprisonment (Zuchthaus), or, a term in jail.

### Sexual Acts with Wards of Institutions, Prisoners, and Accused Persons.

#### Art. 192

1. Whoever exploits the position of dependency of wards of institutions, inmates, prisoners, arrestees, or accused persons in order to engage in sexual acts with the latter is punishable by a term in jail.
2. If the violated person is united with the perpetrator in marriage, the appropriate authorities may refrain from criminal prosecution, referral to the court, or carrying out punishment.

### Exploiting a Crisis Situation

#### Art. 193

1. Whoever causes a person to carry out or tolerate a sexual act, in the course of which he exploits a crisis situation, a work relationship, or other demonstrable dependency, is punishable by a term in jail.
2. If the violated person is united with the perpetrator in marriage, the appropriate authorities may refrain from criminal prosecution, referral to the court, or carrying out punishment.

### Exhibitionism

#### Art. 194

1. Whoever engages in an exhibitionistic act is, upon petition, punishable by a jail term of up to six months or a fine.
2. If the perpetrator undergoes a medical procedure, criminal proceedings may be halted. When the procedure upon the perpetrator has been completed, proceedings shall be reinstated.

### Exploitation of Sexual Acts. Promoting Prostitution

#### Art. 195

Whoever leads an under-age person into prostitution, or uses a person's dependency or an imbalance of power in order to lead them into prostitution; whoever impairs a person's freedom of action by way of the promotion of prostitution, such that, by this activity, they monitor or determine the location, time, extent, or other circumstances of the prostitution; whoever keeps a person in prostitution, is punishable by a term of imprisonment (Zuchthaus) of up to ten years or a term in jail.

### Human Trafficking

#### Art. 196

1. Whoever facilitates or otherwise encourages human beings to engage in lewd acts for remuneration is punishable by imprisonment (Zuchthaus) or a jail term of not less than six months.
2. Whoever takes concrete steps in order to engage in human trafficking is punishable by a term of imprisonment (Zuchthaus) of up to five years or a term in jail.
3. In every case a fine is also to be imposed.

### Pornography

#### Art. 197

1. Whoever offers, shows, allows to have, makes accessible to, or broadcasts over the radio or television pornographic writings, sound recordings, images, depictions, other articles of this nature, or pornographic performances to a person under 16 years of age is punishable by a term in jail or a fine.

2. Whoever publicly exhibits articles or performances subsumed under subsection 1, or offers the same, unsolicited, to anyone else, is punishable by a fine. Whoever points out, to a visitor, the pornographic nature of exhibitions or performances within an enclosed area shall not be subject to prosecution.
3. Whoever produces, imports, stores, puts into circulation, extols, offers, shows, passes along, or makes accessible articles or performances subsumed under sub-section 1, which have as their subject matter sexual acts with children or animals, bodily excretions, or acts of violence against persons is punishable by a jail term or a fine. This includes physical objects.
4. If the perpetrator's motivation was material gain, the punishment shall be a jail term or a fine.
5. Articles or performances subsumed under subsections 1-3 are not pornographic if they have cultural or scientific value which is worthy of protection.

#### Violation of Sexual Integrity. Sexual Harassment

##### Art. 198

Whoever engages in a sexual act in front of someone who is not expecting it and is thereby offended, and anyone who physically sexually harasses another, or does so in a rude manner is, upon petition, punishable by imprisonment (Haftstrafe – for less serious offenses, but still more serious than jail) or a fine.

#### Improper Practice of Prostitution

##### Art. 199

Whoever violates canton regulations concerning the place, time, or nature of the practice of prostitution, thereby causing a public nuisance, is punishable by imprisonment (Haftstrafe) or a fine.

#### Acting in Concert

##### Art. 200

When an act punishable under this section is carried out by several persons, the judge may enhance the punishment; however, the highest degree of threatened punishment may not go beyond a 450% increase. Moreover, he is bound by the legal maximum for this punishment type.

#### Arts. 201-211

##### Abolished

#### Reporting of Pornography

##### Art. 358

If an investigative authority ascertains that pornographic articles (section 17, subsec. 3) were produced in or imported from a foreign country, this shall be reported immediately to the Federal Prosecutor's Central Office for Combating Pornography. Changes to the criminal law pertaining to the military are not relevant here, and were, therefore, not enumerated.

The Customs Law was changed as follows:

##### Art. 36 Sec. 4

4. If, upon inspection, articles are discovered which contain pornographic or violent depictions (Sec. 135 and Sec. 197 sub 3 StGB penal code), and are, therefore, expected to be subject to confiscation, they are to be temporarily seized and conveyed to either the district attorney's office of the canton in which the parcel's addressee resides, or the appropriate local district attorney's office. Films which have been approved for importation are not subject to this temporary confiscation. Decisions regarding whether to continue to retain seized articles rest exclusively with the appropriate canton criminal prosecution authorities, based on canton legal procedures. Measures taken by the Customs Administration are not appealable.

## IV. THEORY

### **Fractured Identity as a Control Condition: On the Social Function of Sexual Taboos**

B. Bendig, Social Worker, Langenfeld

#### I. Introduction

How is it that sexuality, though very much a focus of interest, is, nevertheless, kept so "secret," laden with so many prohibitions? How did it come to pass that, with sexuality, pleasure and pain, desire and defenses, are so densely intertwined? How is it that, despite an enormous amount of material being published about sexual abuse and it being widely discussed, virtually nothing is said about what, precisely, is meant by it? It is a novelty in the scientific literature that a subject is described and "scientifically" investigated without actually having been defined with so-called sexual abuse, this is par for the course.

In notional terms – and this is so for myself just as it is for everyone else – a definition of so-called sexual abuse is, in most cases, not even attempted. Instead, one's own fantasy mutates into a tacitly accepted substitute for the missing definition. At the same time, the spectrum of fantasies is astonishing: They range from harmless playfulness within a context of overwhelmingly welcomed caresses, on up to rape, all lopped in together within the amorphous concept of sexual abuse.

In this confused and confusing situation, liberal pedagogy naively counsels a casual approach to child sexuality which, according to the controlling criminal law, is clearly punishable, is regarded as "sexual abuse," and is, in fact, punished rigidly.

And this is exactly how it is dealt with in a letter to parents from the Evangelistic Day Programs for Children, Inc.: "It really can happen that a father, sharing a bathtub with his daughter, can become erect, or, that he can get an erection when his son examines his penis with interest." (Issue 29, June 1994) This letter to parents is entitled "Loving, cuddling, playing doctor." This corresponds to a career of criminality. To be more precise, what is relevant to punishability is not the life-world and nature of the child, or even the purposes of a liberal pedagogy, but rather, simply the physiological fact of a sexual act or erection.

How is it that the subject of sexual encroachments elicits so much agitation while, at the same time, scarcely anyone is interested in assaults in other spheres, to an even remotely comparable degree? How did it come to pass that, not only sexual behavior, but also one's sexual essence, our natural physiological makeup, the sexual organs, are the object of all sorts of operations, including the coarsest of mutilations, beginning with the circumcision of boys, for supposedly religious or hygienic reasons, on up to the Pharaonic circumcision of girls in appalling, horrendously painful, and life threatening rituals which, even today, are still perpetrated in a millionfold ways. No outcry for that, and yet, at the same time, the world media gets all worked up over an alleged affair between Michael Jackson and a 13-year-old voyeur.

#### **What Is the Reason for the Mania Surrounding Sexuality?**

The lust for power determines the life-circumstances in this world. To Karlheinz Deschner this means that, although we would not describe world history as a history of criminality, the latter would, indeed, be its accomplice. Fundamentally, as to the history of humanity, it is sufficient to know that it consists of enviousness, rapaciousness, and murder, of a never-ending succession of subjugation and exploitation, differing only in terms of its various permutations, but not in its fundamentals.

This lust for power is transmitted from adults to children.

Once we become aware of this, we have a shot at not passing this lust for power from adults to children, or at least, softening it. But there is also the danger of promoting this lust for power quite consciously, via corresponding educational concepts.

When we change our attitude towards children in this respect, we change society. The very existence of a violent society (as a violent society) is threatened by the renunciation of power; therefore, from its perspective, anyone who wants to repudiate power is a danger to the prevailing power conditions.

Today, many promote the repudiation of power; however, this does not automatically mean that all of those who promote the repudiation of power actually wish to bring that about. What is often meant by the repudiation of power is merely that every other person should repudiate it, and submit themselves to what one personally holds to be right and true.

We should look at what people do in order to realize their true intentions. "By their fruits are they known," as Matthew puts it. Consequently, it is by their fruits that we shall be permitted to know them, not by their – purported – intentions.

### **Fractured Identity as a Control Condition**

All power of people over people originally springs from an infringement of their identity. This infringement is effected in extremely simple ways.

In the Western, civilized world, it happens through a division of the individual into publicly observed bodily zones on the one hand, and concealed bodily zones on the other. This occurs, e.g., via everyday actions of caring: Every area is caressed, except for one (anal-genital); every area is shown, except for one. It is in these ways that unity is broken.

The child no longer senses his unity as springing from his own self outward; rather, he requires – similar to a broken broomstick – an external corset, in order to feel secure and whole.

The corset is the norm. The individual apparently suppresses his wholeness, whereby he subjugates himself to the norm, and consequently accepts the corset. Wholeness is only apparent, because it is not one's own wholeness, but rather, unity with the representatives of the norm; these accept the child. If the norm is abandoned, wholeness is lost. If wholeness (security) is lost, this gives rise to anxiety. The solution to anxiety lies in an acceptance of the norm. The norm is gradually internalized, and moreover, experienced as being something of one's own.

This is the simple mechanism by which people's power over others is initially established and obtained, from the banal on up, or else, not at all.

In other cultures, this same goal of identity fracture is achieved, for example, through food, location, clothing, or act taboos, or, some combination of these. Consequently, what matters is not how identity gets fractured, but rather, that it is fractured.

The focus of this text is Western cultures' customary fracture of sexual identity.

### **For Purposes of Clarification: Identity Becomes Fractured Under Three Conditions**

#### **First Condition: The Fracture of Oneness**

All life springs from sexuality; and although it does indeed have genital and other corporal forms of expression, it is not limited to the former.

Sexuality permeates the entirety of human beings' feelings, thoughts, and actions; it is the source of their lives, their will to live, and their zest for life; it is their greatest strength, dying off only when life itself is extinguished. That is why it is so well-suited to exploitation throughout the whole life-course.

At the same time, the sexual organs are also excretory organs; therefore they require frequent attention on the part of carepersons. From day one, the infant experiences a connection between a pleasurable stimulus – which occurs via the stimulation of the genitalia and the vigilant posture of the careperson: everything is caressed, only, this is not; everything is displayed, only, that is not.

This vigilance against genital and anal pleasure is reinforced by a learned disgust of excrement (this stinks, it's dirty). Although the production of excretions is indeed welcomed by the loving careperson, this is not done in ways that make the child feel accepted and recognized for having produced the excretions, but rather, in

entirely different ways, namely, that he or she must be liberated from something superfluous and dirty, which is always arising anew within him or herself.

The pleasure-stimulating touching and visual inspection of the genital and anal regions is impeded by diapers and other clothing, thereby creating taboo zones.

But taboo zones can also be created without diapers; namely, via social assessments, which the child then becomes aware of and internalizes. And so it comes about that even in Southern European countries, where small children often run around without any pants or underwear on, these very same taboos develop, just as they do for those who do wear diapers.

Because of frequent urination and defecation, carepersons' interactions with taboo zones are just as frequent; consequently, vigilance against these taboo zones is also seen frequently, which becomes a formative experience for the child. .

Advertising psychology has studied such coupling events very precisely, and has methodically made them useful for any number of aims. The frequency with which this connection is perceived is a decisive factor for the degree of its imprinting. (In advertising, the perception of a connection is referred to as a "switch" that goes on in the brain: "Aha, when I eat chocolate, I'm happy, big, and strong.") The unconscious "aha" connection-experience is far more effective than the conscious one, because there is no critique. That is, critical awareness is unable to ask what is really true, and – via this questioning alone – disturb the unconscious (read: uncritical) acceptance of the message.

Since sexual pleasure (the lust for life) is coupled with the simultaneous sensation of vigilance and revulsion, man is now prepared to accept the conditions under which he casts off defensiveness and disgust, and is allowed to freely experience pleasure (for example, under condition of marriage).

The simultaneous sensation of pleasure and defense against pleasure, which arises from the identity fracture, must therefore again be decoupled, in order to be able to explore pleasure without a guilty conscience (and thus without defensiveness).

Success in this decoupling requires those schizophrenic human beings who do achieve it to – depending on what the norm stipulates – either find it horrible and fight against it, or, essentially enjoy it.

It is clear that this undertaking can never be fully achieved, but rather, remains brittle: In vigilance, one finds secret pleasure; and in pleasure, secret vigilance.

Making the sexual taboo runs counter to defensiveness, which is based on the demonization of the sexual. This demonization consists of the notion that everything sexual is only able to be perceived in association with fear. Since this tabooization does not lead to a clarification of the causes of fear ("one does not talk about such things"), this fear remains subconscious, and the tabooization – based on ostensibly rational and objective grounds – is consciously accepted as right and proper because, through this, unconscious fear is – seemingly – done away with.

In this context – the condemnation of something which, of course, one is not allowed to actually examine – it remains permanently vague.

And so it has come to pass that every sexual denunciation, even without having to be even remotely specific (intimations are sufficient), wreaks its destructive effects. Therefore, one's own fear of being personally sexually defamed is – via a disavowal of sexual connotations relative to one's self – fended off. And thus arises a literally self-sustaining system of taboo-maintenance.

Many people postpone the hoped-for fulfillment of their secret sexual desires, from childhood on up, until later, constantly putting it off until some future time: Lenient pedagogy responds to the sexual desires of children and youth with re-channeling; strict pedagogy, with prohibitions and punishment. Sexuality is not a field of learning in which experiences are permitted to be freely chosen, as they would be in other fields of learning. Every other field of learning can, should, and even must be developed through play. A veritable flood of play ideas and toys has been unleashed to promote learning; only, not in the sexual sphere. Here the norm is not self-determination, but rather, others' determinations. As a result this state of affairs leads, in many biographies, to life-long postponement, with no transition from "not yet" to "not any more."

Consequently, as far as the attainment of power is concerned, what matters is not how identity gets fractured, but that it does get fractured. Also, what matters is not which norms get erected, but rather, that norms are erected. That is to say, in different cultures, this often happens in completely different ways.

However the result, a fracture of wholeness, remains the same. It is universally true that the more restrictive a society is, the more restrictive are its sexual norms. To put it another way: The degree of its curbs on sexual liberty, which is to say: on its sexual legislation and practice. This means that the degree of sexual-political evolution is – just like with a seismographic instrument – a readable, reliable indicator of the prevailing direction of overall political development.

The reason why sexuality is so well-suited to the attainment of power is because every person is, from the very beginning, a sexual being, and the intellect, which might otherwise have been able to prevent the identity fracture, is only developed long after the fracture; therefore, the intellect also does not reach back to the source of the damage, which means that this damage remains outside of one's consciousness. At most, it can be seen – if at all – on an abstract level much later on.

### **2nd Condition: Lack of Awareness**

Therefore, aside from the fracture of identity, this exceedingly simple system has a second functional condition: lack of awareness.

Because of it, the illusion continues to exist that fear results from a deviation from the norm, instead of the fracture of identity. The actual cause of anxiety, the identity fracture, remains beyond conscious awareness.

The genius of the system is, of course, its very simplicity, since hardly anyone – absent something more – would wish to believe that the reason for so very, very many of humanity's problems should be so exceedingly banal.

When attention is shifted away from the obvious, because it seems too banal, reasons are sought out in places where they do not actually exist – and of course, are not found. And so, we still have an enormous market in psychiatry, psychotherapy, and life-coaching; that is, to the extent that it is sustained by sexual questions and problems, without, of course, solving any of them.

In psychotherapy, these inter-relationships are all too familiar. Its aim, therefore, is the dismantling of defenses, inhibitions, and blockades, inasmuch as they prevent patients from lovingly accepting themselves.

In order to combat the causes of identity fracture across the board, one of course must become politically engaged, building, through the education of the general public, a critical awareness. While psychotherapy is effective on an individual level – as it were, in silence, walled off by therapists' duty of confidentiality as well as patients' shame – on the societal level, it produces only an individual easing of its effects. So long as psychotherapy is not articulated politically, the result is that the patient views his problem in a vacuum, something which only he himself or perhaps a couple of others have, but not as something which afflicts each and every member of society. The mere alleviation of suffering is, from the perspective of the maintenance of power, an absolutely desirable result, because it makes the suffering more endurable without actually placing it into question. In order to combat the causes of identity fracture and its social devastation, psychotherapy must be active politically, while educating the general public so that it can build up a universally critical consciousness. But of course, power would never take being eliminated, or even brought into question, lying down; rather, it demands what it needs, and only tolerates that which does not threaten it, while attempting to exterminate anything else. Therefore, out of self-protection, psychotherapy confines itself to its social stabilization function, thereby ensuring its livelihood.

### **The Norm's Function**

Because the norm is determined by external powers, and is treated as being equivalent to it, virtually any norm one might care to mention can be changed via power. Thus the representatives of power, namely, society's functionaries, are always synonymous with the norm, whichever one it may be promulgating. Anyone who uses force to enforce norms has power. The norm is, of course, the corset offering the broken individual – just like the corset on a broken broom handle – support and security.

Thus originates a willing dependence on power, on authority. Authority is defined by power, not by ability. The external norm, which one needs only as a consequence of the identity fracture, is perceived as protection, and experienced positively, because one's anxiety in the face of the loss of wholeness (security) is

noticeably alleviated; therefore, the external norm appears to be accepted. However, flying beneath the wings of the external norm can only conceal anxiety, not actually take it away, because the fracture itself is of course still there, and the norm merely represents its corset. The anxiety remains, and the mechanism – like a grandfather clock's weighted pendulum – keeps on going, the mechanism which is subject to itself as well as other external norms.

Laying bare this mechanism could impair its function, as the functioning individual develops the ability to heal his own fractured identity, establish his own, self-determined norms, and interact with his offspring in such a way that what is brought about is no longer the fracture of identity, but rather, its preservation. However, anyone who throws light upon this rattles the very foundations of power. One sets oneself against sexual taboo.

It remains effective through thought-prohibitions, regulations on behavior, and limitations on speech, which, as it were, grease the internalized, oppressive wheels of alienation. Thoughts are subservient to speech. It is difficult to think of something which cannot be spoken of. Thoughts produce concepts, and assemble them. When these conceptual formations are constrained, thoughts can only be put together within these constraints.

In the area of sexuality, verbal constraints take the form of medical or criminological language. New cultural language is authorized only to the extent that it remains indirect, e.g., in lyrics, or is limited to intimations, e.g., in jokes. In addition to that there exists, within narrow limits, a tolerated lexicon of vulgarity. The lexicon of vulgarity is only permissible if one simultaneously rejects it (behind a held-up hand, only for certain reasons, only within certain circles).

This conflicted relationship with verbal norms also reveals itself in behavior: All research into sexual behavior is burdened by the fact that it stands in stark contrast to the proclaimed sexual norm. The conflicted (schizophrenic) relationship comes about in two ways: on the one hand, the acceptance of taboo (and the power relationships associated with that), and on the other, the relief-function of the corresponding pressure release, just like what happens with a pressure cooker: The hermetically sealed cover is the taboo, the burner, life itself. Without the relief-valve of tolerance, the pot would explode. Consequently, with this relief-valve of tolerance, the pressure which had been produced as a consequence of the sexual taboo is regulated. This type of tolerance, which has nothing to do with acceptance, has been accurately characterized by Herbert Marcuse as 'repressive tolerance.'

This conflictedness likewise has an effect on thought, and is shaped alongside the behaviors of conflicted normality, bifurcated into, on the one hand, the proclaimed sexual morality, and on the other, actual (hidden, or, longed-for) sexual behaviors.

Strong threats against normality are met with strong measures; e.g., the defamation of ideas. Concepts which are neutral in and of themselves have their function altered, and are thereby ascribed moral value or turned into terms of disgrace, as, for example, with the concept of anarchy. Anarchy means the opposite of hierarchy; it does not mean, for example, the absence of rules (which is precisely – with the goal of defamation – what is claimed); rather, anarchy means the rejection of power. In an anarchic society, people's identity would be, not fractured, but rather, respected. It would find its possibilities and limits not through external determinations, but rather, within itself. Its self-evident social achievement would be creativity, not reproduction. While it is true that in the hierarchy there are also freedoms, these are not self-determined, but assigned. In sexuality, in addition to the above-mentioned limitations on speech, concepts are also defamed which, in and of themselves, denote value-neutral divergent behavior; i.e., the concept of 'perverse.' It literally means "opposite," and simply says that a particular behavior is different from the former; it says nothing about good or bad. This is similar to Sigmund Freud's assessment of the child as being polymorphously perverse. What Freud meant by this completely value-neutrally is that the child is polymorphously perverse, that is, "multifaceted" in its sexual potentialities; initially, it can be sexual with anything; this multifacetedness would be perverse, which is to say, opposite of that which adults have confined their original multifacetedness to.

The conceptual trio of good/naughty/deviant is also particularly revealing vis-à-vis power relationships: Sexual norm violation always merits the strongest defamation.

## **The Renunciation of Power Threatens Power**

What are at issue here are the fundamental human potentialities of freedom (anarchy) and subjugation (hierarchy). Because no freedom is possible without simultaneously being subject to regulation, anarchy and hierarchy are, like yin and yang, constantly in tension with one another. This tension is fruitful in and of itself, because it brings about organization. It is unproductive – suffocating – the moment it seeks to rise above or overturn yin and yang. The result of that is always totalitarian attitudes. The dictator is just as totalitarian as rulelessness. The fruitfulness of the two opposites – as always, one wishes to be able to say whether it's freedom/subjugation, anarchy/hierarchy, yin/yang, black/white, gravity/centrifugal force, etc. – is only extant so long as those opposites correspond to one another, and neither one overwhelms the other.

We experience the successful alternation between tension and balance as being a living thing; the outcome is harmonic, and results in a sense of well-being. The whole of the natural world functions in this way. Man can, on his own initiative, and out of his own free will, either respect or wreck this creative principle; such is his "God-like-ness." That is, were he not able to do this, were he not free, then he would also have no responsibility, for responsibility presupposes freedom.

Freedom means being allowed to decide, but not having to do so, right on up to the freedom to give meaning to life, or not.

Every person has the capability of finding his own rules; this sets him apart from animals, and bestows to him his human dignity. This capability can, however, also be subjugated to the determinations of others, thereby offending against human dignity.

Conditions in the world which are fashioned by man are, almost without exception, hierarchical; that is, they do not correspond to yin and yang, but rather, power over others establishing itself. The result is lethal. Whether we are talking about the consequences of war or the consequences of economic systems – which are based on domination by arms across empires – wherever life is annihilated, it makes no difference.

Because all that is extant strives for self-preservation, and struggles for the continuation of its own existence – I call this the Actual Law of Existence – power also strives for its preservation. Therefore, the renunciation of power is a threat to power. The renunciation of power erodes power's potential, because there is no new re-growth.

The isolated renunciation of power is not a problem; it disappears from view, because it is insignificant. A chain reaction of power repudiation could, however, become a threat to power conditions; thus, the proclamation of a repudiation of power already means a provocation of the powerful. The renunciation of power has the same effect on power as a broken broomstick has on it: one can no longer conduct it centrally, and must sweep by hand.

Or, to continue with this same metaphor, if the unbroken broom handle (man) takes control of his own destiny, and wants to sweep out for himself, then he is no longer an object (and thus, subjugated), but rather, a subject (and thus, self determined). Respect for human dignity consists of respect for one's status as subject.

Subject status is safeguarded when rules are of service to the subject who is affected by those rules. It is not safeguarded when the subject must go against the rules. All rules are readily distinguishable by the answer to the following question: Are they of service to people when they are concretely applied; or, must the person go against a rule, which is of no use to him personally?

An incorporated, fully automatic instrument for analyzing this is health: When well-being prevails, subject status is also predominant at this point in time.

### **Conflicted (Schizophrenic) Normality Is Felt to Be "Correct"**

One must again and again make clear, in order to understand the interactional effects as well as the illusion inherent here, that norms, as well as power relationships, as well as the contradictory and conflicted nature of thoughts vs. actions, are experienced by the individual as being normal, in the sense of being "correct," and are, therefore, defended.

What subjugation to external power primarily offers to the individual is security, subsequent to one's own internal sense of security having been lost as a result of the fracture of identity. The individual does not



know that external power takes away one's security, and that, only then does one become dependent upon external power. The destroyer comes in the guise of the preserver, the protector.

Because these events are beyond one's awareness, the process of its internalization also remains unconscious: The initial external corset is experienced as being something of one's own, is defended, and is passed on to each subsequent generation. The identity-fracture not only creates a victim, but has the simultaneous effect that the victim, for his part, gets turned into the perpetrator. Perpetrator and victim reproduce one another, and know nothing about it.

Consequently, what we have here has nothing to do with good and bad, in the sense of being able to establish a clearly demarcated concept of the enemy; instead, everyone, in his essence and in his potentialities, is both "good" and "bad." Often, it is even a question of one's point of view, whether a given thing is regarded as good or bad, and just as often, it is grief at another's pleasure, as the vernacular says.

### **3rd Condition: The Repression**

Without the corset of external determinations, the fractured individual would, consequently, have no security. Criticism of this corset of external determinations is, therefore, not merely a subjectively felt threat, but also, objectively threatens the fractured individual: the swearing-off of external supports would render him insecure.

It follows from that, that the more hard hitting is the criticism of the causes and interrelationships which allow power to arise and be maintained, the greater the threat to power, the greater, consequently, is also its resistance – up to the point of mania (as a particularly extreme form of resistance).

Even the mere revelation of these interrelationships creates anxiety, because the realization that one is internally broken is not helpful, but rather, only leaves shock and alarm in its wake. Not to mention that while it is always possible to heal a given fracture, doing so would be, in any event, an arduous process. Due to its hideousness, the very fact of the identity fracture is repressed by the injured individual, for his own protection. This is the third functional condition.

Repression is commonplace, and is necessary in order to be able to control anything; it is not only limiting, but also, enabling. The carrying out of any given action presupposes repressing or suppressing something else. There are helpful and harmful repressions. What has been repressed can, via one being made aware, be rendered available once more.

The ability to be able to repress that which cannot be changed is a mark of mental health. Incurable damage which had been repressed may be brought into conscious awareness, but it would still be incurable; of course, it would be pointless to tear open bandaged wounds. Consequently, becoming aware is a particularly responsibility-accepting event.

The fact is that, under the three conditions described: 1. the fracture of bodily integrity by the creation of tabooed zones, 2. the lack of awareness of the fracture, and, 3. the repression of the consequences; the literal corset of the external diaper actually changes into the figurative corset of the external norm, thereby allowing anything to insert itself in. This is shown quite beautifully by the example of the rules related to swimming: Swimming attire is either required, or, it is stipulated that no swimsuits are allowed to be worn. Consequently, it is not actually a matter of whether swimming attire is worn or not; but rather, that there are rules regarding it. Often, with greater self-assuredness, the very same people move – within the same swimming location – from clothed to clothes-free areas, willingly submitting themselves to whatever clothing regulations are in effect. It seems grotesque when one examines the clothing acrobatics which go on in narrow cubicles, or with the aid of hand towels. Accordingly, one can be both clothed and also nakedly incite "public offense." Even to members of the Free Body Culture (Freikörperkultur; FKK) have typically internalized the original diaper – which is otherwise symbolized by the figurative corset of the swimsuit – to such an extent that, despite their nakedness, they often very prudishly close off their clubs. Truly liberal ways of comporting oneself arise only when there are no limitations on access, and regimentation is repudiated.

Most people respond with annoyance to the absence of rules, absolutely expecting them to be there. That is, it is the external norm which offers them security, which they do not have arising from within themselves. Placing this security in question creates anxiety.

The Freud protégé Wilhelm Reich was especially concerned with the relationship between sexuality and power, carrying over Freud's findings to the political realm. He fled from the Nazis, expecting America to be liberal. He was locked up in the Lewisburg Prison in 1955, and in 1957, died there.

### **Sexual Identity Is Initially Fractured by Women**

It is due to the social distribution of roles that sexual identity is initially fractured by women, because they are usually the ones who bring children up during the critical age of early childhood. If the roles were reversed it would be men, as child-rearers, who would initially fracture their offspring's sexual identity.

Consequently, the gender of the caregiver has nothing to do with the fact that the caregiver brings about the offspring's identity-fracture; rather, it is one's role as a caregiver.

The permanently imprinted fracture of the infant's sexual identity takes place essentially via child-related actions which, from the very beginning, tabooize the sexual sphere through omission, concealment, or other defenses. The sexual sphere is not the arena of positive attention. Moreover, as far as the effectiveness of the imprinted influence upon the infant, it is irrelevant whether this influence is exercised consciously or unconsciously; and anyway, it is not aimed at cognitive capabilities, which have not even been developed yet, but rather, gets picked up via sensations, and is unconsciously imprinted as a taboo experience.

Only long after its establishment does this internalized sexual taboo become accessible to mature intellectual criticism. At that point, it can no longer do damage to the taboo in terms of its foundations, because the scope of the intellect does not encompass the span of early childhood. It is akin to a flood of water rushing over rocky ground, which at best, enables things to be smoothed out a bit, but cannot actually remove the stones; or, like a steady drip, which slowly hollows out the stone, but does only that. And many a rocky ground is never moistened by a flood, but rather, remains in its original, cragged state, and is unmoved by anything around it.

### **Identity Fracture Is an Instrument of Hierarchy Formation**

Also potentially anarchic (polymorphous) – like sexuality – is art, which, after all, enables all creativity to flower only under the precondition of anarchy, of theoretical limitlessness.

It is only to the extent that the rules are allowed to evolve naturally that qualitative creativity will remain, in the sense of the embodiment of a creative way of life. Otherwise it loses its liveliness, lapses into mere recapitulation, or even dies, ossifying as a corpse. Above all in music and art one sees the creative very clearly, and one sees, likewise, how power appropriates it, in the course of which the former arbitrarily assesses whether it gets incorporated into popular art, or, is discriminated against as degenerate (to show the boundaries of possibilities), for only despotism is able to dominate the anarchic and archaic dimension of creativity (which, in spite of all resistance, is always forcing its way through, like a little sprout in asphalt).

Joseph Beuys understood this, breaking through as a person – via his hat – the prevailing understanding of normality, and via his work, the reigning conception of art. He called congealed fat and his own children's bathtub art, conferring to the concept of art the dimension of the absurd, and a theoretical boundlessness. In that way, he gave back to art its freedom. The hierarchy could only be preserved either by making him and his work look ridiculous, or, integrating them into the prevailing concept of art. Making him look ridiculous and excluding him was not successful; Beuys got too much attention. The hierarchy was, therefore, maintained by stretching the prevailing conception of art to incorporate Beuys' work, such that, it found a place within the establishment. (In Mönchengladbach one finds the multi-million Euro Abteilung Museum, where, among other things, Beuys' works made of tallow and felt were exhibited.) By collecting these works, they lose their provocative character, and with it, its true message: the critique of power.

What happens with sexuality is no different. As discrimination against homosexuality gave rise to increasing societal opposition, the concept of normality was correspondingly expanded, and punishment was done away with. Consequently, one had not repudiated the power to define normality; rather, one had simply defined it differently.

Not sexually oppressing children, and consequently, respecting their identity, instead of fracturing it, would unleash an absolutely explosive force, which in turn would mean unleashing man's anarchic dimension, and likewise, doing away with the hierarchical dimension, which had been constructed within him. Everything would be fundamentally changed. And this causes anxiety, all the more so when those fears are unconscious.

### **Institutionalized Education Preserves the Hierarchy**

That is the reason why education has attained such a high status: When a society is no longer able to confine itself to its own reproduction – always creating perfect copies of its cultures and hierarchies – but rather, for its very survival, requires creativity on the part of its members, it will also need a more subtle means of control. Whereas up until that time, the open suppression of creativity extended all the way up to brute force, as was/is customary in all feudal systems, from now on a differentiated educational and child-rearing system would be required, which fosters desirable traits and, as before, represses undesirable ones. In these ways, institutional education and up-bringing came into existence via universal schooling and other state institutions. Out of the educational prerogative of the realm came an educational duty on the part of the masses. Criticism of this state of affairs is directed not against the function of schools – to foster desirable traits while repressing undesirable ones – but rather, against the externally determined definition of force, and just what is desirable or undesirable, what is good, and what is bad.

What is looked at as a requirement and is extolled, and absolutely does cost the state something, is – for the most part – a realized and externally determined construction, nothing less than a change in and conformity of attitudes, a state-legitimated and organized oppression of the many by the few, as it has always been; and the hierarchical models of this concept are called the family, the community, the school, and the workplace. Freedoms, such as leisure time, sports, and art are, in essence, either consumptive or subsumed into externally-determined actionism; everything else is fantasy.

### **Overcoming Human Sorrow and Tragedy**

Because human beings' power over other human beings is based on the fracture of sexual identity, the violence which has grown out of that can only be eliminated by the repudiation of power, which means, in concrete terms, a repudiation of the sexual oppression of children.

And because this – in its effects – would be tantamount to a revolution, the result of which would be the elimination of existing power relationships, society, therefore, needs to disguise its violent nature, as well as maintain the existing power-relationships vis-à-vis the myth of the asexual child, who must be kept away from sexuality (but not from violence). Thus, social power gets up in arms whenever its sinecure is seen to be threatened by the repudiation of power over children. Nothing whatsoever can be done about the absolutely dreadful violence which the masses actually do to children; this is successful only when the violence against children can be deemed to be sexual violence. As far as children are concerned, all sexuality, ipso facto, counts as violence, while, at the same time, nonsexual force and violence is allowed, and is even – under certain circumstances – regarded as a parental or educational prerogative. Everyone knows the saying about a slap in the face at the proper time, which hasn't done any harm to anyone yet. And even quite severe violence against children rarely encounters more resistance than mere disapproval, to say nothing of criminological consequences. But of course, when sex come into play, the most massive of criminological consequences are certain, not seldom accompanied by lynch mob justice, even when the violent incident did not actually occur: In these cases is violence – as always – not simply assumed but, the very fact that it remains invisible is precisely what makes the "perpetrator" all the more monstrous.

Thus, upon closer examination, indignation at sexual violence shows itself to be indignation at sexuality itself, as is the classificational practice of lawful youth protection; many additional examples of this could be readily supplied. Violence is an enjoyed and even generally-accepted value in the field of entertainment.

Therefore the anti-authoritarian upbringing and education of the 1968 generation is, as far as the powers-that-be are concerned, allowed to get off lightly and, for the most part, rest in peace because it did not actually place the sexual taboo in question; rather, their type of upbringing proved to be a particularly nasty variant of

violence against children, in which children were left to their own devices. A children's saying from that time, which caused a furor, caricatures this quite strikingly: "Must we again play what we want?"

This sort of anti-authoritarian (mis-) understanding has nothing to do with the power-repudiation of an anarchy-based position, but instead, leaves children alone, thereby abandoning them to their own powerlessness – this is brutal in the extreme. Violence, however, is not worried about in a society which is based on force; rather, nonviolence is what casts suspicion on it. One thinks only – entirely non-sexually – of Mahatma Gandhi. But this suspect anarchy – into which the authorities certainly would have subsequently intervened – came to left-wing play-groups only in rhetorical, as opposed to real, terms. It merely teased power; it did not threaten its very existence.

Incidentally, the established community of children known as "Such Screwballs" was not significant either.

On the other hand, Alexander Sutherland Neill's anti-authoritarian International Summerhill School in puritanical England was, in contrast to the alternative goofing-around of the Hippie era, a very serious project. Thus, it was only accepted because it concerned itself with children who society had written off anyway, and because the project resulted in the training-up of citizens, who seamlessly and efficiently inserted themselves into established social inter-relationships. In contrast to so-called anti-authoritarian upbringing, where children really were left alone, Neill's approach to dealing with children really was in accordance with an always present, distinction-making, engaged, and qualitative offer, backed up to the fullest, to be able to freely develop themselves, if, when, and how one wished to. The rules which are essential to any social life were not prescribed in advance, but were, rather, developed by those who were affected by them; they included a qualitatively high degree of protection for minorities, and were subject – in terms of their basic changeability – not to the determinations of an external authority, but rather, to the social dynamics of the community.

But the children only came to Summerhill – the most beneficial of international schools – long after their sexual identity had already been broken, which was probably the reason why they were also able to find their way around in – as well as fit into – society's traditional power structures. Because, external power is always sought by those who feel the flaw of an inner brokenness. External power functions like a corset against the disintegration of the personality, representing, as it were, a lesser evil, relative to the danger that, without an external corset, the internally insecure person would remain unstable.

The tragedy of man consists of the fact that he can see a way out of his suffering: solidarity with his fellow sufferers. And yet, he is not put together in such a way as to be able to bring this solidarity about.

There are only "islands" of solidarity, which one consciously seeks out or is even able to construct with other people who, despite all of the setbacks and threats from the outside, again and again make a common cause of this endeavor.

It's not about the authorities, self-appointed child-protectors, public apprehension over children, or contact with the latter. It's about an ever-vigilant anxiety within broken persons themselves in the face of the loss of their security which, as an alternative, they seek – and find – in external power. Persons who are broken within themselves are extremely dangerous. They are not interested in the small degree of influence which individual efforts at the repudiation of power may seek to engage in, because this does not represent any real threat to power; to the violent members of a violent society, such phenomena seem, at best, exotic or peculiar. This is not the case, however, as far as laying bare the mechanics of power is concerned, or even, a proclamation of power-repudiation.

Anyone who – like the Human Sexuality Working Group (AHS) – seeks this risks his own existence. Therefore, the AHS' status is a good yardstick for the condition of society: The extent of the ever widening restrictions is detectable in the pressure which is placed on the AHS, the pressure which it places on itself, and, a vanishing solidarity.

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## **Some Reflections on the Concept of "Sexual Abuse"**

B. Bendig, M.S.W., Langenfeld

The sexual abuse concept lacks clarity. The vagaries range from what is meant to be understood by it, on up to the term "sexual abuse" itself, which is quite contentious.<sup>1</sup>

The definitions of it range from the completely arbitrary labeling of particular actions (and even circumstances, intentions, etc.) as "sexual," on up to quite concrete actions and unambiguous activities. Moreover, there is an extensive dependence on notions of morality;<sup>2</sup> but of course, these are of no real use to day-to-day psychological or pedagogical practice. They are not psychologically useful because what is deemed to be a violation comes down to a subjective feeling; they are not pedagogically useful because they lack a delimiting framework which is (1) sufficiently clear in and of itself, and, (2) would be suitably clear in terms of day to day practice.

Not only do such rigid constructs absolutely founder on the social dynamics of life, as soon as the actual goings on are examined (instead of "picturing" abstract images); but also, rigid definitions absolutely prove themselves to be impracticable constructs, as soon as they collide with the demands of a positive sexual pedagogy. In addition, rigid constructs also clash with humanitarian notions of freedom, which is guaranteed only when the right to self-determination is protected, whereby both potentialities as well as limits may be found. This also requires a fully dynamic assessment of always complex events.

Sexuality, as a reality-corresponding, far-reaching phenomenon, cannot be confined to certain regions of the body, particular facts, or otherwise; to only slightly overstate the case, there really are no 'nonsexual' interactions.

A cataloging of actions or feelings is ill-suited for assessing violations or transgressions, for when they are applied rigidly, one finds that life itself is not so cut and dried; it is helpful to orient the evaluation of catalogued actions and feelings within the context of an individual's overall life-situation, so that their discrete meanings and importance can be assessed.

These unquestionably difficult efforts should not be allowed to founder upon new ideological shoals, whereby sexual interactions between adults and children would always be regarded as being burdened, to the child's disadvantage, by a relationship of dependency, and would, therefore, be *ipso facto* harmful to the child. Such over-simplifications are just as condemnable as age limits. Such rigid constructs can neither capture nor reflect the reality of the social dynamics of life.

Furthermore, to the subjective category of the experience of a violation or transgression must be added the objective category of an ascertained violation; and indeed, on four grounds:

- I. Even if it was not experienced as a violation, it still could be one;
- II. Conversely, a sense of having been violated may not be objectively permanent;
- III. The sense of having been violated may be based on the extent to which one's consciousness has developed; a 'mistaken' consciousness may be the actual cause of a sense of having been violated. In

these cases, the 'mistaken' consciousness is the actual violation. One comes to see this only when another event conflicts with the initial one, and the 'mistaken' consciousness is displaced.

IV. The sense and assessment of an objective fact may change over the course of one's life.

These difficulties are largely circumvented by resorting to a putative ideological consensus; namely, that all sexuality between children and adults means violating a child. The representatives of this view make use of a starkly value-laden lexicon: There the talk is of "making demands upon children,"<sup>3</sup> which is said to inevitably lead to "violence and the destruction of the psychic reality, integrity, and sexuality of their child objects."<sup>4</sup>

Adults making demands upon children is unquestionably widespread, and indeed, in every sphere; and these really are against their wishes! However, as soon as it comes to sexual interactions, portraying adults making demands upon children as the only reality means a self-limiting of the possibility to even consider other realities, let alone then be able to perceive them.

The second above quote shows the degree of moral indignation which would be regarded as appropriate for accurately describing violations which are, without exception, to be feared as sexual "demands made upon children." The recent efforts at de-dramatizing the issue and approaching it more objectively need a carefully differentiated lexicon, which should be used to overcome fear by having a clear-headed discussion about the matter. Apparently, we have a long ways to go before we reach this stage.

Stepping away from the ideological refuge of subjectivity would allow for some gradual distinctions to be made vis-à-vis the fundamental harmfulness of sexual interactions between adults and children. It is a question, however, of a fundamental recognition of the fact that there are both harmful as well as harmless – even beneficial – sexual interactions between adults and children. The reports of adults who, as children, were themselves involved in sexual relationships with adults, and who evaluated these experiences at the time as being positive, and still assess them so today, should not simply be dismissed.<sup>5</sup>

In the Human Sexuality Working Group's publication on "Sexuality Between Adults and Children,"<sup>6</sup> this group of professionals is even of the opinion that it is not the sex itself that would constitute the harmfulness of these sexual interactions, but rather, the degree of force or violence within them. According to this approach, what is to be operationalized are the criteria for force and/or violence, and in particular, expanding this into the arena of non-visible force. Consequently, it looks not at the sexual acts and sensations in the interactions between children and adults, but rather, the degree of structural, psychological, and physical force or violence.

In the present-day professional literature, the fundamental fact that there are both harmful as well as harmless sexual interactions between adults and children is either denied outright, to a certain extent tolerated or welcomed in the case of liberal pedagogy, asserted only *sotto voce*, or, shifted on to what are regarded as non-problematic ages. The end of childhood is, then, taken to be the onset of puberty; thus, around the age of twelve.<sup>7</sup>

The reason for the wariness to express the plausible hypothesis that there are two sides to every coin, including those pertaining to sexual interactions, would probably be a certain collision with the societal view that sex between adults and children is harmful to the latter in each and every case, and is, therefore, punishable. This collision will always be felt, whenever one dares to call this subjectivity into question.

### Summary

The sexual abuse concept lacks clarity. Because the vagaries inherent in it are so far reaching, without a new, standardized definition of what it is, any common consensus is out of the question. This definition must be applicable to real life cases, and should be oriented towards the concept of violation or transgression. To ascertain that a violation has occurred, both the objective category – what is a violation – as well as the subjective category of a sense of having been violated, must be operationalized.

Any moves to limit the definition to just one of the above two categories should be opposed. Moral standards which are based on societal notions and demands are improper. The fact that a violation has taken place can be established – or not – via objectively similar basic conditions in individual cases. It can be ascertained only on a case by case basis, not in general and abstract terms.

"It is not the erotic and possibly sexual relationship with an adult which harms the child, but rather, the excessive demands placed upon the relationship by the adult." <sup>8</sup>

What is important to establishing that a violation has taken place is not which sexual acts have occurred, but rather, whether they were brought about via structural, psychological, and/or physical force or violence, and, how they are experienced.

When "no negative consequences are able to be ascertained, one should not speak of 'sexual abuse' " <sup>9</sup> (or a new violation-concept).

The sexual criminal law is ill suited to intervening in this area. Sex per se should not constitute a criminal act; the decisive factor here should be whether an actual transgression has occurred. A special, separate criminal law is not needed in order to establish that a transgression in the sexual sphere has occurred; this can be established via the general criminal law, which is already, to a great extent, taking place. Also, the perpetrator/victim dichotomy does not, as a rule, correspond to the reality of the social dynamics of real life. These and other one-sided concepts should be ditched, and replaced by the practice of making – in the truest sense of the word – some very necessary distinctions.

### Endnotes

1. Herta Richter—Appelt thinks that the "concept of sexual abuse is extremely misleading"; nevertheless, she does not name a 'better' one, but instead, continues to use it "due to its widespread currency." An odd reason.
2. Reinhart Wolff: "In our culture and society, child sexual abuse is, first and foremost, a moral question." Bettina Schuhrke admits to having this moralistic viewpoint: "Because the belief that this is what abuse is has now become widely shared, abuse must be evaluated on the basis of social customs and preferences." (Citing from Katharina Rutschky, Reinhart Wolff: *Handbook of Sexual Abuse*, Klein-Verlag, Hamburg, 1994.)
3. Katharina Rutschky, loc. cit. [193] Unfortunately, journalists endeavor to make it difficult to make respectable contributions in terms of being more objective on this issue.
4. The quotation is by L. Gast, cited in the chapter by Herta Richter-Appelt, loc. cit.
5. Rudiger Lautmann empirically investigated, for the first time on German soil, sexual relationships between children and adults which had not been subjected to either legal proceedings or psychiatric intervention: *Attraction to Children*, Klein Verlag, Hamburg, 1994. Studies with similar findings had been published previously in the Netherlands: Frits Bernard: *Pedophilia: On the Love of Children*, Lollar, 1979; Theo Sandfort: *Pedophiles' Experiences*, Gerdt Holtzmayr Verlag, Braunschweig, 1986.
6. Berlin, 1988. PAD – Pädagogische Arbeitsstelle Dortmund – Verlag – ISBN 3-88515-081-6.
7. In Germany, the legal and crimino-legal end of childhood is set at age 14; the youth protection threshold is set at age 16. This means that, in certain cases, sexual acts involving persons under 16 with those over 18 are punishable as abuse. Engaging in sexual acts with those under age 14 is always regarded as abuse, regardless of the age of the older partner. If both parties are children, they are regarded as both victims and perpetrators. However, because they are still children, they cannot, concededly, be criminally prosecuted.
8. Helmut Kentler, loc. cit.
9. Ibid.

# Love is Transmitted by the Skin

An Essay by Dr. A. Pelo, Rotterdam<sup>1</sup>

"What Does Love Have to Do with Reason?" Goethe

## Introduction

This essay is about sexuality in a very broad sense. The expression of tactile sexuality is not new. Some readers will be of the impression that it is about stroking, caressing, and ensuring well-being, including physical well-being. The well-being of one's own body, and that of one's beloved.

We have deliberately called this brief text an essay, because it actually represents a non-scientific assessment of the topic; a sort of philosophical one, even if not in the modern terminological sense. By the same token, neither is this text a treatise, for it does not present and discuss different opinions or theories.

And so, with this transmission we seek to convey certain intuitive insights, in an effort to arrive at a synthesis – this is, as always, what we are striving for. Synthesis and analysis are polar opposites. They are equally important in getting at the truth. But when we get stuck in analysis, and, to a certain extent, synthesis goes by the wayside, what we have is a kind of nuclear fission. This sort of nuclear fission leads to abstractions which, though they sound very nice, and even, to a certain extent, appear to be objective, in terms of lived reality they really aren't applicable, at least not in their pure terms. This is just as true of the straight and clear lines – which are to be found nowhere in nature – as it is for certain hackneyed thought-patterns which have shaped abstract and analytical thinking. We may characterize such thought-patterns as categories, as firmly circumscribed conceptual frames.

And some thought, which is exclusively determined by such categories, we must logically define as categorical thought. Concerning the sphere of sexuality, these categories include:

- Heterosexuality
- Homosexuality
- Pedophilia
- Pederasty
- Ephebophilia
- Gerontophilia
- Zoophilia

We shall leave it to others to pursue such analyses further. Not that we would be opposed to analyses or analyzing, or against analytic thought in general. We have already explained that this is, in fact, important in terms of getting at the truth. But we should not, I believe, remain stuck in analysis. After the analysis, when we have gone over everything with a fine-tooth comb and dissected it, we must, so to speak, tidy up, re-focus our vision, and put the puzzle back together again.

After psychoanalysis comes, logically, psychosynthesis. Although most people, if they get anything out of it at all, do so only initially. But we live once again in an era of theories which, by the way, also has its advantages. Above all, that earlier orthodoxies have long since been weakened, and have vanished. Then, the admittance of various theories concerning particular topics or vital issues leads to a more or less pluralistic conception of the world, and thus, to a certain extent, a tolerant one. And what, coming back to our present subject, do we actually have in terms of a required tolerance?

We would not want to go so far as to say that the fundamental error consists of the word sexuality itself, in the sense that this word comprises the bare facts of its existence, the possibility of splitting sexual functions off from love.

Now the reader might say that it of course happens quite frequently that sexuality, as it were in its cold form, is experienced as being divorced from love, as loveless, or, that sometimes, we respond with even greater sexual excitement when the person whom we sexually desire, evinces no particular warmth or love. This is quite true; nevertheless, sexuality accompanied by love is experienced as being more satisfying and joyous than is a disintegrated form of sexuality, divorced from love.



Here, we represent the view that the mere classification of sexual desire into more or less firmly demarcated sexual categories, a sort of typology of sexual habits,<sup>2</sup> is not able, in and of itself, to bring about an increase in tolerance among the relatively enlightened. It is then also possible to separate out the fundamental functions of sex – joy, physical pleasure, and the components of such felicities – from the aforementioned schema.

It is indisputable that, in practice, classifications of this kind serve a labeling function. This has positive and negative consequences. Looking at them in a positive light, they provide individuals with group classifications which give them feelings of belonging and emotional security, a sense that one's being is at home and accepted somewhere, just as he or she is. On the negative side, though, they can generate anxiety, because one can never be certain whether one really is such-and-such thing, and not something else. By way of example, a boy-lover who sometimes loves older and other times younger boys, may feel initially that he is a member of the gay community, and then, at yet another time, that he is a member of the pedophile community. The usual consequence of which is, of course, that he never feels completely at home in any of these groups, and perhaps then decides that he does not wish to belong to any of these three groups.

And so, once we discard the aforementioned classification-schema, we see that sexuality, whatever form it may take, initially is focused on our skin and that of our beloved, and then, later on, on contact between our skin and that of our love-partner. From this obviously palpable truth, we now wish to proceed with our little investigation.

### **In Praise of Skin**

Erasmus of Rotterdam praised folly. Nevertheless, all the world dismissed it as folly. And yet, folly is, simultaneously, universal; what is usually overlooked is the fact that there are parallels between folly and the skin. Because, in terms of our body, skin is, indeed, universal: it covers us entirely. And this is usually overlooked, because it is so obvious. Now, mind you, it is not overlooked by lovers, who gaze upon their beloved, and are proverbially drawn to every fiber of his or her being. It is, rather, overlooked by highbrow science, which required centuries in order to notice the obvious benefits of skin-stimulation vis-à-vis mental and physical well-being, as well as the integrity of our immune system.

Without skin, we would be like a barrel with no bottom to it. The skin is what our bodies are wrapped in, which are, essentially, water bags.<sup>3</sup> In addition to that, the skin is our warm blanket, our temperature regulator – just like a spacesuit is for an astronaut.<sup>4</sup>

But aside from its protection and support function, our skin takes on an equally important role in our well-being and health. When we are massaged and stroked, when we are lovingly touched, it feels good, and we experience a deep sense of well-being.

In a study spanning more than thirty years, Ashley Montague has verified the paramount importance of tactile stimulation to children and youth. Her book is, therefore, a guide to the relevant literature in the arena of skin research.<sup>5</sup> With numerous examples, this researcher verifies how harmful the widespread taboo in Western culture against touching is for children first and foremost; the lack of tactile pleasure produces an imbalance in the child's psychosomatic system. By the same token, such pleasure is equally important to all people.

Drawing on studies from the zoological arena, Montague finds that, in mammals, maternal licking is of vital importance to young ones' very survival.<sup>6</sup> Moreover, it is striking that the mother even licks the genitalia; or to be more precise, the zone between the anus and the genitalia. Lab animal experiments in which this postnatal licking was prevented led to such affection-deprived offspring getting serious or even fatal infections in the gastro-urinary and/or gastro-intestinal tracts.<sup>7</sup>

Furthermore, Montague found that such behavior even occurs in human beings. Among the Ingalik, an Eskimo tribe, Montague found that the mother licks the face and hands of newborns, in order to clean them, until the baby is old enough to sit on a bench.<sup>8</sup> It appears that human parental skin stimulation happens more with the hands than the tongue; or, to put it more universally, via eye contact and skin contact. Moreover, numerous researchers have discovered that stimulating children's skin is especially important to the formation of a healthy immune system.<sup>9</sup> In this context, Montague notes that love would be defined as "the harmony of two souls and the contact of two epidermises." In this sense, physical pleasure between mother and child is the

most fundamental, natural, and agreeable form of sexuality known to nature. It goes without saying that this is what pedophilic sexuality is all about.

### **Skin, Tactility, and Pleasure**

The skin is our true sexual organ. All stimulation of the sexual organs is brought about by the stimulation of the skin which envelops them. That is why it seems bizarre to want to label tactile, pleasurable interactions (particularly without penetration) as non-sexual. That is because Sigmund Freud has also defined sexuality in a much broader sense than the one whereby pleasure is, in some way, obtained via the sexual organs. But admittedly, this does beg the question as to whether such pleasure must be obtained via the sexual organs, in order to take on the quality of 'sexual.'

Now, it is certainly also a form of pleasure to drink a cold beer or eat one's favorite meal. This pleasure is, however, of a rather oral nature. One could characterize it as nutritive. But scarcely anyone would think to characterize it as sexual.

But what about stroking the breasts or the genitals? In order to characterize such an act as sexual or non-sexual, does it ultimately come down to the type of stroking, the intent of the stroking, or the area that is stroked?

Perhaps the reader is getting some idea of how difficult and nebulous such delimiting questions really are. And how arbitrarily the answers to them are often left out, even – and especially – in matters relating to the sexual criminal law.

It is possible that, given the fact that most sexual laws are quite old, the legislator has given little thought to these questions, or, to the possibility that we are penalizing behavior which is not only not worthy of punishment, but, on the contrary, is loving, healing, and agreeable? This hypothesis is bolstered by the fact that the aforementioned protection laws, and thus the law itself – which says that only after a certain age or under particular conditions are people entitled to exercise sexual responsibility – originally came out of the ecclesiastical laws. This may already be well-known to many readers. But, few know that these church laws never had anything to do with what we, today, would characterize as tactile or stroking related sexuality; rather, they were concerned with prohibiting the rape of children. Because the ecclesiastical laws go back further than Roman law, which, for its part, was based on the old Greek law. And this probably prohibited the actual rape of boys, not mutually agreed-upon sexual acts between men and small boys of the upper classes.

Only later, at the time of the beginning of industrialization, was the scope of these laws expanded, thereby encompassing more and more even consensual love and sexual relationships between adults and so-called minors. One can also see that respect for children decreased somewhat, whereby one's free decision to engage in a particular fulfilling love-relationship was no longer honored, and characterized as legally invalid.

Even after the Middle Ages had passed, it was still customary for people from various age groups to sleep, naked, in the same bed, which is still the case today with Eskimos and certain native peoples. Physical touching and occasional caressing, which arise more or less spontaneously, tempted neither cats nor legislators.

Today, it would be regarded as rather unusual to allow children to cuddle with one another in bed, or even for children and adults to engage in horseplay with each other on a bed or on the floor. This despite the fact that it has now also been confirmed scientifically that direct skin-to-skin contact, warmth, togetherness, affection, nakedness, stroking, and massage are equally important and essential for people of all age groups.

Various researchers have closely examined the consequences of a deprivation of the sustenance of love, and have come to surprising and even alarming conclusions.<sup>11</sup>

Unfortunately, such studies are frequently focused on primates, although, on the grounds of genetic similarities, the value of such studies cannot be entirely denied. Nevertheless, it would be seen to be preferable to also simultaneously observe such phenomena among human beings. Pediatrics, and above all, more recent child psychology, have done us a service in this regard. All of the experts and other professionals who work with children are in agreement that children who grow up without love exhibit substantially greater adjustment problems and learning difficulties than children who are reared with love and warmth, and above all, with skin-to-skin contact during their younger years.

The former children are, first and foremost, those who are especially likely to be characterized as restless or fidgety, who stand out in school due to an inability to concentrate, as well as having relatively little intercourse with others, or who, indeed because of aggressive and uncooperative behavior are, unfortunately, allowed to excuse themselves from the group. They are frequently dismissed as "difficult," or even disparaged as delinquents.

But, what is actually the specific pathology of their behavior, and under what conditions has this behavior emerged? Was it, in a word, a family lacking in affection? Is it not, first and foremost, a matter of its children not being touched?

As far as young children are concerned, it is generally agreed that tactile stimulation is essential for their physical and psychological wellbeing as well as their proper growth and development, and it has been proven that close and extensive skin-to-skin contact between babies and mothers or fathers (or other tactilely nourishing persons) decisively strengthens their immune systems, thus rendering children relatively impervious to illness. At this point one might go even further, and put forth the view that such stimulation, which we might characterize here as skin-eroticism, is vital not only to small children, but also for older children and youth. There's a lot to be said for that.

### **What Does Love Have to Do With Violence?**

We have, above all, the studies of the American social psychologist and social harmony researcher James W. Prescott, who garnered public attention by elucidating the connections between child-rearing, sexual behavior, and violence-potential in various world cultures.<sup>12</sup>

The quintessence of these studies is the thesis that certain cultures go a long way towards raising children in a love-starved, tactilely-nourishing-deprived environment and moral code in which pre-marital sexuality is prohibited, an environment in which they are drowning in chaos and violence. That is because violence, as Prescott established scientifically, originates from a compensation reaction on the part of the mind to a lack of (tactile) pleasure.

These research results are especially understandable when one examines them alongside the findings of the British neuropsychologist T.W. Campbell<sup>13</sup> who, synthesizing forty years of neurological research, has concluded that the impetus for every kind of human act of human aspiration is pleasure. If we now prevent the attainment of such pleasure, the human mind compensates for this lack by stimulating the brain's violence center. Neurologically speaking, the pleasure and violence centers are regarded as being in a zero-sum stasis. The more the pleasure-center is activated, the less active is the violence-center, and vice versa.

Based on that, one is able to say that love and violence are mutually exclusive. The more lovingly, affectionately, and tactilely nourishing someone is raised up, the more physical joy he or she has already experienced as a child, the less violent he or she will be in later life.

But what is truly surprising is Prescott's further finding that tactile-nourishing deprivations in childhood do not inevitably lead to a violent character, but rather, that they are compensated for by subsequent, pre-marital sexual activity.<sup>14</sup>

Herein lies perhaps the particular appeal of these studies, in terms of attaining political harmony by granting freedom to child and youth sexuality, and even acknowledging it legislatively.

Unfortunately, the degree of public awareness of these studies is not very high, although their importance to the future of mankind, as well as future world peace, should not be underestimated.

### **Caressing and Pleasure: Is There a Sexuality of Caressing?**

The question of the existence of a tactile sexuality is actually also a fittingly modern one. It is part and parcel of the New Age, and originally springs from an intention to declare act-fixated sexual conceptions of the past as invalid and arbitrary. Because, wishing to limit sexuality to particular acts, and acknowledging it only within the context of certain acts, is part and parcel of the Cartesian-mechanistic worldview of ages past. Today, even among the conservative portion of the expert and professional literature, such a conception of sexuality is

regarded as outdated. Often times, many of the social and ethical consequences of this paradigm shift are not teased out.

To this extent, our examination of the issue can only provide food for thought. The problem with today's debate is that it has become stiff, rigid, and permeated by fearsome clichés. The wicked man next door does not only haunt American talk shows, and the general hysteria surrounding child eroticism and its generation of pleasure by adults is of no benefit whatsoever to the tactilely needy child. Baby massage – as Frederic Leboyer came to know in India, and as, likewise, was propagated by a birth-practice guru in the West<sup>15</sup> – is, then, only one possible form of tactile stimulation, of skin-to-skin contact. A hundred others are possible and conceivable, whether or not one would now wish to characterize them as sexual.

### **Child-Love Also is Transmitted Through the Skin...**

*Paedos-philein* (Greek for child-love) is a form of tactile-nourishing love and sexuality. It was historically the case that liberal sexuality – meaning skin-to-skin contact with the experience of pleasure – was acknowledged as natural among children, and that even sexual contacts between children and older persons, in certain institutionalized forms, can be traced back to the earliest evidence of human existence.<sup>16</sup>

In addition to that, as was reported, for example, in the book by Françoise Dolto entitled "The Cause of Children"<sup>17</sup>, in the 17th century, love and sexual contacts between women and young boys (who were not directly related to one another) was not at all rare.<sup>18</sup> During this time, women did not, by any means, think it unnatural to affectionately enjoy themselves with small boys. It has traditionally been the case that pedophilic eroticism was explained away as being part of the maternal instinct – and so it still is today. That is why such contacts were and are tolerated as being relatively non-problematic.

Therefore, dividing love and eroticism into various sexual groups or classifications would appear, after all, to be a little mechanistic. Such sexual mathematics may correspond closely to scientific needs for categorization. But they are not drawn directly from real life, because, in practice, the transitions are typically fluid. A similar phenomenon is found even among a portion of those within the pedophile movement itself, who still have trouble accepting bisexual pedophiles. When will we see an end to the vivisection of love?

According to most of the studies into the field of pedophilia<sup>19</sup>, it is, to a great extent, a tactilely-saturated interaction between adult and child, a cuddling and touching sexuality, a truly tactilely-nourishing sexuality in the sense meant here. It would seem inappropriate to dismiss it as perversion, or as a form of feeble-mindedness. Rather, it represents a highly advanced form of love and tender devotion, a form of child love which the child also appreciates and values. It is, in addition, a sort of poetry, a way of looking at life. Devotion to all that is little, lovely, and worthy of protection, and, in the form of ephebophilia, a particular form of friendship and educative interest, it is a sublime, if not the most sublime, variant of human eroticism.

Accepted pedophilia also leads, then, to greater creativity and a more secure instinct for the child within us as well as the children around us, and their needs for a very particular kind of affirmation: affirmation through tactile contact, acceptance through touch.

### **Love is Without Words – and Without Fear**

As far back as the Babylonian era or biblical times, there have been people who have responded to love with paranoia. The written record – and not only of our own culture – is replete with evidence of this fact.

It doesn't appear to be any different today, at least as far as love between persons of different age groups is concerned. In its historical course, its so-called evolution, humanity has not learned greater tolerance. Human history is, rather, a pendulum swinging between times or cultures of greater or lesser tolerance. This raises the question of whether what we today call science, and what, in the end, has been a return to the ideal of enlightenment and rationalism of the 18th century, has the power to counteract blind intolerance. Although we have not sought to answer this question here, it remains an open one. We have merely endeavored, in this brief essay, to ascertain what the question evidently is, or, even better, what is palpable.

What is evident is that all of modern science, all enlightenment, and all the good will in the world was not able to prevent the reality that today once again, in sensitive areas of life, a sort of dark Middle Ages has

dawned, an era of paranoid fear and superstitious, in part abstruse ideas which are out of touch with real life. Our view is that science cannot teach us what love is. Only love itself can do that. In other words, anyone who, as a child, has personally experienced love, warmth, and skin-to-skin contact, is also positively and openly disposed to engage in such experiences later on, including with his or her own children, as well as children in general.

The problem – or so it appears, anyway – is not that most people are insufficiently informed or are not scientifically interested, but rather, that their own value judgments are too heavily based on what they hear from others, or what is deemed by authority to be true, as opposed to listening to their own bodies, to their own sense of touch, their own skin!

Every scientific study confirms the fact that, in every case in which persons were allowed, as children, to experience their sexuality positively, whether that be in contacts with similar-age peers or older persons, whether it be with their own or the other gender, such contacts, and the possibilities therefore, are also evaluated positively later on.

Having said that, it is possible to prepare oneself against both the allergic reactions of our environment as well as our own sexual fears. Admittedly, this does require just a smidgen of belief in the goodness, which is within all of us, the goodness, which is actually concealed within every love-relationship, every attraction, every sexual form.

It makes little sense to undertake one crusade against another. It would appear to be more prudent, for those who find themselves in a struggle against love, to discard their rigidity, and not lose their own flexibility – and their own sense of touch.

No one wants to be touched by someone whom he does not like. And everyone seeks contact, skin-to-skin contact, with those whom he loves. Our skin is a touchstone, a signal-giver. It is also the gate between our internal and external bodies. "That feels good," we say, when we sense something pleasant on our skin. Our body, and above all our skin, signals to us which persons with whom we desire contact, skin contact. We listen to and respect our skin and its signals (and that/those of others); we need no dispensers of love, no prescription pads with protective age limits through which to try to channel our tactile needs.

In order to arrive at a suitable value system for our lives and our natural yearning for love, warmth, and physical pleasure, we must again learn to think in natural terms, meaning, we must again learn to feel, and allow the osmosis of love to permeate our skin.

## Endnotes

1. At this juncture, I would like to convey a very heartfelt thank—you to Dr. Frits Bernard for his indefatigable encouragement and his not only scientific, but also humane assistance and support.
2. We are probably proceeding based on the assumption that such typologies are never absolute, but instead, are only ever able to represent predominant forms of sexual activity. This was, by the way, often explicitly stressed in the research of Dr. Frits Bernard, Rotterdam, particularly in relation to the area of pedophilia and its sporadic appearance in the lives of persons who did not, or would not have, personally describe(d) themselves as pedophiles.
3. Our body consists of over 90% water.
4. *Grant's Method of Anatomy*, 10th ed., by John v. Basmajian, Baltimore, London: Williams & Wilkins, 1980, pg. 61.
5. Ashley Montague, *Touching: The Human Significance of the Skin*. New York: Columbia University Press, 1971.
6. Montague, op. cit., pg. 15.
7. Ibid.
8. Id., pg. 234.
9. Ibid., pp. 20-21. Concerning this, see also the alternative French birth guru Michael Odent, in his book *Primal Health*, Paris; Payot, 1986, pg. 26.
- E10. See Montague's evidence, op. cit.

11. James W. Prescott, "Body Pleasure and the Origins of Violence." *Bulletin of the Atomic Scientists*, 10-20 (1975), in part also published in *The Futurist*, April 1975.
12. Ibid.
- E13. H.K. Campbell, *The Pleasure Areas*, London: Eyre Methuen Ltd., 1973.
14. J.W. Prescott, op. cit., pg. 13.
15. Frédéric Leboyer, Shantala.
16. See. e.g., Susanne Cho, *Childhood and Sexuality Throughout the History of Cultures: A Study of the Meaning of Child Sexuality, with Special Emphasis on the 17th and 20th Centuries*, Zurich, 1983 (Dissertation); Constantine, Larry & Martinson, Floyd (Eds.): *Children and Sex: New Findings, New Perspectives*, Little, Brown & Company, Boston,;1981 ; Frits Bernard, *Child Molesters? Pedophilia: On the Love of Children*, 3rd ed., Foerster Verlag, Berlin, 1982; Gisela Bleibtreu-Ehrenberg, *Rites of Manhood: On Institutional Pederasty Among Papuans and Melanesians*, Ullstein Materialien, Frankfurt/M., Berlin, Vienna, 1980.
17. F. Dolto, *The Cause of Children*, Paris: Robert Laffont, 1985.
18. Ibid. This fact is also confirmed in descriptions of the customs of the French royal family, as well as those by Ludwig's physician in the 1300s, Heroard. See J. Heroard, *Journal of Jean Heroard On the Childhood and Youth of Louis XIII*. Paris: Souillie/Barthelemy, 1968; concerning this, also see Lloyd de Maude (ed.), *The History of Childhood*, New York (The Psychohistory Press), 1974, pg. 23, and, Phillippe Aries, *Childhood and Family Life in Antiquity*, Paris: Plon, 1960, pp. 102-105 (in English translation: *Centuries of Childhood*, New York: Vintage Books, 1962), as well as Susanne Cho, op. cit., pp. 55 ff.
19. See Constantine, op. cit., Bernard, op. cit., and the reader with various contributions: Joachim S. Hohmann (ed.), *Pedophilia Today*, Foerster Verlag, Frankfurt/M., 1980, and Angelo Leopardi (ed.), *The Pedosexual Complex*, Foerster Verlag, Berlin/Frankfurt 1988.

## V. RESEARCH

### **An Estimate of Consequences of Adult–Nonadult Sex for the Nonadults in the General Population**

by Bruce Rind and Robert Bauserman

What are the consequences for children and adolescents who have sexual encounters with adults? This is a question that received very little attention before the 1970s, but has received increasing attention ever since (Okami, 1990). Over the past decade a number of reviews have been published attempting to synthesize the findings of a broad range of studies that have examined these consequences (Beitchman, Zucker, Hood, DaCosta, & Akman, 1991; Beitchman, Zucker, Hood, DaCosta, Akman, & Cassavia, 1992; Browne & Finkelhor, 1986; Constantine, 1981; Conte, 1985; Kendall-Tackett, Myers, & Finkelhor, 1993; Kilpatrick, 1987; Urquiza & Capra, 1990). Most of these reviews have concluded that children and adolescents are typically harmed by these early sexual experiences. For example, both Browne and Finkelhor's (1986) review, which focused exclusively on girls' experiences, and Urquiza and Capra's (1990) review, which focused exclusively on boys' experiences, concluded that these early sexual experiences with adults often lead to: (1) emotional reactions such as anxiety, anger, depression, guilt and shame, and low self-esteem; (2) behavioral problems such as aggression, self-destructive behaviors, homicidal and suicidal thoughts, and substance abuse problems; and (3) sexual problems such as sexual dysfunction, relationship problems as adults, confusion or fear regarding sexual identity, and sexual aversion and inhibited sexual desire.

But not all reviews have reached these predominantly negative conclusions (Constantine, 1981; Kilpatrick, 1987). Constantine's (1981) review concluded that reactions are much more variable and depend on factors such as: (1) the child's or adolescent's own perception of how willingly he or she participated in the sexual interaction; (2) the younger person's knowledge about sex; and (3) his or her acceptance of the moral negatives about sex which pervade modern Western culture. Constantine found that the worst outcomes for the child or adolescent occur when he or she gives passive consent (i.e., participates without being forced to, but actually does not want to participate), is ignorant about sex, and has absorbed and accepted the moral negatives about sex. The outcomes are generally neutral, or even positive, Constantine found, when the younger person perceives his or her participation as being willing, is knowledgeable about sex, and has not absorbed the moral negatives about sex.

These different conclusions among the reviews require explanation. Constantine (1981) reviewed both clinical and legal samples, as well as nonclinical/nonlegal samples. When he contrasted the findings in these two types of samples, he found that outcomes in the clinical and legal samples tend to be negative, but outcomes in the nonclinical/nonlegal samples are much more variable, ranging from negative to positive. In other words, clinical and legal samples are biased toward the inclusion of subjects who have been harmed by these encounters or who have had negative experiences. People who see clinicians because of these early experiences are self-selected; they are already likely to have problems and that is why they see a clinician. Those who do not feel harmed, or are satisfied with their adjustment, are much less likely to come to the attention of a clinician. Experiences that are brought to the attention of the criminal justice system are also likely to be those that are of a more negative nature. Experiences that are viewed as neutral or positive by the younger person are less likely to induce him or her to make a legal complaint. Thus, three conclusions can be made about clinical and legal samples: (1) they are likely to indicate that sexual experiences between nonadults and adults are harmful for the nonadults; (2) they are not representative of the entire population of nonadults who have such experiences; and (3) literature reviews that focus on clinical and legal samples (e.g., Beitchman et al., 1991; Beitchman et al., 1992; Browne & Finkelhor, 1986; Kendall-Tackett et al., 1993; Kilpatrick, 1987; Urquiza & Capra, 1990) are therefore providing an incomplete, and perhaps even distorted, account of the consequences of these early experiences in the population.

In contrast to the dim picture that generally emerges from clinical and legal samples, convenience samples have shown that these early experiences can be positive (Bernard, 1981; Ingram, 1981; Leahy, 1992; Money & Weinrich, 1983; Okami, 1991; Sandfort, 1984; Tindall, 1978). For example, Sandfort (1984) studied 25 Dutch

boys between the ages of 10 and 16 who were sexually involved with men in the context of a relationship. Sandfort concluded that "for practically all of the boys their sexual contact with their older partners emerged as a predominantly positive experience" (p. 136). Ingram (1981) reported on 74 English boys from six to 14 years of age who had had sexual contacts with men. He concluded that "I do not think there is any evidence from my study that any of the children were worse off for the activity; many, no doubt, may be better off for a relationship with a loving adult outside the family" (p. 186). Money and Weinrich (1983) investigated longitudinally the consequences for two boys who were involved in long-term sexual relationships with men. They concluded that both boys benefited from the relationships rather than being harmed by them. One of the boys commented that "To me...there was never any harm physically or mentally,...it's probably the best relationship I've ever had with anyone outside my own family—maybe even to go so far as to say with anyone in general because of the openness that it brought out" (p. 47). As is the case with the clinical and legal samples, these convenience samples are also biased. Researchers may deliberately seek out those who feel their experiences were positive (e.g., Okami, 1991), recruit subjects from organizations that have an interest in making a favorable impression (e.g., Sandfort, 1984), or report specifically on positive cases known to them (e.g., Money & Weinrich, 1983). Two conclusions can be drawn from the "positive" convenience samples: (1) they refute the hypothesis that sexual contacts between adults and nonadults are necessarily harmful or will necessarily be experienced negatively; and (2) they are not representative of the population of persons who, as nonadults, have sexual experiences with adults.

Neither the clinical and legal samples on the one hand, nor the convenience samples on the other, provide us with a valid picture of how children and adolescents in the general population react to these early sexual experiences with adults and what the long-term consequences of these experiences are for these children and adolescents. Such a valid picture can only be obtained from representative samples. Representative samples, however, are almost nonexistent in this area. Nevertheless, one such example does exist (Baker & Duncan, 1985). In Baker and Duncan's (1985) study, face-to-face interviews were conducted with a nationally representative sample of subjects 15 years of age and over in Great Britain. It was found that, of the male respondents who had sexual encounters with adults before they were 16, 4% reported permanent damage, 33% reported being harmed at the time, but with no long-lasting effects, 57% reported no effects at all, and 6% reported that these encounters had improved the quality of their life. For the female respondents in this study, 13% reported permanent damage, 51% reported harm at the time which was not long-lasting, 34% reported no effects at all, and 2% reported improvement in the quality of life. Several conclusions can be drawn from this study: (1) males and females react differently to these early sexual experiences, with only 37% of males showing an initial negative reaction, but 70% of females showing an initial negative reaction; (2) these results do not conform to the clinical and legal profile; (3) these results do not conform to the profile presented by the convenience samples; and (4) these results indicate a profile intermediate to the clinical/legal and convenience profiles.

Although the Baker and Duncan (1985) study represents an advance over studies using non-representative samples, the study contains several important methodological shortcomings that may have biased its results. First, all interviewers were female, which could have affected the responses of male subjects (Barnes & Rosenthal, 1985). Second, the interviews were not anonymous, which could have led to socially desirable responses, given the sexual nature of the inquiry (see Crowne & Marlowe, 1964; Rosenthal, 1977). Third, all respondents were given a card to read, on which it was stated that anyone under 16 is "sexually abused" who is involved in any activity with a sexually mature person which leads to their sexual arousal (p. 458). When respondents indicated that they had had such an experience, they were asked questions such as their relationship with the "abuser" and their age when they were first "abused." It is likely that these value-laden terms influenced respondents to underreport positive experiences because of expectancy effects and demand characteristics – i.e., these negative terms indicated to respondents how they should respond (see Orne, 1962; Rosenthal, 1977). Furthermore, the possibility of negatively biased responses by respondents is suggested by a study conducted by Rind and Bauserman (1993), who demonstrated experimentally that negative sexual terminology (e.g., "sexual abuse") can negatively bias judgments about adult-nonadult sexual contacts.

The biasing influences in the Baker and Duncan (1985) study indicate that a consideration of additional research is warranted in order to answer the question: What are the consequences for children and adolescents



*in general* who have sexual encounters with adults? It was the purpose of the present paper to examine additional research so as to address this question. To this end, research conducted on college students who had early sexual experiences with adults was used because of the several advantages this research offers. First, although not representative of the entire population, a majority of the population – at least in the United States where most of this research has been conducted – has some college experience (Fritz, Stoll, & Wagner, 1981). Second, over the last decade or so a fair number of such college studies have been conducted. Third, these studies have generally obtained data anonymously and have used neutrally-worded questions, thereby avoiding the potential biases in the Baker and Duncan (1985) study. Fourth, the college studies have used more similar control groups than clinical studies have, allowing for stronger causal inferences to the extent that such inferences can be made in correlational research. To the extent that the college data come from diverse samples (e.g., geographically), are consistent with each other, and are consistent with the Baker and Duncan (1985) data, greater confidence will be reached in the profile of consequences in general which emerges.

## Method

### Location of Studies

The literature was searched for all available reports of college students who, before adulthood, had sexual contact with adults. This search was achieved by using the PsycLit database for the years 1974-1986 and 1987-1993. The key words "sexual abuse" and "children" or "adolescents" were entered. Also, the Dissertation Abstracts International database for the years 1984-1993 was also searched, using the same key terms. Colleges studies were included in the present review only if they met the following criteria: (1) they included both male and female students; (2) some kind of psychological or behavioral outcome measure was reported; and (3) outcomes were reported separately for males and females. Based on these criteria, nine college studies were located (see Table 1).

Table 1: College Studies of the Consequences for Children and Adolescents after Sexual Contacts with Adults

Study	Region	Boys with Man	Boys with Woman	Girls with Man	Girls with Woman	Short term Boys %	Short term Girls %	Long term Boys %	Long term Girls %
Finkelhor (1979)	Northeastern USA	84a	84a	239	239	pos+neut 62 neg 38	pos+neut 34 neg 66	friend 3.2 stranger 4.0 scale 1-5, neg 5	all 4.0
Fischer (1991)	Northwestern USA	15b	10	59	0	-	-	wanted 28% no problem 21%	wanted 5% no problem 7%
Fritz, Stoll & Wagner (1981)	Northwestern USA	8a	12	38	4	-	-	problems 10%	problems 23%
Goldman & Goldman (1988)	Australia	19b	21	179	9	pos 39 neut 32 neg 30	pos 17 neut 16 neg 68	evaluation 3.3 scale 1-5, neg 5	evaluation 4.2
Haggard & Emery (1989)	Middle Atlantic USA	21a	21a	80	80	-	-	very positive now and earlier 33% #	very positive now and earlier 4%
Landis (1956)	Western USA	181b		523	8	pos 6 neut 33 neg 46	pos 2 neut 15 neg 76	harm: none 81% temporary 19% lasting 0%	harm: none 66% temporary 30% lasting 3%
O'Neil (1990)	Puerto Rico	39b	10	76	9	pos 41 neut 8 neg 82	pos 10 neut 6 neg 82	pos+neut 56% neg 44%	pos+neut 31% neg 69%
Sarbo (1989)	Southeastern USA	24a	24a	62	62	-	-	no difference from control group	no difference from control group
Schultz & Jones (1983)	Middle West USA	40a from 35	40a from 35	70a to 9	70a to 9	pos 68 neut 24 neg 8	pos 28 neut 19 neg 52	pos 61% neut 30% neg 9%	pos 25% neut 28% neg 47%

a. number of persons; b. number of experiences; # also standardized tests for measured behavior/attitude

## Coding of Studies

Each study was coded for: (1) the geographical area in which it was conducted; (2) the number of males and females who had an early sexual experience with an adult; (3) the short-term reactions; and (4) the long-term reactions or outcomes. This information is summarized in Table 1.

The method of assessing reactions and outcome for each study was also coded. "Self-report" studies asked students to evaluate the impact of their experiences themselves (e.g., how they felt about their experience at the time: very positive, positive, neutral, negative, or very negative). "Standardized measure" studies used some form of standardized test to evaluate adjustment. Some studies used both types of methods for assessing outcome. Finally, information was coded that was expected to relate to the reactions and outcomes such as willingness of participation and relatedness of the adult.

## Results

### Overview of Studies

Of the nine studies based on the college samples, only two were based on samples outside the United States: Goldman and Goldman (1988) from Australia and O'Neil (1990) from Puerto Rico. Of the seven American college studies, two were conducted in the Northwestern part of the country, and one each was conducted in the West, the Midwest, the Northeast, the Mid-Atlantic region, and the Southeast. Thus, the nine college studies were geographically diverse. Seven of the nine studies used only self-report measures, one used only standardized measures, and one used both.

### Outcomes

*Self-reports: Short-term.* Students' reactions at the time to their early sexual experiences with adults ranged from negative to positive. Five studies provided breakdowns of these reactions. Only a minority of males reacted negatively in all these studies: 38% (Finkelhor, 1979); 30% (Goldman & Goldman, 1988); 46% (Landis, 1956); 45% (O'Neil, 1990); and 8% (Schultz & Jones, 1983). These results contrast with negative initial reactions by females which were, for these studies, 66%, 68%, 76%, 82%, and 52%, respectively. The unweighted mean initial reactions for males were: 33% negative and 67% neutral or positive. For females, these mean reactions were: 69% negative and 31% neutral or positive. These findings are remarkably similar to Baker and Duncan's (1985) results: 37% negative vs. 63% non-negative for males, and 64% negative vs. 36% non-negative for females. These results therefore indicate a consistent sex difference: about two-thirds of males react non-negatively, whereas two-thirds of females react negatively.

Positive reactions ranged from 6% to 69% for males and from 2% to 28% for females. The mean positive reactions for males and females, respectively, were 39% and 14%. This different pattern of negative and positive initial reactions by males and females indicates that the genders differ substantially in how they react to sexual encounters with adults, and that inferring from the experiences of females to those of males is invalid. The college data indicate further that more positive reactions occur in the population than were found in Baker and Duncan's (1985) study.

*Self-reports: Long-term.* Reports of how students felt currently about their experiences followed the pattern obtained with the short-term reactions. Positive current feelings were more common for males than females, and negative current feelings were more common for females than males. In Fischer's (1991) study, 28% of males liked their experience versus only 5% for females. In Haugaard and Emery's (1989) study, 33% of males thought their experiences were very positive then and now versus only 4% for females. In O'Neil's (1990) study, 56% of males felt neutral or positive about their early experiences versus only 31% for females. In Schultz and Jones' (1983) study, 91% of males felt their experiences were positive or neutral versus only 53% for females.

Both Finkelhor (1979) and Goldman and Goldman (1988) found that the typical male reaction was neutral, but that the typical female reaction was negative. Fritz et al. (1981) found that only 10% of males reported problems resulting from their early experiences compared with 23% for females. Landis (1956) found that 0% of males reported permanent harm versus 3% for females. As with immediate reactions, current feelings were often neutral or positive for males and negative for females.

*Standardized measures.* Two of the college studies used standard measures of adjustment or functioning. In these studies, researchers used students who did not report early sexual experiences with adults as controls to make comparisons with the "abused" group. Haugaard and Emery (1989) used the Comrey Personality Scales and the Texas Social Behavior Inventory in their study. When control subjects were compared with a "broadly defined" group of abused subjects, which included those who perceived their experiences as "very positive" both currently and at the time of the experience, few differences were found. When abuse was narrowly defined to exclude the "positive responders," more differences emerged and the magnitude of the differences increased. Sarbo (1984) used the Clinical Analysis Questionnaire and found no overall difference between the "molested" and "nonmolested" groups. Some differences did appear on subscales, however, indicating poorer adjustment for the "molested" group.

In conclusion, reports from college samples show that few or no differences are found between "abused" and "nonabused" college students. When differences do appear, they are typically small and are found on only one or a few out of many measures. The Haugaard and Emery (1989) analysis indicates that these differences are attributable to the negative responders.

### **Mediators of Reactions**

Given that the reactions of students who were sexually involved with adults when they were young were variable – i.e., they ranged from negative to positive – it is important to consider what factors relate to this variability (Constantine, 1981). The presence or absence of force and subjects' own evaluations of their willingness to participate in the sexual contact were consistently related to outcome. When actual physical force or threats of harm were present, responses to the sexual contact were more negative (Haugaard & Emery, 1989; O'Neil, 1990; Sarbo, 1984). Males generally participated more willingly than females. For example, Goldman and Goldman (1988) reported that only 14% of males said they were forced compared with 58% of females. The greater willingness of participation by males helps to explain their better reactions and outcomes. Contacts involving relatives were generally associated with more negative outcomes (Finkelhor, 1979; Fischer, 1991). Finkelhor reported that 44% of his female subjects had incestuous experiences compared with only 17% for males. The greater proportion of incest among female students helps to explain their more negative reactions and outcomes.

For male students, another variable related to outcome was sex of the older partner. Many of the experiences reported by males in these college studies involved older females (e.g., 60% of the experiences in Fritz et al., 1981; 40% in Goldman & Goldman, 1988). Experiences with older females were often rated more positively than experiences with older males (Finkelhor, 1979; Fischer, 1991; O'Neil, 1990). However, it is important not to overstate this difference because many experiences with older males were also rated positively (e.g., Schultz & Jones, 1983).

### **Discussion**

College samples are not representative of the population. Nevertheless, the college data were consistent from one study to the next, came from geographically diverse regions, and were very similar to the Baker and Duncan (1985) data. These points indicate the usefulness of the college data in furthering our understanding of how children and adolescents in the general population react to sexual experiences with adults, and how they adjust to these experiences as they mature.

The college data show that reactions at the time differ markedly for males and females. Whereas two-thirds of males have a neutral or positive reaction, two-thirds of females have a negative reaction. This pattern is identical to the pattern obtained in Baker and Duncan's (1985) representative sample. The college data indicate a substantially higher percent of positive reactions – especially for males – than the Baker and Duncan data. This finding may be because the Baker and Duncan study used negatively biased questions, or it could be because college samples consist of people who react better to these early experiences because they come from less stressful environments, for example. Assuming that both these possibilities are true, then it can be inferred that positive reactions in the general population are greater than the low percentage reported by Baker and Duncan, but lower than the higher percentage that comes from the college data. This assumption leads to the conclusion that, at least for males, a substantial minority reacts positively.

Current feelings are similar to reactions at the time. A substantial gender difference appears here, as well. Males feel more positively about their early sexual experiences with adults than females do, whereas females are more bothered by them than are males. This difference is well expressed by several authors of these college studies. Fritz et al. (1981) observed that "Females tended to assign a decidedly harmful, negative quality to their pre-pubescent sexual experience while males were neutral or even positive about it" (p. 56), and that "Males are likely to view pre-pubescent contacts as sexual initiation while females view such encounters as sexual violation" (p. 59). Schultz and Jones (1983) came to similar conclusions by noting that "Males tended to see sexual experiences as an adventure and as curiosity-satisfying, while most females see it as an invasion of their body, or a moral wrong" (p. 101). The consistent findings among the college data, as well as their consistency with Baker and Duncan's (1985) results, indicate that, in the population, males and females react very differently to early sexual experiences with adults. This sizable difference indicates that it is invalid to generalize from the experiences of girls to those of boys – a practice that is not infrequent.

Standardized measures lend support to the self-report data by indicating that few or no differences in adjustment occur in college samples compared with controls. When only negative responders are compared to controls, then larger differences occur. This finding highlights the point that these early sexual experiences are not homogeneous, and that much is to be gained by separating non-negative from negative responders. By combining them, the negative effects in the case of the negative responders are minimized, doing a disservice to them. On the other hand, a disservice is done to non-negative responders who are categorized with negative responders. As such, they may be assumed to be harmed and therefore treated as victims, leading to victim-like responses (i.e., iatrogenesis).

The current review is consistent with other reviews (e.g., Constantine, 1981) in finding that the presence or absence of force, the perception of willingness to participate, and relatedness with the adult are important factors that mediate reactions and outcomes. Younger males, on average, like their sexual experiences more with female adults, but young males can and do react positively to sexual experiences with male adults. In fact, the most positive reports of reactions to adult-nonadult sexual experiences in the literature come from studies that have examined sexual relationships between men and boys (Ingram, 1981; Leahy, 1992; Money & Weinrich, 1983; Sandfort, 1984; Tindall, 1978).

Biological and cross-cultural data suggest why the genders may differ as they do in reactions to early sexual encounters with adults. For females, sex presently is, or soon will be, associated with pregnancy – a potentially costly event for an unprepared female. For males, sex carries no such risk, and this situation permits its positive aspects to be more salient (Ellis, 1986). In a fair number of other cultures, in sharp contrast to modern Western culture, sex between women and boys at the age of puberty (Diamond, 1990; Oliver, 1974; Marshall, 1971; Suggs, 1966), as well as sex between men and boys around the age of puberty (Burton, 1935; Cantarella, 1992; Greenberg, 1988; Herdt, 1987; Hirsch, 1990; Saikaku, 1990), has been viewed as acceptable and even desirable. In these cultures, sex between boys and adults usually served a social function, such as training for heterosexual sex in the case of female adult partners, or learning to become a successful adult male in the case of male adult partners. These uses of adult-boy sex which other cultures have found suggest that it is possible that these relations can be beneficial for boys, and that is why many boys in our culture do not react negatively.

## Conclusion

The review of the college studies on adult-nonadult sexual contacts helps to answer the question: What are the consequences for children and adolescents in the general population who have sexual encounters with adults? The findings from one college study to the next are consistent, and they are consistent with Baker and Duncan's (1985) representative data as well. These results, along with the geographic diversity of the college samples, indicate that the college data do help to answer the question about effects in the general population. What these data indicate is that: (1) the clinical data are not generalizable but instead characterize only the negative extreme of the population; (2) the "positive" convenience samples are also not representative; (3) the majority of males react non-negatively, whereas the majority of females react negatively, indicating that reactions of males cannot be validly inferred from reactions of females; (4) lasting harm is rare for both males and females. Points 1, 3, and 4 are especially important because they contradict strongly held assumptions that are prevalent in the Western culture today about the nature and consequences of adult-nonadult sex.

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## **Biased Terminology in Professional Discussions of Adult-Nonadult Sexual Interactions and its Effects on Readers' Perceptions**

by Bruce Rind and Robert Bauserman.

Before the 1970s, as compared to today, researchers, the media, and the public paid very little attention to sexual contacts between adults and children or adolescents. Research on these contacts was rarely conducted; the media were hesitant to discuss this topic or any other sex-related topic; and the public, although strongly opposed to these contacts, spent very little time thinking about them. This situation began to change in the 1970s with the rise of the feminist movement. At first, feminists focused on biased treatment of rape victims. Having made progress in this area, they moved on to the issue of battered women. Next they focused on incest, and finally they took up the cause of fighting all forms of adult-nonadult sexual involvements (Okami, 1990). With the new focus on sexual contacts between adults and children or adolescents, research began to increase, the media began to discuss this issue more, and public awareness of this issue increased. At first, the increase in attention was slow; but later, particularly in the 1980s, the increase was rapid.

The vocabulary used to describe adult-nonadult sexual contacts grew and was the same whether used by researchers, the media, or the public. "Child sexual abuse" became a catch-all term for any sort of adult-nonadult sexual contact (Jones, 1990; Kilpatrick, 1987). Other terms were used interchangeably with "child sexual abuse" such as "sexual exploitation," "molestation," and "victimization." All these terms had in common the growing view during this period that any sexual contact between an adult and a child or adolescent is highly psychologically damaging. This view also determined the terms used to describe the younger and older individuals involved in such contacts. The younger person was labeled a "victim," "molested child," "sexually exploited child," or "survivor." The older person was labeled an "offender," "aggressor," "assailant," "exploiter," and "perpetrator."

The motives for the use of these negative terms by the media and public were based on more than just the conviction that sexual contacts between adults and nonadults are highly damaging. The use of these terms was motivated by the view that these contacts violated fundamental social norms and were thus disgusting, disgraceful, and intolerable, regardless of whether harm really did result from them (Kilpatrick, 1987; Okami, 1990). This mixing of social norms with perceptions of harm is not surprising when one considers earlier views of other disapproved sexual behaviors, such as masturbation and homosexuality. Both of these behaviors in the past were seen as strongly violating social norms and were considered to be very harmful and destructive. Vocabulary such as "self-abuse" for masturbation and "moral degeneracy" for homosexuality was used to describe these behaviors, which reflected the mixing of social norms with perceptions of harm (Bullough & Bullough, 1977).

It is not surprising that the media and public mix social norms regarding behaviors with their perceptions of those behaviors. This is what people outside of science do – not just in our culture, but in all cultures. This mixing is problematic, however, when it occurs in science because science is about what is, not what ought to be (Kilpatrick, 1987). The use of terms in science should therefore describe what is, not how researchers feel. Regarding sexual contacts between adults and children or adolescents, Kilpatrick (1987) argued that the indiscriminate use of negative terms by researchers is problematic because this use often reflects their feelings about these contacts based on social norms, rather than the effects of these contacts on the children or adolescents. "Abuse" is something for researchers to demonstrate, not to assume as a premise, Kilpatrick argued further. She noted that it is not scientifically sound to assume that violations of the social norms lead to harm for the child or adolescent. Okami (1990) argued that the use of only negative terms to describe adult-nonadult sexual contacts is based on the unsubstantiated assumptions of inherent exploitation and mutual exclusivity of erotic and affectional feelings in these contacts. He concisely stated his criticism of the indiscriminate usage of negative terms:

Assumptions such as these, and the consequent exclusive use of negatively loaded terminology such as "abuse," "assault," "attack," "molestation," "exploitation," or "victimization" to refer generically to all adult human sexual behavior with children and adolescents, confound attempts to understand such interactions and

may reflect . . . a serious conflict of interest between scientific inquiry on the one hand and enforcement of social norms or propagation of political ideology on the other. (p. 99)

Nelson (1989) went a step further than Kilpatrick (1987) and Okami (1990) by suggesting an alternative terminology for describing adult-nonadult sexual contacts. The need for this alternative terminology, Nelson argued, is indicated by reviews of empirical investigations which have demonstrated that the reactions of nonadults to their sexual contacts with adults are not exclusively negative, but are often neutral or even positive (Constantine, 1981; Kilpatrick, 1987). Nelson claimed that the unquestioned use of terms suggesting force, coercion, and harm reflects and maintains the belief that such relationships cannot be anything but harmful, thereby threatening an objective appraisal of these cases. Furthermore, Nelson claimed, in cases of nonnegative reactions, the use of negative terms risks creating iatrogenic victims. Recommended changes included the use of the noncondemnatory term "sexual experience" instead of terms such as "abuse" or "exploitation" and the noncondemnatory term "participant" instead of "victim" or "perpetrator." Nelson argued that these neutral terms should be used in describing specific cases unless and until negative terms are shown empirically to be appropriate.

In response to Nelson's (1989) recommendations, Maltz (1989) claimed that such sexual contacts should always be defined as harmful and abusive because of differences in age, size, and power. She asserted that sex with minors is by definition exploitative and that the current terminology is accurate. In this debate among professionals over the type of terminology to use, what is important from a scientific perspective is whether the indiscriminate use of negative terms actually does have negative effects, such as confusing social norms with harm, confounding attempts to understand this type of sexual involvement, creating iatrogenic victims, or biasing the perceptions that people form when reading professional articles that use these negative terms indiscriminately.

The possibility of biasing effects is suggested by several factors. First, the medical community's use of value-laden terms such as "self-abuse" or "self-pollution" in past discussions of masturbation, or of "perversion" or "moral degeneracy" in past discussions of homosexuality, impeded a scientific understanding of these behaviors (Bullough & Bullough, 1977). Second, research in other areas has demonstrated the biasing impact of negative labels. For example, in the area of prejudice research, Greenberg and Pyszczynski (1985) found that White college students who heard a confederate refer to a Black speaker in a staged debate as "that nigger" judged the speaker more negatively than White students who heard the confederate refer to the speaker as "the pro-debater." In research on the effects of priming, studies have shown that priming individuals with words describing negative personal attributes can bias subsequent judgments of a target person, even though no association between the negative attributes and the target is stated or implied (e.g., Herr, 1986; Higgins, Rholes, & Jones, 1977). In forensic research, Loftus and Palmer (1974) demonstrated a biasing effect in subjects' judgments which varied directly in proportion to the negative implications of certain key words to which the subjects were exposed. Subjects watched a film of a traffic accident and then were asked the question: "About how fast were the cars going when they \_\_\_\_." In the blank space appeared either "contacted," "hit," "bumped," "collided," or "smashed." Subjects estimated faster speeds when they read terms implying greater force of impact.

It is the purpose of this paper to describe two recent experimental studies that have investigated the possibility that the indiscriminate use of negative terms by professionals to describe all sexual contacts between adults and nonadults produces biasing effects. These studies indicate that, under certain circumstances, this use does indeed result in bias, lending support to the scientific concerns presented by Kilpatrick (1987), Nelson (1989), and Okami (1990).

### **Experiment 1**

In the first experiment, conducted by Rind and Bauserman (1993), subjects were 80 undergraduate students (40 men and 40 women) at a Midwestern university in the United States participating as part of a course requirement for an introductory psychology course. Although there were four experimental conditions, only the two most relevant ones will be discussed here. Subjects read a condensed journal article dealing with



the long-term impact on nonadults who had sexual relationships with adults. Subjects either read a condensed article that used neutral terms to describe these relationships, or they read one that used negative terms. The information in these two versions was identical – only the terminology differed.

The condensed article was adapted from Tindall (1978), and described nine case studies of adolescent boys who had long-term sexual relationships with men. Tindall reported follow-up data on these relationships which extended from 10 to 30 years after the initial contacts. In all nine cases, Tindall reported that no harm occurred. In more than half of these cases, he identified actual benefits from the relationships. In describing these relationships, Tindall used only neutral terms such as "relations," "relationships," "involvements," "contacts," "practices," "activities," and "encounters." He described the adolescents as "boys," "adolescents," and "youths." And he described the men as "pederasts," "older males," and "men." Half of the subjects in the current experiment read these terms. For the other half of the subjects, many of these neutral terms were substituted with negative terms. The relationships were now described as sexual "abuse," "exploitation," "aggression," "attack," "assault," "molestation," and "victimization." The adolescents were now labeled "victims" and "survivors." The adult males were described as "perpetrators," "child molesters," "offenders," and "exploiters."

For Tindall's article, the use of negative terms to describe the contacts would have been scientifically inappropriate according to the arguments presented by Kilpatrick (1987), Nelson (1989), and Okami (1990) for two reasons. First, the contacts were not abusive to the adolescent boys, even though they were a violation of social norms. Second, such use might have led readers to form impressions that were not warranted by the evidence. Any negative impact on students' perceptions and judgments resulting from the substitution of negative terms for neutral ones in Tindall's article could therefore be interpreted as representing bias.

After reading the condensed article, subjects answered a series of questions which were designed to measure subjects' judgments of: (1) the effects on the adolescent boys described; (2) the effects on adolescent boys *in general* who have sexual contacts with men; (3) the men who were sexually involved with the boys in Tindall's study; and (4) men who are sexually involved with adolescent boys *in general*. Subjects also answered questions about how objective they thought the author of the article was and how appropriate his terminology was.

The results were that the negative terminology had a consistent negatively biasing effect on subjects' judgments of general cases of sexual encounters between male adolescents and male adults. For example, subjects who read negative terms, compared with those who read neutral terms, thought that, in general, adolescent boys' immediate reactions to sexual encounters with men are more negative, they are less consenting and are in greater need of therapy. Subjects who read negative terms also thought that, in general cases, men who have sexual encounters with adolescent boys are more manipulative, in poorer mental health, and should be treated more harshly by the criminal justice system. In the specific cases described in the Tindall (1978) study, negative terms did produce a negative bias, although this effect was much weaker. The only statistically significant effect in the specific cases concerned subjects' view of how the men who were sexually involved with the boys should have been treated by the criminal justice system, had their activities been discovered. Subjects who read negative terms thought they should be treated more harshly. Marginally significant results occurred for subjects' perceptions of the long-term effects on the boys described in the case studies, how much they consented, how manipulative the men were, and how mentally healthy the men were. On all these measures, no differences occurred between the perceptions of male subjects and those of female subjects.

Another finding was that subjects rated the two versions as equally objective in terms of how the author described this phenomenon, and they rated the author's language in each version as equally appropriate. Thus, subjects found no objections to reading about sexual involvements between adolescent boys and men when neutral terms were used to describe these involvements.

The major finding in this experiment was that subjects' impressions of the general case of sexual encounters between male adolescents and male adults were consistently affected by the type of terminology used to describe specific cases. Therefore, researchers who inappropriately use negative terms such as "abuse," "victim," and "perpetrator" to describe consenting and harmless specific cases of male adolescents sexually involved with men are likely to increase without justification their readers' perceptions that adolescent boys in general are harmed by these experiences and that the men they are involved with are dangerous and criminal.

This biasing effect violates one of the fundamental principles of science: to convey information impartially and to let the evidence, rather than the style of presentation, determine the readers' reactions.

Rind and Bauserman (1993) concluded by noting that these biasing effects of negative terminology occurred in a particular type of description – that of consenting adolescent boys who were sexually involved with men and who were not only unharmed by these experiences, but actually benefited from them in many cases. They noted that this biasing effect might not occur with other types of descriptions – e.g., relationships in which the younger partners were preadolescent boys, or preadolescent or adolescent girls, or if the older partners were women. Furthermore, they noted, these biasing effects might not occur if relationships were described that were negative, instead of being positive as in the Tindall (1978) study. These questions of generalizability prompted these researchers to investigate the biasing effects of negative terminology further.

## **Experiment 2**

In this experiment, conducted by Rind and Bauserman (1994), subjects were 57 undergraduate students (33 men and 24 women) at an Eastern university in the United States participating as part of a class exercise in an upper-level psychology course. Subjects read one of three versions of a condensed article adapted from Burgess, Hartman, McCausland, and Powers (1984). Unlike the Tindall (1978) study, this report included both children and adolescents, as well as both girls and boys. These 66 children and adolescents were all court referrals – i.e., their sexual involvement with adults was discovered, their involvement included the production of child pornography in most cases, the men were prosecuted, and the children and adolescents were referred to the authors of this study for evaluation. The authors' evaluations of their subjects' reactions to their sexual encounters, in sharp contrast to Tindall's evaluations of his subjects' reactions, were highly negative. They assessed their subjects as falling into one of four categories of adjustment: (1) integrating the event in which they mastered the anxiety about the exploitation; (2) avoidance of the event in which the anxiety remained sealed up either consciously or unconsciously; (3) repetition of symptoms in which the child feels guilty and blames himself rather than the adult; (4) identification with the exploiter in which the child has mastered the anxiety by identifying with the aggressor (i.e., the man he was sexually involved with) and becoming the aggressor himself.

The report by Burgess et al. (1984) was highly polemical, however. It often used value-based judgments as the basis for categorizing the children and adolescents according to the four levels of adjustment just described. For example, children who thought the man "should stay in prison forever" were considered to be well adjusted and were categorized as integrating the event. Children who complained that the authorities were making "much ado about nothing" and maintained emotional, social, and economic ties with the men they had been sexually involved with were placed in the worst category of adjustment – identifying with the aggressor. This report also was replete with negative terms such as "victimization," "exploitation," "victim," and "offender." Another aspect of this report was that the authors used a sinister framework to describe the events. For example, they referred to "solo rings" (one adult with a number of children), "syndicated rings" (several adults who form a well-structured organization for the recruitment of children), and "transitional rings" (several adults and children are involved, but the organizational aspect of the syndicated ring is missing). They described the adult as acting benevolently, but actually pitting the children against each other to encourage them to act out so he could vicariously enjoy their peer sadism. This interpretation of the adult's motive is purely an opinion; no interviews were conducted with the men. The authors included a variety of additional interpretations of events which they presented as demonstrated facts. For example, they noted that the great majority of children and adolescents experienced vague or no symptoms before the intervention of the criminal justice and social service systems, but they experienced acute symptoms afterwards. Burgess et al. interpreted this as a posttraumatic stress response, that is, a delayed response of trauma which occurred because of their sexual experiences. This interpretation was presented without qualification, but is dubious because the scientifically most parsimonious interpretation is simply that they were reacting to the intervention. The authors also added a variety of editorial comments such as the "silent population of victims," the "sexual triumph for the

adult," and his "unchallenged position of power," all of which are inappropriate for a professional science journal.

The Burgess et al. (1984) report thus consisted of two distinct potentially biasing aspects. First, it used negative terms indiscriminately. For those children and adolescents who resented the interference of the authorities and maintained ties with the adult, these negative terms seem questionable. Second, they added a series of value-laden comments and unwarranted interpretations of these events which are inappropriate in scientific discussions. The current experiment made use of these biases to set up three conditions. In the first condition, the condensed article was merely a shortened version of the original article, containing both negative terms and negative comments and unwarranted interpretations. In the second version, the negative terms were retained, but the negative comments and unwarranted interpretations were deleted. In the third version, the negative terms were changed to neutral terms, and the negative comments and unwarranted interpretations were also deleted.

After reading one of the three versions of the Burgess et al. (1984) report, subjects answered a series of questions. The first set of questions asked for subjects' perceptions of children, adolescents, and adults in the general population who are involved in sexual encounters. These questions were basically the same as the second set of questions in Experiment 1 described above. The second set of questions in the current experiment was designed to measure whether subjects' interpretations of these events and of the people involved would be affected by the researchers' overly strong interpretations and views. These questions covered issues such as how sinister and cunning adults are who are sexually involved with nonadults, whether these experiences are *always* stressful for the nonadults, whether children's negative symptoms that arise after their sexual encounters are discovered are best explained as a delayed reaction to the sex (i.e., posttraumatic stress response), whether a positive reaction to these sexual encounters is actually evidence for harm, and whether adult sexual involvement with nonadults is best explained as an exercise of power over weaker individuals rather than an expression of sexual interest. Subjects were also asked how objective they thought the authors of the study were and how scientifically appropriate the authors' terminology was.

The results of the experiment were that no differences occurred as a function of type of condensed article. Subjects reached the same conclusions and inferences whether they read the version with negative terms and negative comments and unwarranted interpretations, the version with negative terms only, or the version with neutral terms only. On the other hand, female subjects' inferences were consistently more negative than those of male subjects. Compared with male subjects, females thought that the long-term consequences for children and adolescents who have these sexual experiences are worse, these children and adolescents need more therapy, the adults who are involved with nonadults are more manipulative, have worse mental health, and are more cunning. Females also were more accepting of the idea that the nonadults' acute reactions upon discovery of the sexual encounters were a result of the sex itself rather than the discovery. Finally, subjects found the report to be equally objective in all three conditions and thought that neutral terms were just as appropriate as negative terms.

## **Discussion**

The two experiments reached different conclusions about the effects of biasing aspects of scientific reports. The first experiment found that negative terminology biased students' perceptions of the effects on the nonadults and impressions of the adults, particularly in the general case. Also in this experiment, male and female subjects did not differ in their perceptions. In the second experiment, however, the results were just the opposite. The use of negative terms, as well as the inclusion of editorial comments and unwarranted interpretations, had no effect on students' judgments. However, male and female subjects did differ in their perceptions, with females having the more negative impressions.

The differences between the contents of the two condensed articles are most likely responsible for the different results. In the Tindall (1978) article, positive sexual experiences of boys past puberty with men were described. These experiences occurred within the context of a long-lasting relationship that had mentoring aspects to it, in that the boys often saw the men they were involved with as role models and used this modeling opportunity to develop into more successful adults. These experiences were never discovered, and hence the

negative aspects of police involvement did not occur. In contrast, the Burgess et al. (1984) article described sexual encounters between adults and nonadults which they portrayed as being harmful without exception. These encounters occurred not just between men and boys past puberty, but also between men and adolescent girls, as well as between men and preadolescent boys and girls, some of whom were as young as six. These relationships were described by the authors as being entirely destructive, without any possible benefits whatsoever. All of the relationships were discovered by the police who intervened and arrested the men; the children and adolescents were thus involved necessarily with the criminal justice system and they were involved in clinical evaluation. Finally, the production of child pornography was an element in most cases, adding another negative dimension to these relationships.

Given the many and substantial differences between the two condensed articles, it is not surprising that different results occurred in the two experiments. Tindall (1978) presented positive information to accompany the descriptions of the sexual relationships. Under these circumstances, negative vocabulary had its chance to have an impact. When the terminology was neutral, overall average perceptions were slightly negative on a scale that ranged from extremely negative to negative to neutral to positive to extremely positive. Thus, there was sufficient room for perceptions to worsen with the substitution of negative terminology. This substitution resulted in an overall average perception that was distinctly negative. Burgess et al. (1984), on the other hand, presented only negative information in a very negative context. Under these circumstances, the removal of negative editorial comments, unwarranted interpretations, and negative terminology had little chance to have an impact on perceptions. The perceptions were the same in all three conditions, and the overall average perception was distinctly negative. This overall average perception was the same as the overall average perception of subjects who read Tindall's report with negative terminology.

In reading the Burgess et al. (1984) report, female subjects' perceptions overall were extremely negative, whereas male subjects' perceptions overall were only negative. This sex difference in Experiment 2, but not in Experiment 1, is likely to have occurred because of the inclusion of cases of female adolescents and of very young children of either sex who were sexually involved with men. For female students, the presence of cases involving very young children or of female adolescents apparently elicits stronger negative reactions than does the presence of cases involving only boys past puberty.

### **Conclusion**

The experiments show that negative terminology can bias people's perceptions of children or adolescents and adults who are involved in sexual encounters. This biasing effect, however, appears to be restricted to cases where the nonadults are adolescents rather than preadolescents, and where the sexual relationships are described as having positive characteristics. Even under these circumstances, people's perceptions are generally negative. However, when preadolescents are being discussed, when young girls are involved, and when the context is one of criminality, then perceptions are so negative to begin with that the biasing impact of negative terms is overwhelmed by these other factors. It is also important to reiterate that, in Experiment 1, the substitution of negative terms for neutral ones in describing positive sexual relationships resulted in perceptions that were as negative as when negative sexual relationships were described, as they were in Experiment 2. This finding shows the power of inappropriate negative terminology to override evidence in determining readers' perceptions.

The results of these experiments indicate that, to achieve a more objective appraisal of sexual relations between adults and adolescents in which the adolescents are freely participating, it is important to argue that researchers should not use negative terms indiscriminately. Furthermore, the same argument is important to make regarding public discussions of these relationships which occur in the media. The media are particularly guilty of using negative terminology to describe all contacts between adults and nonadults regardless of the circumstances of these contacts. This misuse of terms undoubtedly has contributed to biased perceptions of these contacts in the general population.

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## Dr. Gisela Bleibtreu-Ehrenberg, M.A., Ethnologist

### New Research on Institutionalized Greek Pederasty

Up until recently, institutionalized pederasty was still being practiced in remote areas of Melanesia. Earlier it had been quite widespread; in Europe, we know of the ancient "boy-love" of the Greeks and Gauls. Neither the active nor the passive partners in such sexual contacts were exclusively homosexual, but rather were, considered from the perspective of their overall life-course, bisexual. Because the older participants in such contacts (imbedded within fixed rituals of boy-initiation) were in fact married, and the initiates were initiated (even via pederastic, strictly ritualized contacts) in order to turn them into men who were ready for marriage. To this extent, same-gender sexual contacts between older and younger persons have been an uncertain means of ethnological socialization. Due to the fact that, as of this point in time, there has been surprisingly little discussion of this issue, particularly as it concerns Greek "boy-love," in the following I am obliged to provide a brief overview of some of the new research into this phenomenon, in the course of which I would also like to refer to two recent and relevant studies of the phenomenon within non-European contexts.<sup>1</sup>

A fundamental commonality of all pederastic rites of boy-initiation is that such contacts are meant to turn the immature, often still childlike initiates into big, strong, and real men, which is to say, by supplying them with semen. Through it a quasi-"building-up" quality is conferred, based on the pre-scientific conception, on the part of the relevant ethnological group, that the male's seed is a means for the transmission of biological virility and general "competency." Although here we Europeans would speak of sperm as a sort of "magical substance," that misses the mark; such events are thought of as being absolutely real. And although – due to its much smaller chronological distance from us – we are better informed about the details of non-European institutionalized pederasty than we are about the boy-love of the ancients, the two forms of initiation are clearly based on similar ideas; ethnology is capable of shedding some light on many things which, in philological terms, would appear to be enigmatic or disparate. Of course, Greek studies have long suffered from the fact that, because of the universal European prejudice against "the homosexuality taboo,"<sup>2</sup> it has been obliged to try to steer clear of that topic. But of course, given the absolutely overwhelming wealth of material concerning ancient "boy-love," which it was impossible for the old philology to overlook, like it or not, scholars working in this area have been wrestling with this subject since (approximately) the turn of the twentieth century.

In his time, the renowned Wilamowitz-Möllendorf<sup>3</sup> interpreted boy-love as a remnant of the "camp-life" era of the Doric migration; i.e., as situational homosexuality, which had eventually become customary, and would have been retained. He judged it, in accordance with the times he lived in, as a "sin against nature." Broad – as well as deep – insight into the matter was found in the work of E. Bethge,<sup>4</sup> who clearly recognized both the ritual as well as the institutional character of the custom, also drawing on early ethnological material in support of his thesis, although admittedly only to a limited extent, and without an awareness of the actual parallels which would have shed additional light on the matter. His work was received by the experts in such a way that it was also accompanied by a moral rebuke, which would then be taken up, sans any sort of careful examination, by the next party. In that way, the tacit agreement on the part of the Philologists Guild, to not let themselves get scientifically involved in the phenomenon, was saved. Only about thirty years later was Ernst W. Jäger<sup>5</sup> successful in looking at boy-love again through Greek eyes, in the course of which it became clear that what we had here was not an isolated sexual impetus, but rather, an experience enthusiastically engaged in by all of the senses, in which sex was included. In this way, one bypassed the question of how what had – up until that point – been classified as an immoral sexual component could now become something positive. Later authors such as H. I. Marrou<sup>6</sup> and later A. Lesky<sup>7</sup> would be overly timid, in order to be able to protect themselves against anything having to do with homosexuality: the phenomenon was referred to by circumlocutions of every kind, thus making it virtually impossible to deal with in any sort of scientific way. Finally, Th. Vangaard<sup>8</sup> interpreted pederastic contact as an exclusively aggressive act of domination and subjugation, a view for which the extensive material on the subject provides not the slightest support; quite the opposite, as we shall soon show.

For the first complete stock-taking of all of the existing pieces of information on Greek boy-love we owe thanks to K.J. Dover.<sup>9</sup> Admittedly, however, his liberal use of the term "homosexuality" is problematic given that – even with numerous qualifications, which are still not fully adhered to – pederastic contacts are interpreted as "homosexual," in the sense suggested by present-day usage of the word. In this way, what is perhaps to us, at best, the "indecency" of pederasty is gently removed from discussion. Because, Greek boy-love knows nothing of life-long sexual contacts between the same partners (as today's homosexual couples occasionally are). It knows nothing of exclusive same-gender sexuality between adults (the older partner in such a bond would almost always have been married). Moreover it is inappropriate to lump this uncertain phenomenon in together with male prostitution and promiscuity. (There was prostitution in antiquity with slaves; but it was forbidden with free persons. And there was promiscuity between free and slave youth, just as there were relationships which are of interest here, those between a younger person and an adult partner.) In other words: In spite of a detailed and therefore extremely helpful explication of the extensive literary and archaeological sources, for Dover, Greek boy-love is *sui generis*; that is, sexual contacts – within the context of an institution – with boys between twelve and (at the most) eighteen years of age suddenly become quasi "pure homosexuality" – which even today is more tolerable than pederasty in its actual sense – which is of course just what is intended. Dover now interprets the concept of "homosexuality" as the presence of a "preference" or "disposition," which in turn, in the end, is nothing more than the old idea of a "homosexual predisposition." Consequently, a serious ethnocentrism has slipped into this otherwise laudable work, thus rendering Dover's conclusions curiously contradictory. The well-established concept of "bisexuality" is carefully avoided. I may be doing an injustice to what, in the meantime, has become a world-famous work, but for me it is, first and foremost, a very scientific, precise, and rather useful description of sources, and nothing more, because the central problem is omitted – that of boy-love.

The real breakthrough of a true synthesis and interpretation, drawing on modern psychological research, all of the available ancient sources, as well as parallels among "primitive" peoples, was accomplished in 1982 by Harald Patzer.<sup>10</sup> It is his view of Greek boy-love that we shall review in the following, where, for reasons of space, only the conclusions are able to be reported; not, however, his lengthy and elaborated reflections, from which he had reconstructed the overall picture.

This new overview showed that there had been not just one, but two forms of institutionalized Greek pederasty, which, nevertheless, had the two following characteristics in common: The passive partners were boys between twelve and eighteen years of age; the criterion for the so-to-say "upper limit" was the sprouting of facial hair; i.e., the upper limit could be considerably younger than eighteen. The older man had to be an adult; i.e., battle-ready and, moreover, in full possession of all civic rights. Both partners had to belong to the same social class, and in addition, and above all, free; for slaves, the institution was absolutely taboo. The form of sexual activity in such a relationship was definitively prescribed (interfemoral intercourse), and anything else was expressly ruled out. Only the older party was permitted to be sexually active; the younger party was not supposed to evince any sexual stirrings of his own. Both partners were required to carefully consider whether or not the other appeared "suitable." The older party wooed his chosen one with traditional gifts of increasingly symbolic character: hounds and horses (as attributes of the hunt and war) as well as cocks and hares (as symbols of male potency).

Financial considerations were regarded as being irrelevant to partner selection; of course, when they did come to light, that brought disgrace to those concerned, because then, the relationship would have shifted to the realm of prostitution, which was taboo for freemen and, if proven, would lead to a loss of civic rights; i.e., further participation in political life would be prohibited. If all of the aforementioned criteria were met in such a partnership, it was treated as "permitted" boy-love; if not, it was "unauthorized," and thus, if it became known, sanctions could be imposed.

The historical relationship of the two forms of institutionalized Greek pederasty towards one another is a matter of some controversy. Patzer distinguishes the "Doric," which prevailed in areas that had been conquered by the Spartans, from the so-called "Classical," whose sphere was (the remaining portion of) greater Greece. The Doric was older to the extent that, as such, it had maintained itself in terms of its extremely "ancient" apparent characteristics; however, the two forms did co-exist chronologically. Patzer presumed that it was a matter of different varieties of a common estate shared by all Greek tribes in all eras, whereby, in the Doric

form, the prototype had been partly preserved, which then itself, on the other hand, in part further evolved or transformed into the "Classical" genus, while the above-described "frame conditions" remained the same for both. The reason for the distinction has to do with historical factors concerning the colonization of Greek lands, which there is no need to go into for our purposes here.

Now to the principal characteristics of Doric boy-initiation: The goal of the institution, which was always focused on a given individual (group-initiations, as, for example, would occur among many "primitive" peoples, were unheard-of in this context), was to turn the boy into a full-fledged warrior. Every other aspect of life took a back-seat to the warrior ideal. For both partners, participation in the initiation was a social obligation; one was merely able to choose or reject any given partner. The Doric form, far from being limited to the Spartan motherland, had also spread to islands which had been conquered – or were strongly influenced – by the Dorians, from whom, incidentally, the oldest archaeological/literary evidence (in the form of rock carvings on the island of Thera) is derived. It had clearly been handed down from Sparta itself that every adult warrior, i.e., full citizen, must prepare a young lad for the initiations and, over the course of one's life, perhaps several. Of course, at the same time the full citizen, in order to be regarded as such, also had to be married, which is why these people's men have traditionally been regarded as being bisexual. Bachelors and men who refused to "sponsor" (to be linguistically precise, which does not mean, for example, the relevant term used by the Greeks) a boy by preparing him for the prescribed rites for warrior life, were severely punished, namely, by the loss of civic rights and honors. This meant that they were expelled from the warrior class, and were thereby stripped of their rights. Humiliation (the removal of clothing) was another common punishment, and in Sparta, the respect that youth were legally mandated to show their elders was no longer applicable to such persons. In concrete terms, the protocol for how the rite was to be carried out was as follows:

When a warrior would choose a particular boy whom he wished to initiate, the first criterion for this selection would be that the boy was of equal status to him (the social aspect), and secondly, that the initiation was to be formed by someone who was regarded as being a true hero (the individual factor). It was not, for example, the handsome or even the particularly intelligent boy who was regarded as being worthy of initiation; rather, the selection was made, one-sidedly, according to the criterion of so called "competency." This was understood to mean that the lad was physically strong enough, corresponding to his age, in order to one day grow into the "warrior life," and moreover, brave enough to strive for this. The rite called for the initiator to kidnap ('abduct') the initiate from the parental home. What this really was, however, was a "mock kidnapping," because the initiator-to-be would have previously announced his intentions to the relatives of his chosen one. If, for any reason, those concerned did not believe their young family member to be worthy, they would earnestly defend the boy, and send the adult warrior fleeing. If the mock kidnapping was not in any way permitted, it was regarded as dishonorable. Likewise, it was shameful for a lad not to be chosen by any adult warrior, because this showed that something wasn't right with his "competency." The further course of events is described by Harald Patzer (op. cit., pg. 72 ff.): "If the abduction was successful, the kidnapper gave the members of the family gifts, for compensation and reconciliation. The boy was brought to an isolated location "in the countryside," where the two embarked on a two-month-long hunt. The reconciled relatives festively escorted the pair to every location, and provided them with magnificent hospitality. Likewise, after two months, the two were festively escorted back (meaning, "they descended"; the "countryside," the deserted area was, consequently, in the mountains, which is also where the hunt took place). The period of living together in very close proximity was brought to a close via the older partner showering the younger one with presents, among which a coat of armor, a bull, and a drinking vessel were obligatory. Now, the boy organized a celebration, to which people from all over were invited, where the bull – which had been given to him as a gift – was sacrificed to Zeus. Moreover, he was obliged to solemnly declare whether he had promised to join the older person's communal group, or, whether someone may have done violence to him in some way. Then he will have gotten satisfaction, and the relationship is dissolved. Otherwise – and we may infer this with confidence – the relationship continues on. Thus the boy is regarded, from that point on, as being on the same level as the lover, as the closest of comrades-in-arms in terms of battle lines, enjoying the greatest privileges, and carrying the name of "highly honored" (klénoi), just as the coat-of-armor which had been given to him will forever mark him as being among the cream of the crop.



In this sequence – according to Patzer's analysis – two stages of initiation may be detected: The first is concluded with the sacrifice to Zeus, with the giving of the drinking cup making it clear that from now on, the initiate is a member of the Spartan male "Banquet Society" (the *sysitia*). The second stage consists of his proving himself worthy to be "on the same level" in an actual emergency; i.e., when he follows his sponsor into war. Regarding the significance of the actual sexual act in this coming of age rite, Patzer writes (op. cit., pg. 78 f.): "Among the gifts which the elder party has given the boy includes a bull, which the boy then sacrifices to Zeus. To the latter is ascribed supernatural fertility; therefore Zeus is, likewise, understood to be the conferrer of biological male power, which he gives to the boy, or, to the extent that he has already given it to him, is even further supernaturally protected and heightened." In Cretan Greece at least, the Minotian boyish (pre-Indo-Germanic) God of Spring endures, who is called upon to provide general prosperity, whereby one asks him to regeneratively cover all of the earth. The presentation of the coat of armor was an outward sign that someone had come of age and possessed full civic rights. From the beginning of the first stage of initiation, the boy's legal guardian was no longer his father, but rather, his initiator. Furthermore, from that it is evident that the social, recognized character of Doric boy-love is that the institution was legally prescribed.

Its second type, classical boy-love, is historically most recent, and therefore, better covered than the Doric, and is, compared to the former, more peaceable. Because it was not (or no longer?) aimed at the acquisition of specifically military competency, but rather, sought to promote various masculine assets and qualities. It was also less obligatory, and it was no longer monitored by the state. Therefore, the relationship between the partners was freer, or, better; more private, although it was still a matter of a socially accepted institution which was usually regarded as being a given, without, however, any longer being a social "must." Its geographic sphere of influence is considered to have been greater than that of the "Doric"; however, the complex problem of the two forms' mutual influences and interdependencies is not able to be addressed here. In any event, the changed goal-directionality of the institution has, according to Patzer, to do with changed circumstances of living: Out of a tribal and warrior culture came an advanced civilization; and the high culture life of the polity had to sweep the barricades away. An additional distinguishing characteristic consists of the fact that whereas Doric boy-love as an institution covered, as "worthy," all suitable boys of the tribe, in the classical type, it was the corporate and exclusive prerogative of the aristocracy. It conveyed elite traits, and facilitated the bringing-up of a noble youth elite; and though this did make them stand out from the non-aristocratic citizens of the polis, the latter were meant not to envy the former, but rather, to admire them. This continued to support the notion that physical beauty, which at the same time also encompasses flawlessness, strength, and dexterity, makes it possible to radiate elite excellence, so that, from first glance, one is able to pick out what constitutes true nobility. It is this idea which lies behind the common label of "beautiful" for a beloved boy within the context of classical boy-love. Rather than drilling in battle, man and boy now practice athletic disciplines, the younger learning from the older civic virtues; in this way, through fine art and a knowledge of literature or politics, the former defensive function against (just) subjects is turned into a conservation function for the prevailing groups, which for their part is felt to be represented by the young aristocracy; because, they are the ones who win Olympic competitions for their cities (and thus even for their lowliest inhabitants). The evolution from war to sports is obvious. From the old warrior rule, only the preferential treatment within the polity remained, which, admittedly, required a more permanent justification in order to be sustained over the long-term, which is why the nobility (and logically, it only) concerned itself with carrying on – for its up-and-coming male counterparts of similar status – the traditionally most meaningful form of social beneficence, boy initiation. The ability to put up a fight now becomes generally understood as the ability to competently cope with the rigor's of one's own existence. Instruction in philosophy becomes more important than any of the more traditional areas of learning. At the same time, with the athletically-centered cult of youthful male beauty, what we have here is the famous Greek equating of the "beautiful" with the "true" and the development of a canon of universal human virtues, which the aristocracy uses not to take advantage of the citizenry, but rather, to set an example for them.

As in later Hellenism and early Christendom, where other – namely, genuinely oriental – ideas about art and the goal of virtue emerge, Greek notions concerning this were partially eroded over a long-term spiritual process, in part transformed, in part eventually discarded entirely. Over the course of this evolution, classical

boy-love was valued less and less; in the year 529, the Roman Emperor Justinian decreed the closure of what was, at the time, the almost thousand-year-old Platonic Academy of Athens, calling it "a hotbed of vice."

### Endnotes

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## Dr. Gisela Bleibtreu-Ehrenberg, M.A., Ethnosociologist

### Pederasty Among "Primitive" Peoples

#### I. Sources

When researching historical facts, it is understood that, to the extent there is a written record, we are on fairly solid ground. Even when sources are scant, so long as they originate from the human groups at issue, or at a minimum from their contemporaries or observers – who are closer in time to these cultures than are we today – one at least possesses valid evidence. For these reasons, we know more than a little about pederasty among some advanced non-European cultures (e.g. ancient Mesopotamia, the Orient generally, the Near and Far East, Japan, as well as South America). This quasi-limitation is a result of the fact that most of the knowledge we do have is based on documentary sources which are either quite obscure, or are written in long dead languages which – if for no other reason than the lack of translation – are simply inaccessible to the layman. Many times, references are found even in places where one would least expect, and thus serendipitously, namely, in the context of very different topics, which are being addressed from quite divergent points of view.<sup>1</sup>

Things are even more problematic when one takes a look at so-called "non-literate" cultures. Included here are groups and tribes which are characterized – albeit not always as a strictly adhered to demarcation – as "primitive peoples." Because these are what concern us here, our sources consist almost exclusively<sup>2</sup> of the opinions and reports of members of our own culture, which is why they are permeated by our own ethnocentric ideas and norms. What this means is that, even within ethnologically-specialized fields, very little material on

these matters has been handed down<sup>3</sup>; this is, of course, an area which we have imbued with strict taboos for centuries.

## 2. Taboos and Conceptual Confusion as Hindrances to Research

In addition to the above described, not exactly insignificant problems is the fact that in practically the entire ethnological literature (in part even up to the present day), virtually none of the activities which are analogous to those which took place in Hellas (which are correctly termed "pederasty") are regarded as being phenomena (or problems) in their own right, but instead as – or in the context of – homosexuality between adults, transvestism/transsexuality, hermaphroditism, or the castrati; that is why it is usually next to impossible to determine, from the text, precisely which sexual behaviors are being alluded to.<sup>5</sup> And of course, in the vast majority of the older reports on pederasty – or at least, on what was regarded as pederasty – the articulation of moral abhorrence unfortunately stands at the fore of the reporting, which, sometimes, leaves almost no room at all for an actual description of what is being disapproved of.<sup>6</sup> Even modern ethnologists do not always address the issue of pederasty in the same prejudice-free manner which they themselves demand for the assessment of other kinds of practices engaged in by "primitive" peoples.<sup>7</sup>

In the face of our own Occidental normative notions, it is no wonder that pederasty (just like any other sexual behavior which deviates from our norms) was not tolerated anywhere during the almost five-century-long colonial era, but rather, was deliberately persecuted and, to the extent possible, stamped out. And herein lies a further reason why there is so little reliable material available concerning pederasty among "primitive" peoples: For the most part, by the time that actual scientific ethnological research (which at the time was usually called "anthropology") was getting started, around 1880, the corresponding customs had already been stamped out. Consequently, we have very few reports telling us anything at all about the topic; thus, only from those periods in which colonial conquest had not yet been completed. But on the other hand, even those reports were still not necessarily "scientific" in the modern sense. Their authors were, of course, not seldom, merchants, missionaries, ship captains, or simple adventurers; the universal European taboo against sexuality in general had already made it difficult, in terms of linguistics, to adequately convey what they had seen, even when the will to do so must have – sometimes – been acknowledged to exist.<sup>8</sup>

And, last but not least, early on (certainly from the 17th century forward) the educated classes had some knowledge of ancient boy-love; all same-gender sexual behavior between men was automatically classified and described as "pederasty." At the same time, since the beginning of the modern era, an effort was made to replace the disreputable, infamous Middle Ages word "sodomy" with a newer, less emotionally-laden one.<sup>9</sup> By the same token, the institution of ancient Greek pederasty was idealized in materially distorted ways, thereby de-sexualizing and neutralizing it. But only recently have procedures actually been implemented – by way of a scientific interpretation – to replace it with an appropriate term.<sup>10</sup>

Analyzing the existing material whilst bearing in mind the above caveats, one finds that outside observers characterize sex between male individuals of divergent ages as "pederasty" significantly more frequently in connection with transvestism/transsexuality (often still noticeably religiously determined, and with the participants explicitly emphasizing that one of the two was not really male, but would, rather, be socially classified as being of the female gender), which is more in keeping with European modes of expression, than as reports of actual local customs.<sup>11</sup> The bulk of the recent, detailed material focuses on initiation rites for male youth.<sup>12</sup>

The fact that structurally amazingly similar forms of initiation have also existed in ancient Europe suggests that there must have been particular social constellations which gave rise to each particular initiation-structure; and given the enormous distance between Melanesia and Sparta, the possibility of cultural contact must be excluded.

## 3. Examples of Non-European Institutionalized Pederasty

Most of the reports of institutionalized pederasty among "primitive" peoples which may be characterized as being absolutely valid refer to the region of Papua/Melanesia.<sup>13</sup> Because its reported characteristics are so

strongly consistent, as far as a non-ethnologist readership is concerned, it is quite sufficient to trace out its basic pattern, which is what we shall try to do in the following. There are two spheres of ideas, which are mentioned by the tribes concerned, which explain the necessity of pederasty in the initiation; although independent of one another, what they do have in common is that, in the final analysis, they are based on socially-determined conditions. From the standpoint of those concerned, it is certainly a matter of the content of belief, both in purely religious terms as well as with respect to traditional practices and customs which are simply "regarded as being right and proper."

The first idea-constellation is characterized by the conviction that, without going through the pederastic rites in the context of their initiation, boys "would always remain small." Expressed conversely: Via pederasty, small boys are turned into proper, big, grown-up men. It is imagined quite concretely that the non-initiated would remain an actual child, because he – life-long in this inferior condition – would be capable neither of marrying and fathering children nor living the life of a warrior. The initiates believe this as well. The second motivation regarding the necessity of pederasty through initiation relates to the view, truly widespread in every region, that children in general, and to this extent boys also (prior to initiation) belong so clearly and exclusively to the mother that, all in all, one would really have to count them as being part of the female population. This means that a little – that is, non-initiated – boy is treated socially "as a woman": He is allowed to participate in exclusively female rites and performs female tasks without being laughed at for it; they have contact with special women who are honored for their prophesying ways – but all of this comes to an end as the initiation draws near, often over the course of several years. It therefore follows that, at the beginning, the initiates as well are regarded and treated by their initiators, "as women"; this goes so far that, there is actually a belief that pederastic sexual contacts could lead to pregnancy, which is why, if need be (for instance, when, due to some internal illness – e.g., an infestation of worms – the body is abnormally swollen) lime is given, in order to induce an abortion. According to these tribes' beliefs, the important thing about pederasty is the furnishing of sperm; it is considered to be a kind of developmental nourishment for the (still) "female" boy's body, especially when one is convinced that the childlike body is now being transformed into an adult warrior; initially, he would have essentially been formed out of the mother's "life juices," that is, during pregnancy from her blood, and later on, from her (usually several-year-long provision of) mother's milk.

Father and mother worry a great deal about finding a suitable, i.e. reputable "Godfather" for their son. This relationship – between the Godfather or sponsor on one side and the boy and his family on the other – constituted a strong social bond which, at its best, would be characterized by the expression "kinship of choice." Following the initiation, anyone who agrees to accept the position of sponsor is given a gift in appreciation – by the parents of the boy in his charge – in the form of pork. (If the parents could afford it, they would give a whole pig.) Actually, with this present, one acknowledges (animal protein was a rather rare part of the diet in these regions) that the sponsor (often over the course of years) has furnished physical strength to the boy in the form of sperm.

Neither unmarried young men in the last stages of initiation, nor even newly married full initiates, were suitable as sponsors. In the latter case, the sponsor would treat the candidate for initiation just like any other child in the household. Between him and the sponsor's wife there would be no jealousy; rather, this woman would care for the boy, just as she would for the children she gave birth to. It was the boy-charge's duty to help his Godmother with any and everything: He collected wood, helped to clear yam gardens, fetched water, and so on. At the same time, he developed a deep affection for his sponsor's biological children; henceforth, the boy was classified as being the brother of the other children, and any marriage between him and one of his sponsor's daughters would have been regarded as incest, which is why there was such a strong taboo on it. Because the sponsor is responsible for the well-being of the boy in his charge during the entire initiation period, all parents try to get men who have attained a certain status in the village, and therefore will also be able to help their son along socially. This circumstance may have been the reason why influential chieftains ended up taking on many boy-charges, which admittedly carried with it the seeds of abuse and exploitation. Initially multiple, simultaneous sponsorships being carried on over a period of the two or three years was regarded as being acceptable and legal; however, it was probably not the rule.

The to us absurd-sounding idea that, without being furnished sperm, boys would necessarily remain "small" – i.e., children – for life, and would therefore be incapable of marrying and carrying on the life of a

warrior (whereas girls of course were meant to remain girls, which is why no transference of sperm was required for their initiation) is certainly not any sort of "alibi defense" designed to provide a rationale for pederastic rites.<sup>14</sup> (Such an interpretation would be based on Occidental ethnocentrism.)

In analyzing this custom, one must never lose sight of the fact that what we have here, as far as the adult participants in pederastic intercourse are concerned, are not homosexuals or pederasts as we understand those terms, particularly because it is only when he has been fully initiated that the younger participant is declared to be an adult and ready for marriage. The young lad had already been looking forward to his "majority" for many years. The two sexes were strictly forbidden to engage in premarital sex. Traditionally, the sponsors were married (in every region, those who remained unmarried were merely those with actual serious physical or mental handicaps), and as a rule they did have sexual intercourse with their wives – sometimes, even with other men's wives: Many white observers have described in detail numerous (heterosexual) promiscuous customs, i.e., on the part of the Marind Anim.<sup>15</sup> The child's bond with the mother must have appeared, to every tribe, to essentially be of such a kind (undoubtedly having been influenced by the remnants of the maternal cultural elements) that, in the context of the initiation, a regeneration was regarded as necessary.

With its help, the hope was that the motherly influence which had dominated up until that point would be pushed back enough so that the boy would eventually be considered to have been integrated into the village's patriarchy. To this extent, viewed in social terms, the initiation represents a "second birth," just as has so often been characterized by the relevant tribes themselves. It is taken as a given that, from the beginning of his time of initiation, the boy will leave behind what he had heretofore belonged to, seen, and really, experienced as a small boy in close mutuality with his mother and other female relatives.

Between the sponsor and his boy charge exists a close bond of friendship; the boy is obliged to follow what his sponsor has to teach him about such important life-areas as hunting, warrior life, and religion. If one of the parties were to die during the initiation period (which usually encompassed several years), the family would mourn him just like a close blood relative. If the death were the result of a battle or combat, there would be a duty to exact revenge.

Frequently a village's sponsors came only from the group of the most recently fully initiated young men, who on average were in their early to mid-twenties and newly married. They had either no children at all yet or only small ones, so that the initiate could be a true helper to both the man and his wife (because in these tribes the woman attended to the farming), which truly was an advantage. The young Godmother treated the boy like a younger brother or even her own son, slipping him bits of food, braiding his hair, etc.

Obviously, it wouldn't make any sense to assess pederastic initiation among "primitive" peoples with the same yardstick which is placed against sexual behavior today. What we have here is simply a very ancient, yet internally logical and unified conception of the world, whose roots reach back to earliest human history. The attempt to supplant maternal social, cultural, ideological, and religious elements with patriarchal ones shows through again and again. (Typical of the widespread assumption – in every region<sup>16</sup> – of women's incompetence is the simultaneous presence of mythologies at the center of which are female creators.<sup>17</sup> Consequently, what we have with pederasty is not a conglomeration of obscure and obscene acts, but rather, remnants of an age-old cosmogony, of which pederasty was only one component among many others which, for their part, were regarded as being equally important. (This includes – as was already mentioned – the strict premarital chastity of both sexes, belief in the woman's cultural incompetence, the temporary necessity of promiscuous sexual intercourse, and numerous other features having to do with the sexual sphere; e.g., head-hunting.) Individually, viewed in functional terms the participants were – customarily – not homosexual, but rather, bisexual.

Though the situation in Australia is similar in part, it nevertheless is not comparable. The pederastic aspect is no longer actually carried out in the initiation rites; instead, it is now alluded to in gestures or referred to in myths.<sup>18</sup> Of course, here one also encounters traces of a rudimentary, concrete, chronologically broad maternal stratum. An example: Could one perhaps regard it as pederasty in the "classical" sense if a youth who has undergone a so-called "Mika" circumcision (this operation seeks to re-shape the phallus into a vagina<sup>19</sup>) has intercourse with a not-yet-incised adolescent boy in such a way that the boy engages in coitus with the older party's penis-cum-vagina? Hardly. Obviously, what are manifest here are prototypical notions of the desirability of approximating the female physical form which we are no longer able to state with any precision.

Easier to interpret are relationships in which a boy (moreover we are talking about someone who has not yet been initiated) temporarily takes on – with an older lad (who for his part has already gone through the first stages of initiation) – both the sexual as well as social roles of woman/wife. This is the case in Australia, where one quite frequently had to wait a long time before he was allowed to take a real wife.<sup>20</sup> Many early observers characterized these goings-on as a means of keeping the birth rate low, which of course functioned as a declaration of embarrassment. Such male "ersatz wives" had to – on principal – come from one's own clan (totem), from which the youth himself would – later on – have to choose a wife of his own.

Incidentally, there are also similar reports from black Africa. However, it turns out that fewer valid ones get "handed down."<sup>21</sup>

#### 4. Pederasty and Prostitution

In some regions of the world, mainly in East Asia, however also in the Near East and large portions of white Africa,<sup>22</sup> there was child prostitution involving both sexes, which in part continues to exist today, albeit in modified form. Poor parents, impelled by financial hardship, sell not only little girls, but also pretty little boys to child brothels or interested individuals; with the boys it was usually just a kind of "rental." That is, they got their – albeit often rather relative – freedom back later on, as soon as they reached puberty, and were therefore no longer attractive to the brothel clients.<sup>23</sup>

The transition to the markedly poverty-driven prostitution of more recent times (and in part still of the present day) was a fluid one. Well into the 1950s, the "working clothes" of the young rent boy were frequently similar to those worn by female prostitutes: conspicuously colorful women's clothing, garish makeup, a lot of cheap jewelry. This was especially common in those regions where ritualistic transvestism combined with prostitution had previously<sup>24</sup> been a tradition, in the context of shamanistic religious categories or the cult of female high Gods of the "Great Mother" type. Presumably, this is why earlier observers have so frequently classified pederasty and transvestism among "primitive" peoples as being one and the same phenomenon. And although admittedly, as it were, "technically speaking," an adult man having sexual intercourse with an adolescent boy or male child certainly does constitute "pederasty," we of course must not judge this in ethnocentric terms because, based on the point of view of the "parties" concerned, it was a matter of a kind of – clearly denoted by costume as female – male prostitution which even on a social level was seen not as involving boys, but rather, girls.<sup>25</sup> What we have here is both the profanation as well as secularization of a previously religious-based custom.<sup>26</sup> The transvestite, often castrated male cult-servants engaged, in the service of female deities, side-by-side with their female counterparts, sexual contact with the faithful, because they were deemed to be representatives of the Goddess, and therefore this contact was salubrious and beneficial (here lie some ancient remnants of a matrifocally-determined epoch). During coitus with the Goddess's representatives, the latter passed their luck-bringing influence on to the faithful.

Between the pederastic rites within the context of Papua/Melanesia/Australia that were presented in an earlier section, and the just-mentioned cult practices in the service of a (in the meantime out-of-date or forgotten) female deity, there is both a difference as well as a similarity, both of which contribute to these so structurally different forms of same-gender relations having so often been either regarded as the same phenomenon, or, mistaken for one another. The similarity consists of efforts to draw similarities between the two kinds of bodily contact: namely, that practiced by believers in the strength-conferring power of a worshipped Goddess on the one hand, and that engaged in by still immature, "female"-classified initiates with fully physically and psychologically mature men from their local group on the other. The difference lies in precisely those objects of presumed resemblance: In one (via transvestism and – earlier perhaps regular, but nowadays very rare, castration) the young temple priest (and at present, often still as its quasi-successor, the feminine-acting impoverished lad from the proletariat of large cities of the Asiatic) is equated to a woman. In Melanesia, on the other hand, one strives to emulate the full-grown man, the warrior.

Of course, in all of the above cases sex serves certain purposes and goals; they were not primarily oriented towards – based on what type we are talking about – either sexual satisfaction or reproduction, but instead, were of a purely social nature. That sexuality is an agent independent of its function in reproduction, and that it promotes social integration or – in the case of transvestism – contributes to the resolution of gender-

role conflicts, are facts which have remained unknown to us Westerners for centuries. That is why, as far as the ethnological literature is concerned – which is what matters to us here – everything associated with this is either completely distorted, or simply absent.

With the above-described sexual contacts in the service of a cult, what we have is a religious component which has broken away from long-vanished (in part millennia-old) high cultures of Asia and the old Orient. Traces of the so-called "Kinäden" (kinaidos/cinaedus – traveling minstrels, dancer-actors who are also male prostitutes), which one would legitimately call the legitimate successors to male cult prostitution in ancient Europe, can be found from the Italian Mediterranean to Syria, from the Maghreb to the Straits of Gibraltar and in many areas of Africa; they must have been widespread over the whole of Asia; they were, for example, also known in ancient China.<sup>27</sup> Moreover, they are always – albeit with the passage of time in an ever weaker, dimmer connection to a female Goddess – concretely or at least indirectly inferable. In addition to the sexual devotions to the faithful on the part of the servants of the cult, two other ever-present components of the cult of such Goddesses was temple dancing and cult plays (dramas). Therefore the Kinäden cultivated dance and music. The Latin expression from which our word "obscene" has been derived originally had nothing to do with the offensive or indecent, because the acts which took place on a public "stage" (in part hetero, in part homosexual) were components of the ritual worship of the Goddess, and were, for that reason, holy. But the fact that the word ("obscene") was already being used in a negative context in Republican Rome is a clear indication that the Indo-Germanic Romans, in their recently conquered new home country of Italy, were uneasy with the native populace's palpable synthesis of sex and worship as well as sex and art.<sup>28</sup>

It was only via Christianity and Islam, and in China, Confucianism – i.e., patriarchally oriented religions and social teachings – that the orgiastic cults of the above-mentioned type were conclusively snuffed out; indeed, the Stoics as well as the later ascetic tendencies of an evolving Hellenism had already distanced themselves from it. However, in many regions of the world, the aforementioned type of Kinäden was still being carried on as a sort of subcultural relic. Today, the allusion to femininity in the context of prostitution (including modern, poverty-driven prostitution in third and fourth-world countries, the latter being those which had been colonized by whites) frequently evinces just one unique characteristic unknown to the uninitiated or classified as a joke, and yet which still rejects the feminine: a single earring, worn on a part of the body where men traditionally do not wear one; a tiny bit of makeup, a uniquely feminine garment added to an otherwise normal male clothing ensemble; a typically female necklace, and so forth.

I would like to once again point out that my remarks are explicitly *not* addressed to modern times, in which female and male prostitution has itself – due to rapid cultural decay in the countries which this paper is concerned with – been altered radically.

Included among the consequences of cultural change brought about by the administrative measures of white rule were the many locales in which the "natives" had established conflict resolution models of their own; and, that an indeed not critically-determined or institutionalized, yet firmly anchored in custom, tradition of female prostitution was prohibited by the relevant white regime, only to be gotten around by the prostituting of boys and young lads. Moreover, the boys themselves were not asked about their views on the matter; instead, they had to obey the commands of their fathers or patrons,<sup>29</sup> who also had financial or other advantages over them.

## 5. Pederasty as a Component of the Private Sphere

In Papua-Melanesia, but also in Australia and Africa,<sup>30</sup> sexual intercourse between two men was occasionally practiced between two young men, in which it was an absolute must that one be a couple of years younger than the other (frequently among brothers and cousins). Therefore it was something that was regarded as an outlet for sexual activity because, with the tribes in question, a greater premium was placed on girls' premarital chastity. At the same time, heterosexual coitus was regarded as being extremely dangerous for young men, in the sense of sapping their strength and being harmful to their health, whereas homosexual-pederastic intercourse was deemed to be harmless. However these relations were hardly institutionally specified in any way; they were usually just part of unquestioned regional practices.

## Digression: Pederasty in Advanced Non-European Cultures – The Example of Feudal Japan

Contrasting the evolution in other parts of the world were relations in the Japan of the Middle Ages. The literature of the feudal period informs us of the existence of child prostitutes, who were passed off (pro forma) by their patrons as purveyors of medicine, etc.; but in truth they were objects bought and sold by pederastic customers.<sup>31</sup> When they grew up, they took up other trades, and if they did still continue to secretly prostitute themselves, they now did so of their own accord.

But of course, quite apart from the above, there were also passionate, not rarely romantically tinged love-relationships between knights and young squires. There were originally socially-conditioned bases for these relationships. At the beginning they were a sort of situational homosexuality, which eventually became a generally-accepted thing and was ennobled via idealized motivations. That is to say, it was frequently not possible for members of the Samurai class (the knights) to raise the money necessary to pay the bride-price as well as establish their own household, and the same went for many peasants' sons. They frequently found their fortune at the side and under the loving protection of a samurai, who was sometimes scarcely in any better financial position than he himself was; i.e., whose only wealth was his honor and physical prowess. Since the custom was still in fashion for the knighthood, such samurais or barons even almost preferred male love affairs to relations with women; if they simply had the financial means, they would have been able to afford several wives. The squire's attachment to his knight was the mirror-image of the samurai's vassal loyalty to his prince (Daymio). Therefore, what we have in front of us is not a relationship which is vested with equal rights on both sides. Because the samurai would eventually like to confer his patronage on a different squire, just as the Daymio could – perhaps for political reasons – send a disgraced samurai packing. Traditionally the squire gets his heart broken when his lord withdraws his love; the Daymio-discharged samurai – above all when the basis for his dismissal was some sort of injustice – would, not rarely, commit Harakiri.

In a collection of old Japanese novellas which has exclusively compiled male-male romantic novels (which, by the way, are also tragic and extremely cruel),<sup>32</sup> one finds some which, given their content, were probably originally Chinese plays which were "Japanicized," as people began to imitate what were regarded as superior Chinese ways of life.<sup>33</sup> These were purely private, individual relationships.

Fundamentally, as to the issue of private pederasty, we can say the following: Both in terms of "primitive" peoples as well as in the context of certain non-Western advanced cultures, for which only very sporadic observations are still extant, the reports scarcely go beyond the anecdotal. We could hardly have expected such clues, given that the outside researcher (and in any event, outsider) usually – and understandably – avoids as much as possible looking into the intimate sphere of his "research subjects."

## 6. Concluding Remarks

The reports which we have analyzed regarding pederasty among "primitive" peoples and advanced non-European cultures, from a period of time when the relevant tribes and peoples were still presenting themselves to European researchers with their cultures still perfectly intact, offers the following picture: The overwhelming majority of the examples that appear there as "pederasty" either belong to the sphere of institutionalized pederasty, that is, within the context of the institutions that were acted out (something which also – as was already mentioned – held true for the ancient European rituals which had to do with pederasty), or, were observations of such a kind that, in truth, related to the transvestism of so-called transsexuality (and indeed, even among fully grown individuals). To this extent, the earlier-discussed, quite habitually misapplied concept of "pederasty" suggests that there have been significantly more "observations" of the first type than actually existed.

Generally speaking, research into the phenomenon as well as the social assessment of pederasty among "primitive" peoples and ancient, advanced non-European cultures has, above all, one thing in common with studies of other forms of sexuality which, from a Western standpoint, are regarded as equally deviant: One sees that the prohibitive-restrictive standpoint – which we take to be self-evident and natural – is by no means shared by members of many foreign tribes and people: "Different peoples, different customs."



Moreover, what such observations can teach us is really a recognition of the astonishing plasticity of human sexual behavior. Human ethnology is decidedly enriched when we – in the context of research into "other peoples" as well as in an enormous open-air museum – look and learn, in order to see how much broader the range of potential human behavior is than our own, "white man's way," preconceptions have wrongly allowed us to believe.

## Endnotes

1. As an example of this, I would cite the old collection : Burton, F. (1885). *A Plain and Literal Translation of the Arabian Nights Entertainments, Now Entitled the Book of the Thousand Nights and a Night, with Explanatory Notes on the Manners and Customs of Modern Men and a Terminal Essay, Upon the History of the Nights*, Bernares.
2. An exception to this are Arab travelogues from earlier eras; e.g.: Renaudot, Eusebe (1718): *Ancient Relations of India and of China, by Two Mohammedan Travelers of and Through the Ninth Century*; translated from the Arabic with a Comment on the Principal Proper Sphere for These Relations. Paris,
3. For a compilation, see Clellan S. Ford and Frank A. Beach: *The Sexual Behavior of Humans and Animals*, Berlin, 2nd ed., 1960 (American original New York, 1951); for a further, comprehensive compilation of material see: Karsch-Haack, Ferdinand (1901): "Uranism or Pederasty and Tribadism Among Primitive Peoples." In: *Yearbook for Intermediate Sexual Classes, with Particular Emphasis on Homosexuality*, Vol. II, Leipzig: (1906) *Studies of Same Sex Love. First Volume: The Mongoloids. First Section: Same-Sex Love Among East Asian Peoples: Chinese, Japanese, Korean. Munich. (1911) Same-Sex Love Among Primitive Peoples*, Munich.
4. On the causes and consequences of this tabooization, I have taken a detailed position in my work: *The Homosexuality Taboo: The History of Prejudice*. Frankfurt/M., 1981.
5. See, e.g., the old voyages of discovery, which noted, beginning ca. 1790 that among the Aleuts of Alaska "the sexual drive had degenerated into boy-love," this (judging by the name) pederasty indeed did manifest itself in sexual contact with young lads who had been deliberately feminized and, in terms of classification, played the role of young maids (they wore clothes in feminine garb, may have plucked out any existing whiskers, and may even have gotten ethnologically typical feminine tattoos in and around the mouth) and had, if one accepts the report as a whole, not merely citing from it out of context – an indissoluble connection with the (already partly secularized) institution of the "gender-shifting" shaman of this region. Joseph Billings: "Geographical/Astronomical Journeys to the Northern Regions of Russia and to Investigate the Mouth of the Kowima River, the Entire Coast of China, and the Islands Located Between the Mainlands of Asia and America. On the orders of the Russian Czaress, Catherine II, in the years 1785 through 1794," undertaken by Captain Joseph Billings, and according to the original papers published by Martin Sauer, Secretary of the Expedition. Berlin, 1802, pg. 195.
6. A perfect example of this is provided in Richard Parkinson's *Thirty Years in the South Seas*, German distribution Stuttgart, 1907; also, James Wilson: "Mission-Expeditions in the Calm Southern Seas, Undertaken in the Years 1796-1798 with the Ship "Duff"." In: *Journal of Curious Recent Journey Descriptions*, Vol. 21, Berlin 1800.
7. Man and Woman: *The Relationship Between the Sexes in a Changing World*. Hamburg, 1958, pg. 180. There, the pedophilic initiation rites of the Papua tribe of the Marind-Anim are interpreted in a most uncritical manner, very disconcertingly leaning, quite heavily, on one of the older ethnologists (Paul Wirz), and nonsensically connecting it with cannibalism. What is disturbing about more recent authors is that they, for the most part, engage in a quasi-"incorporation" of the corresponding observations into a given author's respective ethnological school, by which the material is instrumentalized instead of interpreted.
8. E.g., by G.W. Steller: *A Description of the Land of Kamchatka: Its Inhabitants, Customs, Reputation, Way of Life, and Various Habits*. Frankfurt and Leipzig, 1774. Steller observed the institution of transvestitic shaman; but without being clear about what he actually saw.

9. On the evolution and formation of the European-Western Sodomy Concept, see: *Homosexuality*, Gisela Bleibtreu-Ehrenberg, op. cit., pgs. 13, 20f., 42f., 205, 212-215, 258, 274, 276, 280f., 283f., 299, 303, 305f., 308f., 313f., 318, 320, 322f., 325, 329, 333, 337, 339, 361ff., 367, 380, 39ff., 406.
10. Concerning this, see the pioneering study by Harald Patzer: "Greek Boy-Love," in: *Minutes of the Scientific Society at the Johann Wolfgang Goethe University*. Frankfurt/M., Vol. XiX, No. 1, Wiesbaden, 1982.
11. Although taking this statement seriously, one should still qualify it a bit, since the to-be-initiated boys and older lads of every tribe at issue indeed are actually regarded by the fully-initiated "as girls" and are treated "like girls" (it was even typical of the custom for non-initiated boys to be put at the sexual disposal of out-of-town visitors as well, like their own wives – this was regarded as an indication of a more refined way of life): those who were "lent out" were, moreover, certainly not asked for their opinion.
12. For a detailed analysis of the major portion of the extant material, see Gisela Bleibtreu-Ehrenberg: *Rites of Manhood: On Institutionalized Pederasty Among the Papuans and Melanesians*, Ullstein Materials No. 35066, Berlin, 1980; also see Gilbert Herdt: *Guardians of the Flute: Idioms of Masculinity*, New York, 1980, as well as my critique of this simultaneous to the publication of my own work, among others', in the book *Anthropos*, 77, 1982, pg. 250ff.
13. Of course, there exists there not only institutionalized pederasty but also private homosexuality between adults; to what extent it existed outside of institutionalized pederasty cannot be answered using what are, ultimately, scanty older materials. What is certain is that sexual taboos absolutely have existed; i.e., the strict prohibition on premarital sexual intercourse for both genders. Also, one even be quite mistaken to presume that the long list of tribes, from every region for which pederastic rites during initiation have been documented, is a comprehensive one. For the layman, it must be emphasized that in small scale farming cultures, which is what we have here, there was commonly considerable sexual freedom; common in particular, laws against the whole gamut of those sexual behaviors which in the West have for centuries been called "sodomy" are completely unknown in Papua-Melanesia.
14. Regarding interpretations from the standpoint of a specific culture, above all the myths surrounding the tribes in question, see Bleibtreu-Ehrenberg (1980), pg. 124, ch. 8.
15. Baal, J., van (1934). *Community Worship in Dutch Southern New Guinea*. Amsterdam (Diss.). (1966). Dema. *Description and Analysis of Marind-Anim Culture*, The Hague.
16. Schleiser, Erhard (1953). *Manifestations of Men's Houses and Clubs in Micronesia*. Gravenhage. (1959) *Melanesia Secret Cults*, Göttingen.
17. A very clear example of this aspect is the creation story of the Kiwai-Papuans. (Bleibtreu-Ehrenberg, 1980, pp. 102-110).
18. Spencer, Baldwin, and Gillen, F.J.: *The Northern Tribes of Central Asia*, London, 1904, pg. 498.
19. Strehlow, C.: The Aranda and Loritja Tribes in Central Australia, Part 4, Vol. 1, Sec. 1, pp. 1-103, as well as Sec. 2, pp. 1-78, in: *Publications from the City Museum of Ethnology*, Frankfurt/M., 1915; Klaatsch, H.: Some Notes on Scientific Travel Amongst the Black Population of Tropical Australia in 1904, 1905, 1906, in: *Adelaide Meeting of the Australian Association for the Advancement of Science*, Jan. 1907, pg. 5; Purcell, B.H.: Rites and Customs of Australian Aborigines, in: *Proceedings of the Berlin Society of Anthropology*, 1893, pg. 287; Ravenscroft, A.G.B.: Some Habits and Customs of the Chingalee Tribe, in: *Transmissions of the Royal Society of South Australia*, Adelaide, 1892, Vol. XV; Schmidt, P.W. and Koppers, P.W.: *Peoples and Cultures*, Regensburg, 1924, Part 1, pg. 240f.
20. Bleibtreu-Ehrenberg (1980), pg. 59.
21. Italo Signorini: Italian Sociological Society, Year Twelve, 3, 1971, Rome; Bleibtreu-Ehrenberg (1980), pg. 59 ff.
22. On the overall complex, see Gisela Bleibtreu-Ehrenberg: *The Female Man. Cultic Sex Change in Shamanism. A Study of Transvestism and Transexuality Among "Primitive" Peoples*, Frankfurt/M., 1984.
23. Stadtler, Olliervz: *Japan's Inn*. Tokyo, 1961, pg. 158 ff., German: *The Inn at Tokaido*, 1963. The references there are the old report by Engelbert Kaempfer: *Journey from Nagasaki to the Emperor Inn at Jedo*; an edition which is, unfortunately, only accessible to me: *Journeys in Japan*, Verlag der Nationen, Berlin,

East Germany, 1969; on pg. 180, the questionable point is mysteriously omitted; so, I had to rely on secondary sources.

24. This vague expression was chosen deliberately: The named forms of male prostitution which, upon closer analysis, still possess traces of belief-like connections to the old cult of female high or local divinities, are found in regions where those same cults had already ceased to be officially sanctioned millennia ago, and also, in those areas where they had existed practically up until the end of World War II; e.g., in remote regions of Southeast Asia and Indonesia.
25. For older as well as more recent examples of this, see Bleibtreu-Ehrenberg (1984), pp. 107-129. Regarding boy-prostitution in a literate culture, there is an important new report by Ingeborg Baldauf: "Boy-Love in Central Asia: Bacabozlik," in: *Ethnicity and Society, Occasional Papers*, No. 7, Berlin, 1988; within this institution are found elements of a very heterogeneous origin; inter alia, both initiation as well as transvestism.
26. An especially eloquent example from the India of the last century was handed down by John Shortt: Kojahs of Southern India, in *The Journal of the Royal Anthropological Institute of Great Britain and Ireland* Vol. II, London, 1873. How such transvestite guilds have further evolved in the meantime is reported by Serena Nanda in her contribution concerning the Indian Hijras in: Evelyn Blackwood (Ed.): *The Many Faces of Homosexuality* New York/London, 1986.
27. Regarding this whole complex theme, see Gisela Bleibtreu-Ehrenberg (1984), pg. 92 ff., which includes numerous examples with specific references.
28. See, e.g., the strange characteristics of the enigmatic "Catamitus" in M. Mayer: "Mythistorica III: Catamitus," in *Hermes: Journal of Classical Philology*, Berlin,;k892, Vol. 27, Issue 4, pp. 510-515; also, Karl Otfried Muller: *The Etruscan*, Stuttgart, 1877, pgs. 50ff., 262, 353.
29. See, e.g., the example by William Davenport (1965): *Sexual Patterns and Their Regulation in a Society of the Southeast Pacific*, in: Frank A. Beach (Ed.): *Sex and Behavior*. New York/London.
30. Arnold van Gennep *Rites of Passage*, Paris, 1909) has already, in terms of Africa, drawn attention to the connection between socially sanctioned homosexuality or pederasty and – under certain circumstances – prohibited heterosexual intercourse; for an example from Papua-Melanesia, see Bleibtreu-Ehrenberg (1980), pg. 55ff., which includes references (Malekula, Big Nambas).
31. Sources in Oliver Statler, op. cit.
32. Saikaku, Ihara: *Comrade Loves of the Samurai*, translated by E. Powys Mathers, Tokyo, 1972.
33. E.g., Saikaku, op. cit., pg. 83: There one finds the line, "during the lovers' nightly rendezvous, the wild tiger roared." However there are no tigers in Japan; but perhaps in China.

## VI. CASUISTRY (ETHICS)

**Wolf Vogel, M.A., Social Worker, Ludwigshafen**

### **Boy-Porno, With the Police Calling the Tune**

Peter Aschwander is a Swiss producer. He had made a film for television about a person at the margin of society: the pedophile Daniel Hartmann, who was arrested in May of 1990 and – following criminal proceedings – sentenced to four years' imprisonment. Hartmann had made various video recordings of boys between twelve and sixteen years of age, in which they are seen – among other things – running around naked, but also, engaging in sexual acts with one another. Searching Hartmann's home, the police seize each and every videotape they can find. Obviously, the lion's share of the material "merely" showed the boys skateboarding, playing computer games, and the like. The Zurich city police then compiled all of the sexually-related scenes from the entirety of the material onto a new videotape, which therefore showed sexual acts exclusively. In addition, this "demo" tape was "spruced up" with a soundtrack specifically selected by the police themselves. Peter Aschwander confirmed this in a television interview. Neither the pedophilic adult Daniel Hartmann, who had shot the original video, nor any other adult, participated in the sexual acts.

For his television film, Aschwander was able to obtain interviews with not only the convicted and sentenced Daniel Hartmann, whose full name was used, but also two of the boys whom Hartmann had filmed, including some of their parents. The statements by Hartmann, both of the boys, and their parents were made in the Swiss dialect; German subtitles were provided for non-Swiss viewers. The statements cited on the following pages correspond to these subtitles. Although the original statements are more detailed, the subtitles do convey the contents fairly well.

The interview partners are – besides Daniel Hartmann – the approximately 14-year-old Roman and Roni, as well as Roman's mother and Roni's father. Roman and his mother made themselves available, initially using their full names, for a discussion on Swiss TV, which was made as a companion piece to Aschwander's film "The Case of Daniel H." The film, which likewise included the following discussion, was also broadcast in 1992 by the German network Sat-3. Participating in this discussion are Aschwander, Roman and his mother, a family lawyer, and a psychologist from the German Child Protection Agency.

The following excerpts from the interview partner's statements, to the extent that they were included in the film. The notations in parentheses, which are provided for clarification purposes, are my own (W. V.).

Father: "I don't know when he got involved with that. He hasn't discussed that. He's always side stepping the issue. He probably wants to keep that private. Perhaps he also simply does not want to betray him (Daniel Hartmann)."

Roni: "There are kids who only came to him for the money. But there were also those who regarded him as a friend."

Roman: "I believe that most of them came for the money. They thought, if they could get money from him, they should go over there."

Mother: "They (the boys) said, he (Daniel Hartmann) would always be hanging around the school, and that he let people play around with him on his computer. They would have been quite happy to go over there. I wanted to meet him first of course. Roman was agreeable to this, and wanted to introduce me to the man. I actually did meet him and talk with him. He was nice. But I did sense that he was homosexual, or a pedophile. I told my son that I would allow him to go over there, but that he had to let me know in advance when he was going. One afternoon, he went over there for about an hour to play computer games. I told Roman that he was not allowed to make a habit of going over there. We educated our children about homosexuality. From that point on, I heard nothing more about it. He (Roman) would often take the dog out for a walk. Then I noticed that he constantly had new stuff."

- Roman: "Actually, I did also go to see Daniel Hartmann because I wanted to buy something nice for myself. So, I went to him when I wanted to get something. And so, we were often over there with him."
- Mother: "I told my husband that something wasn't right. Roman was spending too much. We discussed this with each other, and then said to him that he should tell us the truth. He admitted that he had let Daniel Hartmann photograph him. He got 50 Francs for it. Roman made a conscious decision. He was also not seduced by Hartmann. The children were able to decide for themselves whether they wanted to or not."
- Roni: "It was a laid back atmosphere. Daniel Hartmann was always making sure whether somebody really did want to be videotaped. We were not pressured into it, and were not prodded to hurry up and get undressed."
- Father: "Roni is popular everywhere. He is very cheerful. I can well imagine that Roni's young, athletic body was appealing to Hartmann. Others are aroused by bare-breasted women or girls. Hartmann got pleasure from boys."
- Roni: "Daniel wanted me to do more. I declined. He respected my decision. He never touched me."
- Roman: "In their relationship with Daniel Hartmann, the kids were two-faced: They were nice to him to his face, but they were mean to him behind his back. Many blackmailed him, threatening to report him. Others stole from him. He had good relationships with almost none of them."
- Mother: "In addition, we had our son tell him that we had come to a decision, and we did not want him earning money that way. That our son should also learn how to properly handle pocket money. Our son communicated this to Daniel Hartmann by telephone. And though Mr. Hartmann expressed regret over this, he understood it. Shortly thereafter, we got a summons from the police."
- Roni: "When the whole thing was broken up, I was depressed. Then I wished that my parents were out of the picture. But to hear them tell it, they were quite open-minded."
- Roman: "My parents became aware of it early on. They prevented me from contacting Hartmann. But I also had to contact the police."
- Roni: "I went for the interview – my Dad sat beside me. They (the police) in part knew more than I myself did. One couldn't conceal anything from them. They recognized who was in the photos."
- Roman: "The police treated us like dirt. As if we were whores. The police said that we had known exactly what we were doing. They had a low opinion of Daniel – and also all of us."
- Roni: "They treated us like criminals and confronted us with evidence. They wanted to know the names of others, and questioned us about intimate things."
- Father: "What I read in the statement, I didn't find so bad. But the policeman was of the view that Roni was hiding something. I was not of the opinion that Roni was covering for anyone. But the policeman wanted to squeeze out yet more from my son. They made me leave the room again."
- Roni: "The younger policeman appeared to actually be gloating. He was almost laughing when my father read the report, and rubbed his hands."
- Mother: "With Roman and myself, it went quite well. Another mother was almost beside herself. She hadn't known a thing about it. The policeman told her that she should not be angry with her son. The child was having a hard enough time already. She shouldn't put him through even more. This was a good attitude on the police's part."
- Roman: "The children probably were, therefore, bad to Daniel Hartmann because they were made to go to the police. This brought problems for them at home, and they were registered with the police. Some were already known to them. So they became furious with Daniel. Maybe they also didn't want to admit that they allowed themselves to get involved with a man like that. They wanted to repress their own actions."
- Father: "Roni told me that one time, Hartmann got beat up by two of them. He didn't defend himself. I have the impression that this man would be unable to punish any child."

Incorporated into the Peter Aschwander film, after these portions of the interviews, are a couple of brief scenes from the video recordings seized from Daniel Hartmann. The technical editing of these video segments was carried out by the Film Office at the Zurich City Police, as indicated by the 1990 copyright notice.

In order to render those involved non-recognizable, Peter Aschwander both blurred their faces and distorted their voices. In a video scene, the technically altered voice of one of the youths is heard to say: "I

knew him well, and had a key to his apartment. It was a friendship. But he was addicted to boys. I was always telling him to be vigilant. He couldn't have anything in the house. I myself did not feel in danger. But I am disappointed about the movie coming out."

Daniel H.: "In handcuffs, I was driven over to the vice squad in a SWAT team van. Laid out there were my photo albums with pictures of boys, whom I loved. In my journal, someone had written in red ink, 'legally significant.' My erotic drawings were highlighted in yellow. Five copies of the journal had been made. I almost couldn't bear it. A journal is extremely personal, almost sacred. And now, so to speak, everyone could read and mark it up."

Daniel H.: "Once, I had a crisis. It was a profound sadness. The emergency psychiatrist gave me some strong medicine. After that I got additional, new medications. They prevented depression. Thanks to these medications, I was able to cope quite well. I was astonished at the results. Sadness was impossible."

Daniel H.: "Of course then (when I filmed the boys in the nude) my sexual needs got the raw end of the deal. That was only a substitute. I liked how the boys undressed themselves. I would be satisfied to just watch the film during the evening. That's all it was to me."

Sat-3 Moderator: "At this point, we interrupt the documentary. We do so because, in view of the fact that this hour there are still many children and teenagers sitting in front of the television screen, we have decided that the film segment that follows will not be shown. Peter Aschwander, how did these videos come about?"

Aschwander: "The police had, of course, confiscated the collection of videotapes which they had found at Mr. Hartmann's home. From this material, they then put together their own video, of course selecting out the material which they deemed to be legally relevant. The result was actually a porno tape, which the police also scored with their own music."

Mother: "Roman got riled up by the Hartmann case. He made an effort to process the whole thing. I noticed that he exhibited aggression towards Hartmann. Even though he was often with him."

Mother: "Suddenly, Roman said that the children would be very mean to Hartmann. From that point on, I believed that he was able to process the matter."

Daniel H.'s defense lawyer: "The district court sentenced him to 3 1/2 years' imprisonment. He appealed. The Superior Court then sentenced him to four years' imprisonment."

Father: "Roni was so appalled that, along with some friends, he started a petition. I advised him to get Hartmann's lawyer's view on this. Indeed, I then gave him the court's phone number. But of course, they wouldn't give out any information."

Roni: "We didn't expect the petition would lead to an acquittal, but instead, for the Court to see that he was no child molester. We were not coerced, but went to him willingly."

— End of Peter Aschwander's Documentary —

Following the broadcast of the film "The Case of Daniel H." was a discussion. During this, viewers were invited to call in, even anonymously. The members of the discussion panel were the Frankfurt family lawyer Johannes Tillmann, the German Child Protection Association psychologist Sabine Busch-Murray, the Sat-3 moderator, Peter Aschwander, Roman's mother Monika Burkhart, and Roman himself. The following are excerpts from this discussion:

Moderator: "Roman, why did you want to go public with this once again?"

Roman: "First of all, because – as you have already said – they were also talking about me, and, because there are things which weren't clear, that I could clear up. And because the subject also interests me."

Mother: "We, as the parents, did not have much say, because Roman had already decided to go public."

To the moderator's question as to whether she, as the mother, would have been able to forbid it:

"Yes, but I would not have felt good about that, because we have always been very open. We've always stood by him. I would've felt then I would've no longer been standing by my son, if I'd forbidden him, when he had a need to go public, when this was important to him. Maybe it is even a way for him to process things. That's when I said: 'Right, we're behind you on this.'"

Aschwander: "Regarding the others, I would like to note, the reason there are only two, is that, we had many other boys who were also willing to speak publicly, but the reason why that didn't happen is because they were afraid of how their parents might react to that. They said: 'If my mother finds out that I've been talking about this – that I do not want, and so, I won't do it.'

We had young people who were afraid of how other youth might react – 'If they knew I was talking here . . . therefore, we agreed that we would not talk about it; but they actually would like to...'

So, this was peer pressure. It was fear. I got the feeling from many young people that they were ready to talk. But they wouldn't because the parents had forbidden it on the grounds of family name – included among them were also, for example, well-to-do families.

"This was the situation. Therefore, in the end, there were only two who had no fear regarding parental reaction."

Moderator: "Mrs. Burkhardt, how, then, did you process all of this? What were the reactions like in your circle of friends, that you took such a public stance in the film?"

Mother: "Well, most people thought it was really good that I had taken a public stand. But I was also told, above all in the second broadcast (the broadcast of the discussion on Swiss TV following the documentary): most women are not in agreement with me, and they could not understand why I – as they put it – put all of this on my 'slight shoulders'."

Moderator: "Have you put it on your slight shoulders?"

Mother: "Not at all. I am still involved with this today, and even during the broadcast – which Roman is, by the way, in once again – we talked about it at home for hours. It comes up again and again, and now, again in retrospect."

Moderator: "Roman, what were the reactions like at school? I take it that your school peers have also seen the whole thing?"

Roman: "Yeah, we've even watched the film ('The Case of Daniel H. ') at school, with the teacher."

Moderator: "And discussed it?"

Roman: "Yeah, not long, only a little. I was quite open with my friends. They already knew, before the film was on TV, that I'd been over there (with Daniel Hartmann). There weren't any stupid responses to it; they took it in stride."

Moderator: "But is still weighed on you, I take it. Has it, one might say, changed the course of your life a bit? How has it changed you, Roman?"

Roman (hesitating): "In a positive way, in a negative way. We got letters following the broadcast, good letters, as well as ones which were not so good. In a way they cheered me up; then again, no. But by and large, positive."

Moderator: "And, in class, the responses were correspondingly positive, or, were there heated conversations and discussions?"

Roman: "No, they were positive. They thought it was good that I was going public. They said they wouldn't have had the courage, and that it would be good for somebody to finally go public. For the viewers as well."

Moderator: "You have now seen the film once again. Does the image of Daniel Hartmann as portrayed in the film jibe with your own experience of him?"

Roman: "Actually, yes. It was not always the case that he was a loving man, but for the most part, yes. There were days when he was not in a good mood, and said 'I've no time today...'"

Moderator (interrupting): "But the image in the film of Daniel Hartmann is not distorted, how people saw him?"

Roman: "...No. Of course it was a different feeling when you're in the thick of things – you had to actually be there – but all in all, the film shows things as they were."

The moderator questions the family attorney regarding the presumptions of the criminal law. The lawyer points out that even Roman and his mother's public initiative required a careful weighing of the pros and cons. The producer explained the procedure via which he got in contact with the boys and their parents, and of course emphasized that Roman had no objections, since everything was already out there anyway. The lawyer suggested that, for Roman, the worse form of publicity was probably the police's own investigation, with its prying into the intimate arena. (Roman was not directly asked about this.) The producer poised the question as to, what right did they have to proceed based on the assumption that such relationships would be harmful, and offered to read aloud a couple of quotations, which the Moderator, after some hesitations, permitted.

Aschwander: "I have jotted down the questions that the police put to the children. And so there, they were asked: 'Have you yourselves, that is, you boys (this is a man who the child doesn't know from Adam), have you engaged in mutual stroking or kissing?'"

The policeman asks the child. The child says: 'yes.'

Of course then the child contests that anything else would have taken place between the man and himself. Then the policeman asks: 'Okay, then why in the photo, do you have an erect ('stiff') penis?'

The policeman asks the child. The child says: 'I don't believe that I had a stiff one at the time.' The policeman insists: 'But then just what kind of relationship do you personally have with this man? Is he your boyfriend?'

The child says: 'I really wouldn't want to say that he was my boyfriend. Nothing to me along those lines.' Then it says in the report: 'The child begins to cry.' It says nothing more. End of interview: 3:30 P.M. 4:00 P.M.: Continuation of interview. Question from policeman: 'Are you ready to tell the truth now?' – 'Yes, I'm ready.'

"Isn't this a different kind of penetration, which is taking place right there, and which is being done by adults vis-à-vis children? Then I asked myself, when one speaks of child protection, of protecting children, if one really believes this must be done, then who will protect the children from the police?"

The family lawyer retorts that, although these witness interviews may be unpleasant, this will have elucidated the existence of a criminal offense, to which children would be witnesses. Even rape victims are – says the lawyer – in the end witnesses. Whether or not they might undergo more considerate questioning in the future, or they might be granted the right to refuse to give testimony on personal grounds, would be a different issue.

Moderator (to Roman): "What do you yourself think about this?"

Roman: "I also feel that the police should have no right to compel someone to make a statement."

Moderator: "Is that what happened to you?"

Roman: "Yeah, it was too much all at once. They asked you so much, about so many different things, and things, and about things that you didn't even know – about friends, who Hartmann may have been with. They kept going on about how dirty and shabby it was for someone to go to Hartmann. If you are not so little, you realize that that just isn't so. But when the police – for a child this is something powerful, something big – tell you something, then it's the truth...you really almost have to believe it. They are, of course, the protectors of the law."

Moderator (to the mother): "How have you reacted to this, Mrs. Burkhart?"

Mother: "I think, that I have told Roman again and again, that it was a mistake, just like any other. He must learn to forget this, to work through it, and tell himself: 'This was a mistake,' but not any worse than when I stole something, or anything else I did."

The psychologist warned against equating the behavior of the young people affected (the voluntariness) with the behavior of the perpetrator. She always used the term, "perpetrator"; but she always substituted the term "those affected" for "victim."

Moderator: "Roman, just one more question for you: Are you in therapy?"

Roman: "No."

Moderator: "Have you had any?"



Roman: "That's hard to say. A child psychiatrist is writing a book, and wanted to speak with me and wanted further information from me for his book. Then he used it, along with psychological tests, to see whether or not I had suffered any kind of harm. I had realized that these were psychological tests – like in the movies – and then I said: 'No, I won't be coming here any more.'"

## **Interview with Jörg: "In Relationships, One Must Proceed Carefully"**

**Wolf Vogel, Social Worker, Ludwigshafen**

Jörg is 29 years old; he describes how, as a child, the married couple Rita and Jens came to be his "parents of choice." Prior to conversing with me, Jörg expressed the concern that, with the interview being published, Rita and Jens could get into trouble, admonishing: "In relationships, one must proceed carefully." Upon my suggestion that the persons' names be changed and their locations omitted, Jörg was ready to talk.

Question: At the age of seven, you got a second set of parents. How did this relationship begin?

Jörg: In order to answer that, I have to go back a ways. In our city, my biological parents owned a bar, and for that reason, were either unable or unwilling to look after me. If I wanted to spend time with my parents, I would have to take a seat in the smoke-filled bar amongst adult men. When I began school at age six, I had a considerable speech impediment, and therefore was placed in a special education school for those with learning difficulties; not in the normal class, but in a class for those with muscular dystrophy and Down's syndrome. The School Entry Committee obviously wanted nothing to do with me, so I landed in this class, which I really didn't belong in. Obviously, I myself can no longer recall the reason for this, which they probably had never told me anyway. But later on, when I came of age, I found out many details, but I asked about it.

My teacher at the time, Rita, noticed right away that I was totally out of place in this class. She found the School Entry Committee's decision scandalous, and tried, successfully by the way, to get me into a normal elementary school classroom. Later on Rita told me that, two years subsequent to that, I was already in the top third of my elementary school class. I think that Rita, as an experienced Kindergarten teacher, had a good sense of what my level of development was, and to what extent I was capable of being educated

Question: It is not unusual for a teacher to discern that a child is capable of more scholastically. But of course you, although you have parents of your own, are taken into this family of teachers. Is that what you wanted?

Jörg: My biological parents' interests were focused on the bar. The children – I also have an older sister – were of little interest to them. We felt like, especially on weekends, we were in our parents' way. Rita and Jens had a small vacation home in the mountains where, from time to time, I was allowed to spend weekends with them. I was seven at the time. Later on, I would spend nearly every weekend with the couple, whose own children were grown and had already left the house.

Question: Were your parents agreeable to your spending so much time with this couple of married strangers?

Jörg: I believe that my parents probably thought it was a good thing that I was out of their way on weekends. Rita and Jens had tried to adopt me, but this plan ran aground against my parents' resistance.

Question: Would adoption have been of interest to you?

Jörg: It would have been the fulfillment of my dreams at the time. Even today, more than twenty years later, that is exactly how I see it.

Question: Did your parents and substitute parents have any contact with each other?

Jörg: Well – Rita and Jens were by no means "substitute" parents. To the contrary, they were, in my spiritual and emotional life, my actual caregivers. To my knowledge, there was only occasional contact between the two couples.

Question: Was there also physical contact with Rita and Jens?

Jörg: When I was with them, I was allowed to spend the night with them in their bed. I was addicted to physical affection, and Rita and Jens made it possible for me to be able to compensate somewhat for what, up until then, had been a deficit of physical intimacy. I also recall that I was, physically and sexually, quite precocious. In photos that Jens took of me, you can see that at eleven years of age, I already looked like a fourteen-year-old. I already had an interest in other people's bodies when I was allowed to spend the night with Rita and Jens for the first time. For one thing, sometimes there were also other children there as guests, with whom I played, sometimes including erotic games; for another thing, I had a lively interest in Jens' body. I was probably seven or eight years old when I was already having actual sexual contact with him, and properly testing out everything, which at that age is par for the course.

Question: Were your physical interests directed only towards Jens?

Jörg: Exclusively. For as long as I can remember, I have never had any sexual interest in females. Rita helped me in other ways. She tells me with pride today that, at nine years old, I was already able to pronounce complicated and even foreign words. She has fostered my linguistic development in unbelievable ways.

Question: Were your actual parents jealous of the fact that you felt more of a sense of belonging with your new parents?

Jörg: Probably so. When I didn't come home like my parents had told me to, or my scholastic efforts were not up to their expectations, I was not allowed to go see my adult friends. For my biological parents, this was the ideal lever by which to compel good behavior on my part. They would occasionally cancel one of my afternoons or even a whole weekend with Jens and Rita.

Question: Was that a hardship for you, or was it all the same to you?

Jörg: It was a huge hardship for me. There were nights when I cried about it. I wanted to be with them unconditionally; it was like paradise for me. From my perspective today, I see myself as having been like an asylum seeker. I wanted out of the house, out of the mess at home. With Jens and Rita, I was allowed to move about freely, let my hair down. They were loving to me, looked me in the eye, gave me a lot of their time. It was an important period in my life.

Question: How did you manage, despite the occasional resistance on the part of your biological parents, to again and again get them to go along with what you wanted?

Jörg: Against it I placed resistance of my own, with words, defiance, disobedience. The more resistance I put up, the less able they were to focus on their own interests, and so they let me go.

Question: Wasn't this a difficult situation for Jens and Rita, as different parents taking the child away as it were?

Jörg: I don't think so. One time, when I was still little and Rita was giving me a bath, she discovered lots of welts on my body. In answer to her questions, I responded that my father often hit me. And Rita threatened to report my father if he ever beat me again. After that, my father stopped beating me. Solely for this reason, my biological parents adopted a sensible attitude towards Rita and Jens. Because of that, I was then able to visit and be together with my new parents without any major problems.

Question: So, due to the rejected adoption, you were still living at home, and were with Rita and Jens only occasionally, on weekends and during school holidays?

Jörg: Yeah, that's right.

Question: The physical contacts continued?

Jörg: Yeah, including with older boys, who had already been coming over to visit with Rita and Jens. I was constantly crawling into bed with them. Looking back on it, it was for me an urgent need for love, but also an urgent need to make up for lost time, because, at home with my parents, things were really quite cold.

Question: Returning again to the sexual contacts with Jens: Were the erotic contacts of a fleeting nature, or were they of longer duration.

Jörg: These contacts did continue. They were most frequent and most intensive when I was between eleven and fourteen years of age. This is the period that I'd like to refer to as the relationship proper, or to put it in a better way: as the high point of the relationship.

Question: Were the sexual contacts desired more by the adults, or by you?

Jörg: This was actually my desire. I felt truly happy in this relationship, and so, these contacts came about as a result of mutual agreement.

Question: Did you yourself want the sex, or did you just want to give pleasure to adults?

Jörg: I wanted sex also.

Question: Including with Rita, Jens' wife?

Jörg: No. Females played no role in these desires. I was only interested in the masculine body.

Question: Did you have a sense, at the time, of being homosexual?

Jörg: At the time, I had not grappled with this subject in any real way. The relationship with Jens was a friendship, which is what this grew out of. It was only when I reached the age of fifteen that I really grappled with the issue of "homosexuality" for the first time.

Question: So, how was that for you?

Jörg: Right after I turned fourteen, I became acquainted with one of the regulars at my biological parents' bar. He was studying medicine, and was well-known to my parents. Looking back on it, I think he was a pederast, and therefore was interested in me. And so I formed, alongside the relationship with Jens, an additional friendship with this student. Admittedly, this friendship turned very bad in the end, because my father told a third person about it, and probably threatened to report him. And so, this relationship was broken up.

Question: At what point were you conscious of being homosexual?

Jörg: This didn't happen all at once, but rather, little by little. At first, when I was fifteen years old, I tried to fight it. I even had a girlfriend at the time. But I was soon compelled to conclusively recognize that my father was anti-gay, and it was also derided at school, and so, I just had to wait for better times, in order to be able to live openly as gay.

Question: Are you in a steady relationship now?

Jörg: Yes, I have a steady boyfriend, we've been living together for eight years now, and I think that, if someone is gay, people shouldn't dwell on it, but rather, look upon it as just one of several sexual possibilities and relationships.

Question: Could it be that you're gay because you went to bed with that teacher?

Jörg: No way. I recall that, much earlier on, my parents already suspected that I might be gay, because they noticed that I had never been interested in girls.

Question: Has your father ever discussed this with you?

Jörg: No. His only response regarding this was to threaten to report the student.

Question: Does your father know that you're now living together with a man in a committed relationship?

Jörg: Yes. About ten years ago, I clearly spelled out my sexual preferences to him. My parents knew about my current relationship from day one, and obviously Rita and Jens as well, who really like my current boyfriend, and invite him over from time to time.

Question: Looking back, how important were (or still are) Rita and Jens to you?

Jörg: Rita was like a foster mother, and Jens was my best friend and my first lover.

Question: Should a man like Jens, who had, so to speak, taken a boy in, have gone to bed with this child?

Jörg: Yes, certainly, if both consented to it, and it was not a question of brutality or coercion, if there was no financial dependency, and no psychological dependency. It must be an equal partnership.

Question: Is an equal partnership between a child and an adult really possible?

Jörg: Of course. Between Jens and me it was an equal partnership. He never demanded anything of me; he respected my desires and needs, and wasn't even jealous when I had other boyfriends. Unfortunately, the sexual contact with Jens came to an end when jealousy led to a crisis in Jens' and Rita's marriage. This still has repercussions for me today, and I believe that Jens has also suffered because of this. But he has not allowed himself to say anything about it. In every other area, my relationship with Jens and Rita is as strong as ever, and I believe that this relationship will be life-long.

Question: I would like to put the sexual aspect to the side once again, and come back to your scholastic and vocational career. What careers have you pursued?

Jörg: After completing junior high, I initially attended a vocational school where I learned about my desired occupation, stonemasonry, which I looked at as a fast growing area between hand-crafting and art. I

studied this occupation for three years, and tested out as the best in the entire region. Because I wanted to combine hand-crafting with art, I stayed on for an additional year of training in sculpture, and also passed the exam for stone sculpturing.

Question: From being shunted off to special ed to becoming a sculptor – a truly impressive trajectory. Have you attained the goal of your vocational desires?

Jörg: No, not yet. At present I am still attending night school, in order to make up the middle form. [A "form" is a class or grade, as in, tenth grade.] After that, I would like to take the college exam, and attend a restaurant school. Perhaps even in Venice.

Question: All of this sounds like a picture-perfect trajectory out of a book. Where were there problems in your friendship with Jens and Rita?

Jörg: For one thing, I very much regret that the sexual part of the relationship did not go on for even longer. For another, there was already something like jealousy on Rita's part toward the sexual contacts between Jens and myself.

Question: Rita knew about it from the beginning?

Jörg: Yes, of course, we lay in the same marital bed. Sometimes I had the feeling that Rita was punishing Jens by withholding love because Jens was also taking care of me. That's why he appeared to become more inhibited, and I'd sometimes asked myself if he was no longer interested. Of course today I know that that wasn't the case.

Question: Did it bother you that you were in bed with a man, and lying next to you was a woman who was not interested in sex?

Jörg: No, not really. As a child, one probably thinks quite egotistically, and would like to get one's own needs met. But the sex did not really play the huge role as it perhaps appeared to. In any event, my relationship with Rita did not suffer because of it, at least not from where I stand.

Question: From your perspective as an almost thirty-year-old, what advantages has your relationship with both of them brought you?

Jörg: I was lucky to have a sexual relationship with a man who had the positive quality of respecting the feelings of both partners, who did not act egotistically, did not attempt any unwanted sexual practices, but instead, held back. It was a harmonious partnership. And Rita, obviously along with Jens, provided exemplary encouragement to me; otherwise, I wouldn't have come nearly as far vocationally as I am today. It was a fortunate combination of the two, which has had a huge influence on my life. I would also like to keep them as adult friends.

## **Interview with Andre and Peter: Beatings from Parents, Affection from Strangers**

*Wolf Vogel, Social Worker, Ludwigshafen*

Question: Would you briefly introduce yourself?

Andre: My name is Andre, I'm 27 years old.

Question: And would you also please briefly introduce yourself?

Peter: My name is Peter, and I am now 55 years old.

Question: When did you initially meet Peter?

Andre: Oh my, that was a long time ago. – (to Peter) Do you know when we first met?

Peter: It was, when you were five years old. At that time, we were living in the same building. But up until then, I only knew you as a sad boy who got cursed out by his parents almost every day. Everyone in the place could hear your mother screaming.

Andre: True. My parents would turn every little thing into a federal case. When I had to fetch some beer for my father or cigarettes for my mother, sometimes I'd buy the wrong thing, or it wouldn't be quick enough for them. Then the beatings would start. When I screamed, I'd get sent to my room.

Peter: When I first really noticed you, you had approached me in the entranceway holding an empty mineral water bottle, your face sopping wet with tears. I asked you whether you had to go buy something. You just silently nodded. Then I asked you if your parents had been yelling at you again; really a silly question, when one looked at your face.

Andre: Yeah, I still remember today how you crouched down and took me into your arms. I had also occasionally seen you already, but hadn't taken any further notice of you. It felt really good to have someone take me in his arms.

Question: Can you, then, tell me, in a few words, what that felt like to you?

Andre (hesitating a bit) No, I no longer recall this so precisely. Peter held me tight, and stroked my hair, I think. (to Peter) Didn't I also give you a kiss?

Peter: Yes, I still remember that moment with crystal clarity, because it stirred up in me some confusion with regard to my feelings. When I took you by the arm, in the middle of the stairway, suddenly the floodgates opened, and tears poured down your cheeks. It was probably a feeling of no longer having to hold back the bottled up emotional pain, and just, letting it go. You must have suffered terribly under your parents' blows and curses. As you wept, indeed, a veritable sobfest, I held you to me even tighter, stroking the top of your head. I didn't know how to properly deal with a five-year-old, bawling child. Suddenly, something completely insane happened. Looking at me through tear stained eyes, you spontaneously kissed me on the mouth. At first I didn't know how to respond, and I thought: He doesn't need yet another person getting angry with him. Then you wrapped your arms tightly around my neck, and gave me a really long kiss on the mouth, and your tongue sought out and penetrated my lips, and caught me completely by surprise with a really deep French kiss.

Andre: Right, now I remember a few details. Completely taken aback, you'd asked me from whom I learned to kiss so good. I said: "From my grandma." During this time I was often with my grandparents, who would take me into their laps and comfort and stroke me, because they knew about my parents' beatings, but did not dare intervene. On these occasions I learned to kiss, and also learned that a kiss on the mouth was something that one gave only to someone who one especially loved. I would never have willingly given my parents a kiss

Question: What impact did this encounter have on you?

Peter: I was a little disturbed by it afterwards because, for one thing, the fate of this little five-year-old boy was absolutely clear to me, and for another, I sensed his immense need for love. For a couple of weeks, I managed to avoid encountering him in the entranceway at all. One time, even as I was returning to my flat quite quickly, I heard that he had again left the parents' apartment in order to buy cigarettes. His mother even shouted after him that he shouldn't dawdle so long again.

A few weeks later, I was on my way to the restaurant to get some food supplies. Andre came up to me, beaming with joy at seeing me again. I took him by the arm and briefly hugged him. He asked me...

Andre: Let me tell it. So I asked him where he was going. He said: "To the restaurant." I just tagged along with him; I had the feeling, when I was with him, that nothing could happen to me. When we were alone in the restaurant, I held his neck and gave him a long kiss. By the way he was stroking me, I realized that he really liked me. I told him that something was a bit stiff in my pants. He said that the same thing had happened to him. And so I just had him unzip his pants, in order to see it. And a little later, I experienced the first sex of my life. It was so insanely beautiful, that I asked him to do it again. But suddenly, he was very afraid that someone might notice us, and said I should quickly return home, so that my parents don't become suspicious.

Question: Could the situation have been dangerous for you?

Peter: Not really. We would have had the run of the restaurant, and could turn off the lights. It was a different kind of fear that overtook me in this situation. I thought, my God, what is this child doing with me, what does he want with me? I'd never had anything whatsoever to do with such a little kid, let alone something like this. My feelings oscillated between joy – the kid had found something pleasurable – and consternation, that something forbidden was happening. For days afterward I asked myself: Did Andre truly want this form of affection, or was this perhaps my secret, up until now, repressed desire? In the following weeks, Andre answered this question clearly and explicitly, at least for his part.

Andre: I remember very well the intoxicating feeling I experienced at the time. It was absolutely clear to me that I had done something forbidden. But it wasn't so much the sex that was forbidden as the fact that I had actually allowed myself to trust an adult. Had my parents learned about it, they would have beaten me half to death. But I would also have allowed myself to be beaten half to death, and in spite of that, said nothing.

I wanted to support my friend unconditionally. At first I was really afraid that I'd lose him, because it seemed to me like he was avoiding me. When I again encountered him in the entranceway, I said that I would be happy to go with him to the restaurant. He hesitated a little, because he didn't have the right key with him. I begged him for so long, until he went and got the restaurant key, and then we did it again.

Question: You were five years old at the time?

Andre: Yeah. Even five-year-olds are already able to experience such wonderful feelings; I have since come to know this from experience. It was certainly bad luck that, a few months later we moved away, because my parents separated, and from that point on, I had to live with my mother.

Question: Was it then that the brief friendship came to an end?

Andre: It probably would have ended, if it had not been for a particular circumstance, which would become significant only later on. Two years after that, as Peter would tell me years later, he too moved away from that area. He got a bigger place, on the very same street where my grandmother lived. In the meantime my grandfather had passed away, but I still visited my grandmother from time to time, with my mother of course. (to Peter) How old was I then, anyway?

Peter: Nine years old. It was of course pure coincidence when we saw each other again, because you'd gone to visit your grandmother, and were walking back home with your mom. But such brief encounters on the street only happened a couple of times. But you were goofing around: In a split second, when your mother couldn't see it, you inconspicuously looked towards me and formed a kiss with your mouth. I reciprocated, and it would have been obvious to anyone how happy that made you.

Andre: Man was I sad, whenever we visited grandma and I didn't see you on the street. And oh how happy I was, when such little encounters did happen. I was madly in love with you. I was eager to repeat those experiences in the restaurant. But now I can only recall a single encounter, when we come across one another in a swimming pool locker room, where we went into a cubicle, and repeated our restaurant adventures. After that, I had to wait a very long time before I was able to have sex with you again.

Peter: Until you were 12 years old, to be precise. I ran into you in your neighborhood, probably quite by accident, when I was able to set a date for us to get together. It was summer, and we drove out a ways into the forest, where I took my first photos of you. Afterwards we cuddled on a blanket, and almost lost track of time. I had to set out for home pretty darn fast, in order to drop you off on time.

Andre: You must have really raced back there, because you still took the time to get me some ice cream. We sat on the terrace of an Italian ice cream shop, and I really enjoyed the fact that, for the first time, you'd spent something on me. And I was awfully proud of you, because you'd placed the order in Italian.

Peter: (visibly amazed) Oh my goodness, you still remember every single detail. I'd completely forgotten.

Question: Did the friendship continue on after that?

Peter: Actually, it was only then that it properly began. But in the meantime, another two years would go by before I'd lay eyes on Andre again.

Andre: This came about because, meanwhile, I'd stopped living with my mother, and moved in with my father, who'd remarried. My stepmother and I understood one another wonderfully; she was my real mother through my teenage years. Whenever I did anything wrong, she protected me. Whenever I didn't know something, she helped me, and didn't yell at me. She taught me how to cook, and make cakes. Of course, because I was the oldest child in the house, I had to look after my younger sister, and because of that, I wasn't allowed to leave the house very frequently. This often bothered me, because I wanted to hang out with Peter or friends from school. But all in all, I felt quite good being with my father and stepmother. Because of that, I also no longer needed my grandmother to be supportive of and close to me as much; therefore I rarely visited my grandma at all any more, which also meant losing touch with Peter.

Question: When did you encounter each other again?

Peter: I saw Andre one summer day when, quite by chance, I was driving my car through the area where he lived. With the change from mother to stepmother, he'd moved from H. to S. I stopped and talked to him. He'd changed from a little kid into a big teenager. I was more than a little astonished at how he looked standing in front of me: a 14-year-old with shorts on, long legs, and voice cracking. I had a great need to see him again. We set a date for the following day, after school.

Andre: I had to come up with something, in order to get away from the house. I said that I wanted to help a schoolmate with his homework. We met at 2:00 P.M., and hung out until 4:00 P.M., when I had to get going. Peter and I drove to a nearby patch of woods, where we wouldn't be disturbed. Then he said: "I would really like to see how much you've already become a man." It did me good to see how astonished he was at how much I'd grown in the meantime. I told him: "You aren't really astonished that I'm no longer a little kid, are you?" In answer, he took me by the arm, and pressed me to himself real tight. He was visibly moved to no longer have little Andre standing in front of him. He had his camera with him, and asked me whether he might be allowed to photograph me. I was all for it; he was the first person to acknowledge my physical development, which I'd been waiting a long time for. I would have gladly stood there modeling for him for hours, and demonstrated to him my physical charms. But we unfortunately had very little time, and moreover, I was eager to make love to him in this isolated patch of woods.

Peter: You pounced on me, eventually saying that I should put the camera aside, and then, you positively stripped my clothes off.

Andre: No wonder – I'd had to do without for so long.

Question: Were you also able to look at the photos of that afterwards?

Andre: Naturally. This was of course only the beginning of a whole series of photos which Peter has taken of me. Later on he put together a photo album of me, in which my entire physical development is documented. This already goes back some years, and has, therefore, special significance for me.

Question: Have you shown this photo album to anyone else?

Andre: No. I would've liked to, but for the moment at least I don't dare, because I fear it could lead to questions as to who took these photos, and what this was all about. Maybe I'll show the album to my parents in a few years, so that they can see what a handsome son they have.

Question: Does your friendship still endure?

Peter: The aforementioned get together was, likewise, the beginning of the real friendship. Following that, we met up frequently, even regularly, maybe, every two weeks. For the duration of the summer, we took little trips, went swimming, or roamed the forest. In the colder months, we hung out at my place. Andre never had more than a few hours, because his parents weren't allowed to know anything. I wanted to offer him more than just physical contact, but Andre never wanted to forego sex, and consequently, demanded his right to it by simply tearing my clothes off.

Andre: (to Peter) But of course, you went along with it gladly, my dear. But that is true: Because he was always so coy, I was the one who took the initiative; otherwise, I eventually would've had to return home, and nothing would have ever happened. Of course, these few encounters with Peter were of inestimable value, in terms of being able to go long stretches without his affection. Once one learns how beautiful this is, one is no longer able to do without it.

Peter: This is just as true for us adults.

Question: How long did this friendship last?

Andre: In essence, it still continues today. We stopped having sex when I got a girlfriend, which would have been when I was 19. I'm engaged to her, and would also like to get married, as soon as I complete my education.

Question: What occupation are you studying for?

Andre: I'm pursuing a degree in the social sphere.

Question: As to what you got out of the relationship with Peter, was it merely friendship, enjoyment of physical contact, and occasional outings, or did you profit from it in still other ways?

Andre: Well now, this, the friendship gave me pleasure; isn't that enough, or? But actually, there are a couple of other things that I also got out of it. For one, Peter has often helped me when I didn't know something

school-related. He's given me advice regarding my career path. Second: I imitate him today in many ways; for example, how he furnished his home, how he keeps a cool head. Because of him I've become a tea drinker, and more careful about what I wear, and even today, still ask him what he thinks about various things I've bought. I think that when two people have spent some time together over so many years, they also influence one another. Children learn a whole bunch of things from parents; why not also from other adults? My teacher has also influenced many of the ways that I conduct myself.

Question: Had it been discovered, this relationship could have been difficult for the adult concerned. Have you discussed this?

Peter: Yes, when Andre was fifteen, I picked up the subject once again. Although, on the one hand, I did not want to conceal the risks from him, on the other hand, I also wanted to avoid making him anxious, or him getting the feeling that he'd done something wrong. But Andre quickly dispelled my concerns, saying that he himself would never tell anyone about what took place during the course of our friendship.

Andre: Of course, I would never put at risk, this friendship, which has meant so much to me. Naturally, it was clear to me that we could only arrange to get together secretly, that we had to be careful. But I knew about discretion since I was little – you've only to recall the kiss with secret meaning in front of grandma's place.

Question: Would you like to be able to talk with someone about this relationship with Peter?

Andre: On the one hand, no, on the other hand, yes. I have never felt like talking about it with, for example, my parents, because I know what they think of such friendships. My father is very conservative, and my stepmother would probably have worried what the relatives or the neighbors would think about it. On the other hand, I sometimes have felt the need to talk about what I've experienced with Peter. If such relationships didn't have to be kept secret, I would have, first of all, told my teacher and schoolmates about it, very much proud of the fact that I possessed a sweetheart [the German word here, "Schatz," can also mean "treasure"], which other people didn't have. At fourteen, I would have gladly strolled down the street, and told them that Peter was my boyfriend.

## **Is the Tulip Pornographic? Remarks on the Theme of "Nude Photography"**

**Wolf Vogel, Social Worker, Ludwigshafen**

The American essayist Susan Sontag has a very radical take on the desire to take pictures: "To photograph people means to inflict violence upon them; as one looks at them, as they have never seen themselves, as one obtains knowledge about them which they themselves could never have, one changes them into objects, which one is able to symbolically possess." (Susan Sontag, *On Photography*, Hansen Verlag, Munich, 1978, pg. 20)

I am willing to bet that most feminists would underline every single clause of this statement, if they were to get their hands on a copy of the English photographer David Hamilton's coffee table book of little naked or half naked nymphs. Nevertheless, were they to photograph their own children on a Sunday stroll, or during a vacation, they would reject Susan Sontag's polemic as outrageous. Is it actually the person per se who drives the debate over photography, or is it nudity?

As I was writing this, an AP news item came into my hands. "In Court for Child Porn," reads the headline, with the following text below it: "Yesterday, in the Major Crimes Division of the Dortmund District Court, the 65-year-old proprietor of a photography studio had to answer charges relating to the production and commercial distribution of child pornography. The State Attorney's Office accused the trained civil engineer of, between May 1987 and August 1991, having produced and sold nationally, through a catalogue, nude photographs and pornographic films of eighteen girls ranging in age from six to 17. On the first day of trial, the accused personally denied all of the charges. According to the State's Attorney, the accused had photographed and filmed the children "almost naked in clearly provocative poses" in his downtown Dortmund studio.



Moreover he had offered his studios by the hour to customers, who themselves would have photographed the children whom he personally furnished." (*Mannheimer Morgen*, 1/22/94)

How would the "average citizen's moral sentiments" – as so often conjured up by the Federal Supreme Court – react to such a report? Probably initially with indignation, and then, perhaps with a certain relief that the miscreant was, of course, not able to elude his just punishment. Almost a hundred years earlier, Karl Kraus had looked deeply into the citizen's heart: "Once again, a 'den of iniquity' has been rooted out! The innocent reader of court reports believes, in such cases, that prostitution and procuring have, henceforth, been brought to an end. The sophisticate mourns the fact that one learns of an address too late." (Karl Kraus, *Morality and Criminality*, Kosel Verlag, Munich, 1970, pg. 206 f.)

Let us return, for a moment, to the AP report. Namely, that it is not a proper news story at all. They were photographed "almost naked." But, "almost naked" is not nude photography, let alone pornography. And what is a "clearly provocative" pose? Whom does it provoke, and why? On the other hand, the tulip provocatively presents its petals to the observer. Is the tulip pornographic? Would the last sentence of the report also have been printed if they had been shooting a commercial for toothpaste, shampoo, or margarine? Anyone who reads this news item carefully, and does not give free reign to his or her imagination, would be unable to ascertain – from this AP space filler – precisely why a trained civil engineer, who owns a studio in downtown Dortmund, stands accused in the Dortmund District Court of producing and distributing child pornography. With a similar lack of actual substance, the AP report might just as well have read: "In Dortmund, a man stands before the Court who is accused of having committed a criminal act." But whose interest would have been drawn to this sort of statement? No one's. Therefore, the news editor throws in a couple of headwords whose attention grabbing effect he can be sure of, thereby stoking the reader's imagination as well. Moreover he also arouses envy on the part of the morally upright citizen, why he, of all people, had no knowledge of the photo studio in downtown Dortmund, why even he knew nothing of the catalog of beautiful girls. It is unlikely that more than a hundred people knew of this ominous catalog; but now, after it's been withdrawn from circulation, there might well be thousands who would love to get their hands on it.

What do the models themselves think about being photographed? In my vocation as a photojournalist, I've covered many European as well as non-European countries. Whether I was doing my work in a vacation spot or a slum, in the open countryside or a center of culture, children would come up to me and ask to be photographed. When I was photographing the cathedral in Sicilian Syracuse, five boys of about ten years of age jumped in front of my camera and pointedly pulled down their swimming trunks. In north African countries, I was frequently asked by children and teenagers whether I might not also be interested in turning my camera on the attribute of their manhood. When I politely said "no, thank you," they sometimes even seemed a little disappointed.

Examples of this kind are not unusual. Children are very happy to let themselves be photographed. Children are just as vain as adults. Moreover, there is scarcely any difference between girls and boys. It is not unusual for me to be asked by children on FKK [Freie Körper Korps, i.e., nudist] beaches to photograph them, once they hear that I am a "real" photographer. On occasion, this wish will even be conveyed to me by the parents. What children do not like, is when the father tediously stands there fiddling with the camera for several minutes, before he finally clicks the shutter. A child notices when a photographer knows his trade, which can even make it possible for him or her to sit still for a long period of time.

He or she is proud that the photographer is paying so much attention to him or her. He or she is proud of the photo that came out well, just as we adults are proud when we are successful as photographers, in "making ourselves look a couple of years younger" in the picture. Moreover, children make no distinction between "respectable" and "indecent" or "dirty" photographs. This is a way of looking at things that is typical of adults. Envy may often play a role here: One is – to be sure, subconsciously – jealous of youthful beauty, which one is no longer able to attain through exercise and taking proper care of oneself.

Some years ago, the following event took place within my own circle of acquaintances: A married couple took their two children, an eleven-year-old girl and a seven-year-old boy, on a vacation to an FKK camp. The father took photographs of his wife as well as the two children. The girl was particularly fascinated by the photos, which showed the beginning of her physical development, and she proudly brought a selection of the best photos – which showed her both with and without clothing – with her to school, showing them to select

female schoolmates and their female teacher. As the girl would rather amusedly tell it the following day, the teacher's jaw dropped. The teacher tried – referring to the photos – to impress upon the girl that, when it comes to pictures which are taken of people without any clothes on, which shouldn't even *be* taken, need to be kept secret from other people. Not letting this faze her, the girl told the teacher, in front of her classmates: "I think I'm beautiful, and I stand by my beauty, and therefore, I will decide who I'll show the photos to." The parent-teacher conference about this, which was asked for by the latter, only caused the daughter to dig in her heels even more; but that did not stop the teacher from subsequently trying to instill in the girl the feeling that she had done something wrong.

In our society, the theme of "nude photography" is subject to a strong moral judgment. Adults typically fail to understand that children have a completely different set of criteria for assessing a photos or being photographed. Virtually all adults would certainly agree with the view that a nude photograph would be compromising, or even make one vulnerable to blackmail. This is adult thinking; children would not be able to understand this point of view. It is only at the inception of puberty, when the ability to engage in abstract thinking begins, that youth become susceptible to the adult fear that a photograph showing one's nakedness could have negative consequences for the person depicted. The reason why children do not have this fear is because they themselves would never be tempted to use nude photos to expose or even blackmail others, provided that adults have not pointed out this dubious "power" to them.

Children also do not place the same demands on a picture that adults do. For the former, it is almost always enough that the photographer is seriously interested in them, and that they are, to some extent, presentable in the photograph. Children often put such photos on their bedroom wall; moreover, it is, to children, immaterial whether they are clothed or unclothed, provided that their surroundings do not respond to it negatively. Children and youth – who have not been negatively influenced – usually have no objection to photographs of them being published in journals, brochures, or calendars. Anyone who takes a close look at advertising will be able to see the joy and pride on young models' faces.

Several years ago, I had to take some publicity shots of a twelve-year-old boy violin player. The parents warmly welcomed me, and consented to the photo shoot. I believe it was the father who alluded to the fact that his son refuses to cooperate with any photographer, and that I should not get my hopes up. But for *this* home photo shoot, the boy was a completely different person. He played the part of the "photo model" with joy, patience, and concentration; accordingly, the pictures were wonderful. When the most beautiful photo of this series got printed, the boy showed it to his father, beaming with pride. The father took a quick look at his proud, violin-playing son and grumbled, with no trace of irony, and with a sullen expression on his face: "Sure, the photos look good and everything, but of course, you can't play at all. Have you even practiced yet today?" The boy was stunned, and on the verge of tears. Expecting to receive praise and encouragement, he got instead his father's envy, at the fact that his own son would obviously rather get photographed by a stranger. The father is, by the way, a pediatrician.

No one would be against taking photographs of a violin playing boy. Had I photographed the boy in the nude, I might have gotten a knock at my door from the police. The nude photograph, above all of a child, is regarded as immoral and unpleasant. The unclothed body of a lovely young person must be covered, in order for him to be – in most people's opinion – "handsome" and "natural." The nude body is held to be "unnatural." In order to grasp the absurdity of this view, imagine someone covering a rose blossom before photographing it, and putting a coat on a deer fawn at the petting zoo, in order to make it appear "natural." Again, the question: Is the tulip, is the rose, is a fawn, pornographic?

Admittedly: Young people become furious – and rightly so – when photographs of them get passed around or published without their explicit consent, or even against their expressed wishes. They of course direct their rage at the breach of trust, not against the pictures themselves. With photos of this kind, which we adults characterize as "nude photos" or even "pornographic photos" (and themselves fundamentally not knowing when these definitions are legitimate and when they aren't), children do not make distinctions based on our criteria. To this – to adults – controversial subject, all of the fat legal volumes would strike children as absolutely ridiculous, if they were actually asked for their opinion. Nevertheless, when they see a photograph of themselves, children absolutely do judge it as "good" or "not so good." The criteria by which this takes place is just as subjective as it is with us adults. We too are not happy with every photograph.

## VII. ALLEGORIES

### *Edward: A Story by Peter Roy*

#### I.

What Pierre had learned above all – during the four years following his self-imposed withdrawal to the monastery – was that reality was not a somehow scientific or otherwise definably clear, static and universal fact, but rather, a process which, with neither beginning nor end, was always subject to creation and change.

This research was, for Pierre, not merely theoretical. He had sought to ascertain his own reality, and this had been, finally, the ultimate goal of his long meditations.

Prior to his retreat, this reality of Pierre's had been a quite unhappy one. Always a slave to his job, which he himself did not like. He had gotten his Ph.D. in international law, since, years earlier, he had already completed his traineeship as a law student, and had been registered, for a brief time, as a lawyer.

His marriage was on the rocks, in utter chaos, a source of constant apprehension and even fear.

After the four years, Pierre was a changed man. He was free, free of family, wife, and a hundred conventions and idiotic moral concepts which had hindered him from being himself. Or to be more accurate: He had hindered himself, by using such so called customs or rules as excuses. Because, as he eventually discovered, nothing that we have not accepted with our own conscious awareness and approval holds true for us.

Pierre had already known that he loved boys, but he didn't want to admit it. Just as he did not want to acknowledge that he was an artist, musician, and writer, he was also a born lover! In the monastery, Pierre had continued his piano studies, and even there, a huge surprise could not be ruled out. Initially he played a lot of Baroque music, religious music, as one would call it, and by the end he had created a style of his own, a new style, the building blocks of which were jazz and modern rap, borrowing heavily from the fantasies of Chick Corea or Keith Jarrett.

And, using an electronic synthesizer, Pierre had developed and recorded his own creations. Moreover the information age had arrived; Pierre had already written several books of poetry and religious tracts, as well as scientific articles.

In the end, Pierre jettisoned so-called religion in its entirety, although he kept this from his peers in the monastery, out of consideration for their own journeys. Pierre had entirely devoted himself to the path of love and beauty, since he'd already discovered the truth of Krishnamurti's teachings years earlier. At the beginning he sought to make a dogma even of these teachings, which was the precise opposite of what the great Way instructed. In any event, that's what those he regularly interacted with did. Didn't they realize they were doing exactly the opposite of what they'd heard in "K.'s talks"?

Pierre slowly came to the realization that he should translate the Master's words into action; not seek to copy or identify with him, but rather, to realize himself. This went on for about two years, until he understood that he felt within himself a burning love, which was like an appeal. He knew intuitively that he had always had this love inside him, but he'd never wanted to heed it. Is that why he'd thrown himself first into art, then science, and finally, religion?

In Manila, Pierre met the boy who would change his life and give him an entirely new dimension: the dimension of ecstasy, of fulfilling every exceeding love, the love in which any concept of time would seem to have dissolved, which makes life a celebration, because every moment of life effervesces, each instant so full of meaning that it seems like an eternity. And because Pierre knew that his instincts had never betrayed him before, when they signaled him that all forms of so-called brotherly love, the charitable hypocrisy, were nothing but crystallized feelings of shame which, for their part, stemmed from a truly diabolical denial of the body which those clad in black have – in their blindness – inflicted on humanity as collective punishment for millennia.

Pierre had finally had enough, and that included the morbid pride of his peers in the monastery, behind whose empty phrases was the fruit of their un-civilization. For only love – not imaginary, but real love – and

even lived-out physical love – produced true civilization! And what did these stick-in-the-muds know about love anyway?

## II.

It was love at first sight, when Pierre and Edward laid eyes on each other for the first time on a street corner near the Manila post office. Both of them just stood there stock-still as if rooted to the spot, fascinated, overcome, captivated.

Pierre thought of nothing else. His thinking had, in fact, suddenly come to a complete halt. At this moment, everything stopped. This state of grace, which Pierre had striven for so often and for so many years, was now right there, unbidden, unsought. And "K." had been proven right: In a situation of true love, all thinking really does stop.

Pierre smiled. Not the smile with which one seduces, in an attempt to make oneself appear observant. Rather, a smile of absolute and perfect bliss, overtaking his face all at once. A wonderful peace reigned within him, and Pierre abruptly became conscious of the fact that he loved this boy – upon whom he was gazing for the very first time in his life – with every fiber of his being.

Who was this boy? He was a black haired, slim boy, who came up to Pierre's shoulders, a brown skinned native boy, whose soft hair hung simply and long, down to his shoulders. This boy just stood there at the wall, dressed simply in a polo shirt and jeans, barefoot, and had placed – as is the custom for boy prostitutes – one foot against the wall. He saw the European's glance, which had already lain upon him for a moment now, and smiled in a way that was, somehow, blessed. What was this man thinking?

Edward found him to be in some way different from most of the tourists, who either passed by him indifferently or scrutinized him in a way that was related to the bedroom or some sort of party, where he would have to play the beautiful and most androgynous Pygmalion possible alongside a (little) money-laden Goethe. This was the fashion now, even in highbrow Manila society!

Yet this man stood there, as if outside of time –so it seemed to Edward – and he had to smile at this thought, because it was so unusual.

"Do I please you?" asked the boy, more from curiosity, just as the stranger himself would probably respond in the face of this very direct and perhaps provocative question.

The man nodded and took a step closer.

"Yes!" he said plain and clear, taking another step closer. Then the two looked at each other silently for a moment, with smiles now showing on both of their faces, expressing the strong liking and irresistible desire to get to know one another better.

The burning sun on this summer day in Manila was now slowly setting, basting its fire on the pair of them, man and boy, and they submerged themselves in their evening passion, painting with their glow the enthusiasm of and aroused nature.

"I would like to invite you," said Pierre, "out for a cup of coffee or something to eat, if you like....," surprising himself at the assuredness with which he was acting, at the absence of any doubt as to whether what he was doing was good or not, or whether it was in keeping with custom or practice. Of course he gave no further thought as to whether it was customary to invite boy prostitutes out for something to eat, or even if it was one of the possible tactics for taking up with one. It was all the same to him.

Edward shot him a fiery glance, throwing his arm around him. And so they proceeded to a small bistro, as if they'd been friends with each other – or even more – for a long time.

## III.

The bistro was a nice place where, to Pierre's joy, few people were smoking and it was really quite lively. The majority of the patrons were boys or young men, and also, young girls. Pierre also noticed that there were few couples here in the traditional sense; i.e., young men and girls devotedly holding hands and swearing eternal love. There probably were couples, but these consisted mostly of a boy and a man or even a girl and a man or a girl and a woman. Rarely of a boy and a woman – why, I wonder? The atmosphere was totally casual,

and of course everyone was quite civilized. The conversations were soft, loving, absolutely charming or even boisterous and merry, but without frivolousness.

Pierre and Edward felt so close to one another, like they'd known each other for a long time.

"Perhaps we've already known one another for centuries," said Edward, as Pierre, amazed, grasped the boy's hand and warmly examined it. "You know, I recently read that one sometimes encounters people whom one has known or loved in a former life..."

Pierre tenderly looked the boy – who'd said that last part very softly – in the eyes. He held his breath for a moment, feeling his heart throb all the way up to his neck. Because the boy had given voice to what he – Pierre – had intuitively felt since their encounter's very first glance.

"Where did you read this?," he asked. "Do you recall the author?"

"A woman author...I believe, her name is Annie Besant."

Pierre nodded.

"A boy prostitute in Manila who reads theosophic literature..."

He brought the boy's brown hand closer to his eyes and looked at it pensively. It was a long and very slender hand, that revealed a noble spirit.

"Yes, I have also read some of Leadbeter already," Edward continued.

Pierre kissed Edward's finger. Then he responded, smiling, as if he'd been lost for a moment:

"Who also loved boys!"

"Who, Leadbeter?"

"Yeah. He even got tangled up in this huge scandal because of it."

"The Anglican bishop...," the boy interjected, giggling warmly.

"Right," responded Pierre, thinking about his last four years.

"I've even spent the last four years in a monastery," Pierre said earnestly.

Edward looked at his friend rigidly.

"You astonish me...really!" retorted Edward. "I had assumed that you'd been all around the world...slept with lots of boys."

He giggled, affectionately placing his hand on Pierre's cheek. Pierre in turn placed his hand on top of the boy's.

"Oh, sure, in my fantasies..."

Both smiled wildly. Pierre breathed in the warm air that was wafting in through the restaurant's open door. They smelled the seaweed, intermingled with car exhaust and a slight odor of fish, of deep-fry, and of cigarettes. Suddenly the present moment seemed immensely important to Pierre; as to its exact meaning, if he had to put his intuition into words, he would only be able to describe in terms of life and death. His past, even his four years in the monastery, his spiritual experiences, all the sage books that he'd read, all of this suddenly seemed to him completely unimportant, void. He felt that his entire life up until now had been wasted. Wasted. Because he had lived without love, without this fierce passion, which of course was so incredibly quiet, which flowed through him like a warm stream, and in which there was no fear whatsoever, no doubt. Nothing aside from life and death, and therefore, life!

Wasted, or yet, spent in a quiet and unconscious awaiting of this very moment, which was the beginning of a new life, a life which would still consist only of moments, of a succession of moments, and consequently, a permanent present. A life without a past and without a future, and therefore, without projections. And perhaps not entirely wasted, for Pierre was, now, conscious of the fact that, fundamentally, all of it had prepared him for this moment; it had been an indispensable prerequisite for him finding himself, that he in fact could open himself up to love, breaking through to the unexpected, the incalculable, and the wonderful in this life. Pierre had become a child, and had opened himself to a rebirth of wonder, as Walt Whitman put it in his poetry.

He considered the lovely features of his little friend: the imperceptibly small laugh lines at the corners of his eyes, the almost aristocratic aspect of his oval face, his relatively narrow and almost fragile shoulders; that nothing was more important than their love.

"You know, Edward," he said slowly, "You have something of a prince..."

Edward did not reply at all. He seemed to soak up Pierre's words, and his large black eyes immersed themselves in Pierre's own, green eyes. Edward felt that never had a man loved him so much. And actually, it had rarely happened to him that a client made a confession of love to him before they'd slept together. It probably happened more often in bed. But was it, then, no longer an expression of desire, a direct and almost instinctive declaration of passion, and even of joy over it, over the life that redeems? But what Pierre said to him at that point seemed poetic and full of affection. He sensed no desire in it, nor in any event, not yet. Edward had always wanted it to be thus; when he'd dreamt about it, he'd always imagined the ideal love relationship with an older boy or man being just like this.

This magic, which initiated true love... Surely, among his clients there had been some very nice men, generous and kind, even though it often seemed to Edward that they were too enthralled by every possible rule and convention, and above all by their money, their position, their past. Edward would have liked to have had longer relationships with many, but all of them broke things off, though they would continue to write for a while. But what did he expect? Somehow, Edward knew he wasn't like the others. He didn't really understand most of the other rent boys. They saw him as being truly gay and seemed to almost despise him because he felt something, whereas they allegedly did it just for the money, with it leaving them completely cold. That was unimaginable to Edward. He tacitly took that as a kind of sentimental prudery. These boys had no qualms about sleeping with any boy or man, but to admit that they allow themselves to be kissed, or that they themselves actually fall in love, even though that certainly didn't happen every time or even very rarely occurred, but that it did happen; that, they were somehow or other too proud or too shy to admit. Edward felt they must be experiencing an internal conflict with their ridiculous, macho affectations. Because they balked at every form of tenderness which they otherwise might have experienced, the entire dimension of poetry and affection, of joy and complicity, which he, Edward, had always regarded as possible, and now – in his relationship with Pierre, although this was still very fresh – saw confirmed.

Was it important when they slept together, whether tonight or later on – or even never? Did this have a significance above and beyond this all encompassing tenderness – this intimacy – which he felt with this man, and who obviously felt it toward him in return, this unmistakable feeling that they belonged together?

In a certain sense, Edward was internally more mature than his contemporaries. To be sure he was only thirteen; but his mind was that of a 16 or 17-year-old lad. Edward didn't much go for the showing off, the self-in-the-foreground games of many of the boys with whom he was acquainted. He knew it was only fear, and a weak sense of self worth. Although Edward could scarcely have put all of this into words clothed in concrete ideas, he nevertheless felt this intuitively in his heart as a certain truth.

Pierre was the one to break the silence with, "Edward, I would really like to take you out for something to eat. You know, a little while ago, I saw a cute little restaurant on the beach. I believe one can get good fish there..."

"Do you like fish?"

"Yes, very much."

"Surely it's The Pigeon, that you saw on the beach..."

"Yes, I believe that's what it's called."

"That is a good restaurant. But expensive. I know another restaurant, where the fish is just as good, if not better, albeit also less fashionable. But the ambience is very nice there... Many men take boys there..."

Pierre smiled.

"Why do you smile?"

"I don't think, do they actually go there together?" jested Pierre. "There's a better place for that, you know, with mattresses, and sheets, and blankets, and pillows..."

Man and boy left the bistro cheerfully, heading in the direction of the beach.

#### IV.

Pierre felt loose and exhilarated, as he had felt previously in his life only rarely. For him, it was as if a heavy weight had been lifted from his shoulders, like a kindly magician in a long cloak and pointy hat had

spread out – via a waive of his magic wand – an entirely new and stupefyingly beautiful world before his very eyes. Pierre didn't want to miss a single drop of this nectar of love, and now, he was even happy about the ascetic life he'd lived, which had allowed him to attain a sensitivity which he had never possessed previously. Neither alcohol nor any other kind of drug was needed in order to enjoy the passion of this life, as Pierre was seeing and experiencing it now.

And isn't it always the case that we experience life as we wish to experience it? Isn't all of our life and experience focused on what we expect from life? And do we not, in these subtle ways, program our entire destiny? And doesn't everything depend upon the fundamental position that one assumes? Do I want to be happy in this life? Or do I want to – and do I like – to suffer? And when the latter does occur, why do I wish to suffer? In the name of heaven, why? Why do I not want to be happy, and experience life in all its beauty, all its tremendous creativity and fullness? Why? Or – and for me it amounts to the same thing – why did I previously think like that, when I am only now seizing the moment and my thinking, my whole way of thinking changed in one fell swoop? When, conscious of the fact that I have aligned the whole of my experience with the contents of my thoughts, I therefore, with a new way of thinking, am I bringing a new kind of experience into my life?

This was flowing through Pierre's heart quite intuitively, without him having to put these questions into words in his K mind. He knew that he had experienced this revolutionary transformation in his thinking, and that it unfortunately had not happened in one fell swoop, but rather through several years of concentrated work on his consciousness. And yet, what was all human effort, compared with the grace which he had attained; the assistance of the entire universe, which every minute was sending him an infinity of love and played a part in the transformation of his consciousness, often without him even being aware of it.

Breathing in the fresh breeze, and holding Edward's warm and dry hand, step by step alongside him, he barefoot as well, holding his sandals in his other hand, Edward felt grateful, that it finally clicked, that everything depended on faith. Because he believed in love, with every fiber of his being, it had become reality in his life.

Edward felt for this man a spontaneous affection which he was unable to fit into his pre-existing experience schema. Pierre was not like a tourist, who wanted to spend the night with a boy and then take off. He was also not like one of those evangelists, whom he'd encountered several time by pure chance, or who other boys had told him about. These men, who usually belonged to some church in the U.S., who tried to get the boys to turn over a new leaf, who perhaps had good intentions and were also pleasant to talk to, nevertheless – Edward felt intuitively – fundamentally did not understand their lives, their wants, their joys, and what he regarded as being his world. They ostensibly detested "this kind of desire" and evinced a kind of pity towards the boys, which not only Edward but also his friends found humiliating. Edward doubted that these men would actually be able to understand them, the boys here in Manila or elsewhere, with their nice phrases, their ideas, their square, stilted-by-design world, in which there is only good and evil and nothing in between, only black and white, no shades of gray...

Fundamentally, many of these men are just like the tourists who come for their own pleasure: only theirs is of a different kind: the pleasure of having nice talks with boys about morality and heaven and sins, which one simply cannot commit, not even when one is hungry. Do they even know what hunger is? And do they know what this other kind of hunger is, not of the stomach, but rather of the skin, this hunger for affection, for tenderness, for a true, heartfelt, and not at all gratuitous smile, namely, the smile of one of those very men against whom they rail, these men who actually love boys. Not those other tourists, who only want to see you once, as it were, to sleep with a boy, because they can afford it. But even among them there are those who are kind and have a heart – not just nice words and phrases of brotherly love – who buy you a pair of sneakers, or even an entire tennis outfit or wetsuit. And there are even those among them, like Edward's friend, who take boys into their hotel rooms along with their little brothers and sisters who have no place to stay at the moment, not in order to sleep with them, but rather, to provide them with a temporary place to crash. So they don't have to sleep on the street. To be sure, there are also those who would exploit this very same situation for their own purposes; but that was rare. For even the street has a morality, a very strong one even – and about which the preachers, unfortunately, really know nothing. And even boy-love has its own morality, about which they not only know nothing, but wouldn't even wish to know what it would cost to know something. Because that would

place their principles in question, within which precisely these things have no place, notwithstanding the fact that life itself does allocate a place for them.

Even before the encounter with Pierre, Edward knew – from comrades who told him about their having these same relationships – that with these men, things were entirely different. That love between a man who actually loved a boy, and him, Edward, who openly admitted to his homosexual inclinations, that true love was possible, a relationship which fundamentally had nothing to do with prostitution. Edward also knew that in their home countries, many of these men had suffered on account of their fondness for boys, and had even gone to prison.

But of course, it also depended on the boy's attitude towards men; really, the attitude he has towards life in general. Is he going with him merely for the money? Or was love what mattered to him?

"Did you know, Edward," asked Pierre following a period of silence, in which they had been quietly listening to the sea, "did you know, that many of your comrades, I believe, the boys, who walk the street as you do, that they are actually quite similar to you?"

Edward shot Pierre a quick look, a serious expression on his face.

"Many in fact, but they wouldn't want to admit it! They wouldn't want to admit that it matters to them, that it goes beyond money."

"What is it?"

"It is, in essence, basically, what they don't find within their own families, and have never found..."

At this point both of them espied, at some distance away, a dog and her brood surrounded by several boys. It was a wild dog on the prowl, one of many in Manila, where the motto "live and let live" reigns. And then suddenly one of the little puppies, who'd ventured too far into the water, was overtaken by a wave and carried off several yards. The mother immediately vaulted in its direction, and in a few seconds, had it safely ashore.

Pierre and Edward just stood there, as if rooted to the spot, witnesses to this scene, which provided the exact answer to their conversation, an answer which, stronger than any words, brought reality before their eyes with none too subtle clarity. For this mother, no act of thinking was required in order to rescue her young one, no daylight whatsoever between thought and action. Her actions had been absolutely spontaneous – and therefore, absolutely successful. Their conversation had withered away, overtaken, as it were, by this event, which in the eyes of an onlooker might have seemed banal, but in the eyes of Pierre and Edward brought about a sudden epiphany, like a koan given by a Zen master, the deep and hidden meaning of which is suddenly grasped by the Zen pupil just prior to his striking out on his own, thereby allowing him to spontaneously and directly achieve satori.

Edward got up very close to Pierre, after the hound and her offspring had taken to their heels with a loud bark, the sun slowly sinking like a red fireball over the still sea, as if it were tired from a long day, with the beach, once full of people, now emptied of them.

Pierre gently put both of his arms around Edward's shoulders. He smiled. Time seemed to have stopped, time and the course of the world. Edward wrapped both his arms around the man's chest, pulling him very tightly against his own body. Pierre in turn buried his face in the boy's long hair, which fluttered softly in the sea breeze. He breathed in the scent of this hair, which mingled with the ocean's salty, seaweed odor. His heart was on the verge of bursting, so full was he of love, of happiness, of perfect contentedness. So they stood there – arms wrapped tightly around one another – for a while, seemingly forever, which – in and of itself – redeemed the fragrant aroma of their passion.

## V.

Edward spent the night with Pierre. When he awoke the following morning, he was surprised to discover that Pierre had gotten up long ago. He'd even started breakfast, and, looked clean and healthy.

"You've probably already showered?" squeaked Edward, still quite tired.

Pierre smiled and nodded, sat on the bed, and gently bent over the boy.



"Hmmm," Edward muttered, sniffing the air like a dog, "you smell really good...but of course, I would've preferred that you were still in bed, right here with me..."

At the same time Edward grasped Pierre's hand, drawing him towards himself, in order to kiss him.

"Why did you get up so early?," insisted Edward.

"I always get up early in the morning because I do my yoga exercises, which take an hour or two. So as not to disturb you, I went over to the den."

Edward looked Pierre in the eye.

"Oh, that is something I too would like to try, Pierre."

"Early in the morning, boy! Okay? Provided that, you stay here for another night?"

"Should I?"

"You must! If you want to do yoga...," Pierre concluded, smiling.

"Only if I want to do yoga...?" Edward wanted to know, with a mischievous look in his eye.

Pierre shook his head.

"Not only...no. You know, I..."

Edward quickly placed his hand over Pierre's mouth.

"I'll go take a shower now," he said softly, "because I want to smell as good as you..."

Edward slipped out of bed and ambled over to the bathroom. Pierre considered the boy's slender body, in which everything was proportioned in almost incomprehensible ways. His body was just as harmoniously organized as his mind, Pierre thought. Edward, conscious of the fact that the man's gaze was fixed on him, stroked his radiant black hair with both hands going across his neck, while at the same time stretching himself out a bit. His gait was self-aware and absolutely graceful. As he briefly paused at the bathroom door and half turned around, he met his lover's gaze. And so the pair looked at one another for a moment, smiling.

"I would really like you to take some photos of me..." Edward said softly.

Pierre shook his head imperceptibly.

"It's unbelievable," he responded. "Indeed, at this very moment, I had the same idea."

"Really?" Edward squealed, delighted. "This is a sign that our energies are vibrating together..."

"Yeah, I think that must be it. Couldn't be anything else," confirmed Pierre, as the boy contentedly disappeared into the bathroom.

Pierre went about preparing an English breakfast, as Edward kept going into and then coming out of the shower, shouting something or other. He thought about this project, which he'd already worked out at the very beginning of his retreat from the world. Quite by accident, he'd gotten hold of a magazine at the time, in which he saw an article about young boys in jail in Manila. The magazine story was about two in particular. Their names were Cosy and Edward, and they were nine and thirteen years old...

The article struck a nerve with Pierre: He wanted to get these and other boys out of jail. That's why he wanted to go to Manila in the first place.

And now, he was in Manila, and knew another boy whose name was also Edward. Was this perhaps an omen, that this project should be pursued further?

But of course Edward – when he told him about this over breakfast – was against it.

"Come on, let's go to the beach and enjoy life, Pierre!," he suggested, nonchalantly. "If they were here with us, these boys would do the same thing."

"Sure, but that's exactly what they're being prevented from doing."

"Why would you even want to sacrifice yourself for them?"

"Because it's the right thing to do – don't you think?"

"The problem is, that you're a stranger here, and if you get wrapped up in this thing, you'll be going up against the authorities. I propose something better!"

"And? Please, let me hear it..."

"If you really want to do something for these boys, don't go in like a bull, banging its head against a brick wall, but instead, like a cat, who squeezes himself under the door..."

Pierre smiled.

"Okay, this is an amusing metaphor, but quite apt. I think I understand..."

"So, like a cat...you see, so..."

At that same moment, Edward nimbly slid himself down to the floor, mimicking the subtle convolutions of a cat squeezing itself under a door. The white bathrobe served as fur, and all of a sudden, he was a cat. The imitation was so real and successful, Pierre just had to rub his eyes and shake his head.

"Should I play the dog who catches the cat?," Pierre asked.

Edward stood up.

"But you're the cat – have you forgotten this already?" Pierre reprimanded him.

"Yes, of course. You're quite right. So, what do you propose?"

"Like a cat..."

"Can't you put it in more concrete terms?"

"You could, for example, furnish the boys with a room..."

"What do you mean?"

"Now, when they leave the dormitory or the correctional institution...have you given any thought as to just where they are supposed to go?"

"Back with their parents? Or?"

"If they have any. Most of them either have none, or if they do, the parents want nothing to do with them. Or they're in jail themselves, or alcoholics..."

"So they sleep on the street."

"Yeah."

"A room? Do you mean, a room for each boy?"

"No. This isn't Europe. You can figure one room for every five or six boys. But it should be a privately rented room. So the authorities can't interfere in any way."

"What do you mean by that?"

"It shouldn't be a hotel room, but still, a room. Once we take this on, in a house that belongs to you. I mean, if you had a house here."

"Perhaps I could buy one."

"Do you intend to stay here for a while?"

"Yeah."

"So, even once you do have a house here, the boys shouldn't live with you. Otherwise, they'd think you wanted to sleep with them, and they may well personally offer just that, in order to get money from you. Or so the authorities would believe anyway. And in all of these cases, there are problems."

"I understand. I think the best thing would probably be to establish a foundation."

"What's that?"

"A corporation with its own legal standing."

"You mean, a kind of association?"

"Yes, something like that. I think that then, I'll no longer be the one actually giving the money. I would transfer operations over to the foundation, and it would be the one paying for the room's rent or purchase."

"But boys are sometimes not very clean, you know. They leave you with a muddy room, and then what? But of course, you wouldn't have to worry about that; me and my friends would be able to keep things under control. The fact is, they have a place to sleep."

"So that means that, without your help, I wouldn't be able to manage?"

"Hardly. How would you oversee the whole thing, you, you who obviously really aren't familiar with the realities and above all the atmosphere of the street?"

"You're right, Edward. So, what then?"

"We simply have to begin..."

"Is this really so simple?"

"If we over-think it, we'll convince ourselves that this isn't a good idea, you see? Therefore, it's actually not so good to think about it so much..."

"Yes, Edward. That's true. We must simply act. What a wise boy you are..."

Pierre stayed in Manila. And the original room project evolved into an ever more acclaimed assistance program, which was designed to help the boys on the street. Edward took on a leading role in the foundation, because he had qualities which were somewhat lacking in Pierre. The most important of these was his knowledge of the psychology of boys, their wants and needs, their problems and weaknesses. But also their strengths, their beauty, their integrity. Because he'd once been one of them.

**Peter Roy: Children of a Paranoid World**  
**or**  
**How the Frog Prince Came to Be, And How, Eventually, the World Was Saved by the Little Prince**

Children's hearts,  
 which have forgotten love,  
 nervous, hurried, tense,  
 reprimanded without respite,  
 in an environment without culture  
 and without tenderness,  
 distorted by banality,  
 defiled by coarseness.

Overlook the peaceful beauty,  
 the wisdom of grace and light,  
 regard as necessary evil,  
 locked in by paranoid parents  
 and rendered dumb by all media  
 right on up to the registration of every peculiarity,  
 put down as sexless and enslaved  
 to the God of the half hearted smile  
 and the barren snackbars

and ignored  
 really and truly, in life,  
 in that, which is not measurable by robot brains  
 and is not recordable by any statistic:  
 the sweet eroticism of the childlike,  
 which even Gods have to kneel down to, and demands  
 ovations before the loveliness of these little boys  
 or every little girl,  
 whose sun smiles rise even in the shade  
 and turn Pan pale with jealousy,

and the derisive laughter in the face of the gray wasteland,  
 of eternal mediocrity, of average as norm,  
 which seeks to kill everything that actually lives and shines,

which of course previously went to pieces in its own wasteland,  
 laughed at by little princesses and  
 refuted by little princes of sharper intelligence  
 for centuries, eons even,  
 and of course itself seeming important, all over the place  
 in talk-shows and boring parliamentary debates,  
 rustling in the nightmares of frigid mothers  
 and nevertheless determining the temporal  
 with the power of stupidity,  
 which became universal,

until, having the last word,  
 the little prince returns,  
 who, descending from his planet,  
 kicks the backside of all those,  
 who still believe,  
 that the little children of the kingdom should be excluded from pleasure,  
 and who assumes the power,  
 to give all the presidents their marching orders  
 and exclaims,  
 that finally all children are equal under the law  
 and all adults are sentenced to eternal pedophilia!

**Peter Roy: As Wise as Children**  
**or**  
**What I've Learned from Children: A Reflection**

Making up stories is simple. It is far harder to write lived histories, which are as melodious to the ear as made up ones.

Everything that I experienced when I stopped being what I was, a nonentity, and started to become who I am, someone, was the living through of an unbelievable story.

An unbelievable and yet true story. A story as beautiful and as ugly as life itself. Ugly? It taught me, this story, that being an adult is a kind of masquerade. And that being a child means being one's self.

The road to myself went through the child within myself.

Children have showed me the way to the child within myself, which at the time was still buried, and lay fallow like a stagnant field, and which searched for its parents, and above all, me.

Children were my true teachers. It was from them that I learned what wisdom really is. And what, above all, it was not. Not school knowledge, not collegiate conceit, not book wisdom, and not even so-called logical thinking. Even this is arrogance. Thought-arrogance.

Children live. And they do it often, without thinking. In any event, without second guessing. Whereas most of us think without living. This means digesting. Digesting the past. Children have no use for this. They digest the lived moment and then immediately forget it. This means they live the moment. Only children and sages are in a position to do that.

The rest of us store moments up, in order to live them later on. Therefore, in order not to live at all. Therefore . . . in order to digest. We are storers and digesters.

Even spirituality is part of digestion. Children need no spirituality. They are spiritual. They need no God. They are Gods themselves. They need no religion. They are religious without knowing it. For they are connected to themselves, and therefore ONE with power.

Most adults are warped children. Therefore, neither the one nor the other. They cannot be adults because they were never children. They cannot be children because they, as children, have to be adults. In order for them to be able to become adults, they must first be prepared to realize their childness.

The capacity for empathy is the capacity to feel "fully." This too I learned from children. I felt with them. And this allowed me, little by little, to feel myself. The child in me. Being a child means feeling, not thinking.

All of this probably sounds like a joke, or words spoken glibly. And yet, they express the entire gravity of life. This true gravity is like true wisdom: without hypocrisy and without sadism. That is to say: without moralism. And what is easy to say can be difficult to bear, as the late Wilhelm Busch himself has proven.

Children are the nation; its basis. The nation of children. It is, in many cultures, an oppressed, enslaved people. Like the peasants in old Russia. Like Dostoyevsky's poor. In a poetic fantasy I conjured up a children's state with a king who, when someone wanted him to take the children away, ate them all up and, with his immense, thick stomach, deserted his castle via a secret passage, in order to then, in a certain forest and in an act of rebirth, spit out his beloved, after which the little princes and princesses then ran off with their king, in order to be able to live out their love in happier realms.

This too I learned, namely, from children: to fantasize, and to realize the power of fantasizing. For what is paranoia to one person is bread to another. Dali once said that he differed from lunatics only inasmuch as he wasn't insane. And I differ from those who fantasize only inasmuch as I write as well as fantasize (...if I do write). And this is, once again, absolutely worth all of us learning: to unchain our imagination.

## **B. Bendig: Clever People Everywhere – A Modern Fairy Tale**

(From: Privately-distributed handout at the 5th Scientific Congress of the GFSS, Königswinter, March 1979)

Behind the mountain there was said to be a fearful abyss, as the people called it, and it was all they could do to try to protect themselves from it. There were, however, those who didn't want to believe it. They made preparations to secretly have a look at what lay beyond the summit. Some of them were apprehended and punished terribly, although they did in fact declare that behind the mountain was no abyss, but instead, a lovely garden. But this only garnered them even more anger and hatred from their neighbors, who didn't want to accept what they were saying, and would sooner stick to their notion of the dreadful abyss.

However no wall was high enough, no punishment sufficient, to prevent some from – again and again – daring to have a look beyond the summit. In order to avoid being discovered, they came up with the most comical disguises. And even as their skill at playing their roles increased, so did that of their apprehensive pursuers to catch them.

Woe to those of the apprehended who stuck to their assertion that they had not seen a abyss but a garden. Something might be not quite right with them, thought the clever people amongst the populace, and as proof they often cited some curious things about the lives of those imprisoned, which they had needed to keep secret. It was also the case that some captives became quite confused, because everyone wanted them to talk about what they'd seen, and yet, they knew no one who had shared their experience. If they came to believe once again in the abyss, they were cured. The obstinate among them, however, held firm, and the clever people amongst the populace came up with all sorts of ways to cure them of their supposedly false notions. Some of the prisoners even let themselves be pushed into having their eyesight taken away, only for the purpose of regaining their freedom. If they could no longer see anything, thought the clever people amongst the populace, they would also no longer make any attempt to look beyond the summit.

But regardless of what was thought up and carried out, the news – that beyond the summit was not an abyss, but rather, a garden – would not be squelched. Then, even scientists began to become interested in this claim, and conducted complicated studies into it. Of course, the simplest thing would have been for them to just have had a look over the summit for themselves. But of course, they were not allowed to do that. Therefore, they studied those persons who said that they themselves had looked over the summit and seen a garden. And since no one was permitted to verify this assertion, not even a scientist, we are still at the beginning of our story.

## VIII. WORKING GROUPS

### Presentation of the Pedophilia Working Group in the Federal Homosexuality Association

Presentation of the Pedophilia Working Group of the Federal Homosexuality Association (AG-Pädo-BVH).

The Pedophilia Working Group of the Federal Homosexuality Association (BVH e.V.) was founded in 1991 at the Ninth General Meeting of the BVH. It is a BVH working group.

The AG-Pädo-BVH regards itself as a forum and network for all constituent pedophile groups in Germany; including pedophiles who are not members of any group, as well as anyone who might be interested in working together to attain the aims of the AG-Pädo-BVH. The AG-Pädo-BVH made up of persons who themselves, inter alia, feel erotically/sexually attracted to children/youth.

The goals of the AG-Pädo-BVH are:

- to disseminate the pedophilia discourse, from the perspective of affected pedophiles and children/youth, nationwide,
- to foster the exchange of experiences as well as networking among pedophile groups,
- to promote the establishing of pedophile self-help groups in all large cities (e.g., at gay community centers),
- to strengthen discussion among pedophiles, but also between pedophiles and open-minded gays/members of the general public,
- promote the inclusion of pedophile women as well as heterosexual pedophiles,
- strive for and promote cooperation with sexual scientists, organizations with similar themes (e.g., the Child Protection Association), and all other parties willing to engage in dialogue,
- to support the sexual self-determination of children and youth,
- to achieve the de-criminalization of all consensual sexuality, independent of age, age difference, or gender of the participants.

The organizational goals of the BVH e.V. also hold true within the AG-Pädo-BVH; all activities of the AG-Pädo-BVH are carried out within a lawful framework.

Concept Definitions:

"Pedophilia" or "pedosexuality" refer to both the sexual or erotic orientation of adults toward children (typically in middle and late childhood), as well as the emotions and lifestyles associated with this pedosexual identity. These concepts are merely described; they are not assigned moral values.

"Pederasty" means the erotic homosexual love of men for young teenage boys; (this is respected in other cultures).

"Ephebophilia" characterizes the erotic-homosexual inclination of men towards older, sexually mature youth and adolescents.

"Pedophiles" nowadays means men, women, or teenagers who also feel erotically/sexually attracted towards children (and/or young teenagers). Some reject the label of hetero or homosexual for themselves because they feel attracted to children of both genders. During one's life, the pedosexual orientation can be more or less consciously experienced. There is no typical pedophile.

From time to time, children and youth do – independent of their often still unconscious sexual orientation – feel erotically/sexually attracted towards adults, and express such desires. From that, more or less intensive and ongoing relationships with adults who are open to it may arise.

So long as both parties want this and, based on the child's level of development he or she has agreed to it (i.e., consented), so long as, in every phase of the (sexual) encounter, the benchmark is the child's needs, feelings, and desires (i.e., what is suitable for the child), so long as no positions of authority and dependency have been exploited, and so long as health-related risks are avoided, they are, despite all (and even because of

many) of their differences, always to be encouraged on both sides – except when, objectively speaking, a lack of understanding, or, force, is present.

The acceptability of pedophilic/pedosexual contacts or relationships depends upon the concrete consent to – and mutual determination regarding – the encounter. The AG-Pädo-BVH stands in opposition to anything having to do with a blanket condemnation of pedophilia/pedosexuality.

On the self-help concept:

Self-emancipation and socio-political emancipation:

Pedophile groups see themselves as self-help discussion roundtables, where pedophiles with either a homo or heterosexual orientation can talk with like-minded persons about every conceivable aspect of being a pedophile. Here, those concerned are often able to, for the first time, share their inclinations and needs with another person, and consequently realize that they are not alone. In this way, individuals' often shattered self-confidence can be strengthened.

For another thing, ethical and other questions relating to sexuality between children and adults are discussed and clarified. Pedophiles are thereby able to reflect on what behavior, on their part, would be best for the children with whom many of them have contact. Sexual-political issues are also hashed out. It is in this way that public education efforts are put together.

(Regarding support for the speedy abolition of §§ 175 and 182 (and East Germany's 149) as part of a comprehensive reform of the sexual criminal law which guarantees sexual self-determination to both pedophiles and children; thus, for the decriminalization of all consensual sexuality.)

Paragraph 175 StGB is unanimously rejected by the BVH Pedophilia Working Group in its present form because it denies both adults and children the right to sexual self-determination.

Although it does confirm children's right to reject sexual activity with adults (being able to say 'no'), it takes away – via the criminalization of their partners – the possibility for sexual contact with adults which they (the children) themselves want (saying 'yes').

The concept of "sexual abuse" is – in its criminological definition – rejected by the AG-Pädo-BVH. Although professing to address circumstances involving force, it actually paints all of pedo – and child – sexuality with a single, broad brush; it doesn't differentiate between, on the one hand, consensual, harm-free sexual acts, and on the other, unacceptable, will-violating ones. In this way, whereas actual sexual abuse of children is trivialized, physically and sexually positive encounters, contacts, and relationships between adults and children are either demonized or ignored.

In spite of this, the AG-Pädo-BVH does utilize the concepts of "sexual abuse" and "abuse of power"; namely, when a sexual contact was brought about by a will-violation; thus, when it was not consented to. Here is (not only, but especially) real child protection. Of course, an abuse of power is also present when consensual sexuality is stopped by a third party.

Adopted by the 7th Meeting of the AG-Pädo-BVH in Frankfurt on 11/6-7/93.

BVH Potsdam Resolution

"The BVH is in solidarity with the goal of the Pedophilia Working Group, which is to politically organize those affected in order to achieve the decriminalization of consensual sexuality between adults and children."

Unanimous resolution of the BVH General Meeting of 11/2/91.

On the Commercialization of Child Sexuality:

The AG-Pädo-BVH condemns the commercialization of sexuality of and with children. This applies particularly to the organized marketing of child pornography, child prostitution, and sex tourism. At the same time, the AG-Pädo-BVH points out that as long as consensual sexual encounters between adults and children

are statutorily prohibited, many will use the above mentioned outlets as a way of at least being able to live out their sexuality. (21 February 1993).

Organizationally:

The AG-Pädo-BVH convenes regular, general meetings a minimum of two times per year.

The AG-Pädo-BVH is represented by two chosen speakers. The resolution protocol is to be closely adhered to.

The AG-Pädo-BVH is affiliated with the international pedophile organization IPCE (*International Pedophile and Child Emancipation*), headquartered in the Netherlands).

Pedophile Brochures and Information:

Information on the topic, brochures, public outreach (materials, literature lists, as well as addresses of regional groups are available (for the cost of postage) from the BVH. Speaking engagements can be arranged.

Any person, group, or organization may obtain up-to-date information for a minimum of 20 DM per year (30 for sealed mailings) to cover postage costs (distributor). (Obsolete addresses deleted)

### **Some Statements on Consensual Sexuality Between Adults and Children, "Pedophilia," and Related Questions.** (edited by the AG-Pädo-BVH)

**Michael C. Baurmann** (Ph.D., Dipl.-Psych., Consultant to the Federal Police Bureau (BKA)): "Sexuality, Violence, and the Consequences for the Victim: Results from a Long-Term, Cross-Sectional Study of Reported Sexual Contacts," Wiesbaden, 1985, Vol. 15 of the BKA Research Series. The jumping-off point for this long-term, victimological study is a four-year poll of virtually all persons known to have become sexual victims in Lower Saxony between 1969 and 1973.

In Baurmann's study, cases in which compulsion or the exploitation of relationships of dependency played no role whatsoever, and cases in which the children themselves wanted the sexual acts with the teenagers or adults (were conservatively estimated as having) constituted more than half of all of the accusations falling under § 176 StGB [homosexual acts] which he examined. Here, harm to victims occurred only "quite rarely." Specifically concerning the boys who became victims (all under 13 years old), Baurmann was able to discern only consensual or "relatively harmless sexual contacts"; in none of the cases did he find evidence of primary harm, [that is, harm caused by the sex itself]. When actual victimization does occur here, it does so only secondarily, via over-dramatization, police actions, prosecution, and conviction.

"In the 48.2% of cases [sexual offenses] in which the declared victim had not been harmed, it was predominantly a matter of relatively superficial and/or consensual sexual acts. Up until now, many experts have assumed that there are scarcely any sexual victims who were not harmed. Some new thinking is in order here. Adults who assume that not only violent, but also nonviolent, sexual contacts would be fundamentally harmful to children, must reckon with the fact that many children become victims only because adults expect it of them. Many adults have so internalized the simplistic horror stories about consequences that they can't even imagine reacting in an objective manner when it comes to their own children. Other adults have so many sexual problems themselves that they are simply incapable of responding in an unbiased fashion. Conditioned by such expectations, many adults then behave in such a way that the child actually does become a victim." (pg. 22 of the summarized results, Wiesbaden 1985).

**Gisela Bleibtreu-Ehrenberg** (Ph.D., ethno-sociologist, science journalist): "The Pedophilic Impulse: How A Young Person Learns About Sexuality," in: *Love, Sexuality, and Social Myths*, pg. 175 ff., Weinheim 1985.



"The present ethno-sociological paper endeavors to describe the sexual impulse of the adults who are drawn to close physical/emotional contacts with prepubertal children, and in which this uncertain impulse is an integral aspect of the overall personality. It should be said from the very start that contacts of this type are basically nonviolent. (When this is not the case, what we then have is not pedophilia, but rather, what is to be regarded as a criminal offense.)"

**Ernest Borneman** (Ph.D., psychologist, pedologist, distinguished professor at the Univ. of Salzburg): "The Abuse of Abuse: Children and Their Helpers." In: Handout of the Munich Association for Support and Family Law (ISUV/-VDU), distributed at a lecture given on 5/15/92, pp. 3-7.

"The concept of sexual violence is fuzzy, when one, by definition, characterizes as an assault not only those sexual relations between children and adults which involve physical or psychological coercion, but also, in addition to that, all other such relations. . . My study group of sexual pedologists by no means. . .pleads for the right of adults to engage in sexual intercourse with children, but rather, for the right of children to engage in sexual intercourse with adults."

**Martin Dannecker** (Ph.D., psychologist, lecturer at the Univ. of Frankfurt, Dept. of Sex Research): *The Drama of Sexuality*, Frankfurt 1987.

"The criminal sanctioning [of pedosexuality] produces, in addition to the much-discussed secondary harm via questioning and legal proceedings, a climate in which the already precarious dimensions of pedosexual relationships are exacerbated; penalization even more intensely compels pedophiles to turn their child partners into dependent coconspirators, which is something that social discrimination would have done all on its own anyway. Penalization also exacerbates the adult's feelings of guilt, which the child him/herself then identifies."

Particularly interesting in Dannecker's book is an overview of sexual science experts' statements regarding the effects of pedosexual contacts on children, as well as § 176 StGB, on the occasion of a hearing by the 1970 Special Committee on Criminal Law Reform. The reworking of § 176 StGB, which did not make any distinctions in terms of consensuality was, even at the time, already quite controversial. pg. 75 ff.: 3

"The assumption of ipso facto developmental damage through the premature reception of heterosexual contacts cannot be said to be scientifically based." (Schoenfelder)

"Therefore, what has been able to be established is that the genesis – or, non-emergence – of long-lasting harm from nonviolent sexual offenses against children is scarcely a function of the sexual offense itself, but rather, exclusively of the reactions of caregivers as well as the environment." (Reinhart Lempp, Prof. of Child Psychiatry, Univ. of Tübingen).

"All of the studies indicate that the number of children who suffer long-term damage from the event itself – and I am talking here about incidents in which heavy force was not employed – is exceptionally small, if any harm is detectable at all." (Hallermann; for similar views, see Groffmann, Schorsch, Nau)

**Alfred Kinsey** (Ph.D., distinguished professor at the University of Indiana, sex researcher):

"Orgasm in Young Boys," and, "Orgasm in Young Girls" (in: H. Kentler, *Texts on Socio-Sexuality*, Opladen 1973, pg. 63 ff.).

"Orgasm has been observed in boys of every age-stage between five months and puberty. . . Orgasm in a small child or other young male individual corresponds – except for the absence of ejaculation – completely with orgasm in older adults in some astonishing ways. . . An angry little child, once stimulation begins, becomes quiet, turns away from other activities, begins rhythmic penis-thrusting, tenses his muscles as the orgasm approaches, and moreover initiates convulsive movement. These findings regarding the sexual activities of young male individuals lend considerable support to Freud's views of sexuality as one. . . of childhood's earliest existing components. The Freudian notion of a pregenital stage of more generalized erotic response, which practices more specific genital activity, is, however, not confirmed. Masturbation is a basically normal

and quite frequent phenomenon in many children, both girls and boys. . . That is why it is, not seldom, the cause of orgasm in little girls as well as boys."

**Rudiger Lautmann** (J.D., Ph.D., professor of law and sociology, Univ. of Bremen): "Sex Offenses: Criminal Acts Without a Victim?," ZRP 1980, Issue 2, pg. 44 ff.

"The 1973 modernization of the sexual criminal law had indeed brought the crimino-political discussion to a halt; however, the dubious nature of these regulations was left untouched. Many forms of prostitution, pornography, exhibitionism, and pedophilia remain (inasmuch as they are free of violence and coercion) penalized as morally disfavored, without having addressed the empirical questions regarding harm and victims."

And in "Pedos/Homos/Lesbos – Something Is Crazy Here": "When pedosexuals get together in groups, in order to share things with one another and to safeguard their interests – e.g., protection against an extraordinarily ham-handed criminal law – this is clearly a social and socio-political step forward."

**Theo Sandfort** (Ph.D., Univ. of Utrecht): From *Study at the University of Utrecht into Sex in Pedophilic Relationships*, Braunschweig, 1986, pg. 73ff:

"In summary, it held true for all of the boys studied here (10-16 year-olds), that the sexual contacts themselves were positive experiences. . . Potential detrimental effects are secondary; their causes are to be sought out, first and foremost, in the attitude of the environment vis-à-vis the contacts."

"Legal proscriptions must not be permitted to impede young people's right to sexual self-determination, also falling under which is the right to agree to or reject a sexual overture from an older person."

**Gunter Schmidt** (M.D., professor at the Univ. of Hamburg, Dept. of Sex Research): *Homosexual Pedophilia, Konkret*, 1989:

"For many sexual scientists and activists, the gay movement begins with the "respectable" homosexual; i.e., where the state-established, so-called protection age [age of consent] lies. But these age limits are far too high; they are more likely to protect young people from their own sexuality than from sexual exploitation." "One must do justice to the wider variety of pedophilic relationships. Therefore, the universal threat of punishment for pedophilic acts cannot be called civilized; it is wrong, it persecutes minorities, and it needs to be done away with."

**Eberhard Schorsch** (M.D., distinguished professor at the Institute for Sex Research, psychiatrist at the Univ. Clinic Hamburg): *Criminology Monthly* 1989, pg. 141 ff.:

"It is not sensible to use the crude implement of the criminal law to deal with the phenomenon of pedosexuality; it only leaves behind splinters and rubble on all sides."

**Gay Jurists:** *Gays and the Law: A Legal Guide for Homosexual Persons*, Bamberg, 1992, esp. chaps. 26 (The Sexual Criminal Law) and 42 (Pedophilia).

"We are of the opinion that § 176 StGB (Sexual Abuse of Children) should be repealed. Certainly, that would then require that § 174 par. 1 No. 1 and 3 StGB (Sexual Abuse of Dependents) be amended by the corresponding § 176 par. 2 provision (Influencing a Child to Engage in Sexual Acts Upon or in the Presence of a Third Person)."

**Tobias** (14 yrs. old) in "Reini H. Riedesel: I Will Not Hide. . ." *BVH Journal*, Vol. 4: 1, Cologne, February 1990, pp. 6-8:

"This is also such nonsense. Of course I don't actually want to be protected; then, of course, I would be truly stupid. Of course, this isn't focused on my development; in reality, it's focused on my cock – and locking it away for as long as possible. No, I'm not going to allow the state to dictate when I am allowed to have sex. This, of course, is truly perverted – and the man, if he's found out, still has to go in the clink. Truly perverted!"

### **A Coming Out – a Mirror for the Pedophile**

From the very first inklings, all the way up to self-acceptance, a pedophile's coming-out takes a course different from that of any other life story. One seeks answers to questions such as:

- Am I truly pedosexual, or is the child a "substitute object" for me (pseudo-pedophilia)?
- What is the cause of my pedosexuality?
- Can and should I change anything about it?
- How can I best deal with this predisposition?
- Can I allow myself my sexuality without hurting the child?
- In what way do children experience sexuality?
- How can I carry out partnerships with them?
- How do other pedosexuals treat children, and how do they manage their own needs?
- What life-survival strategies are there for pedophiles?
- Is one of them appropriate for me?

Under today's threatening social and legal conditions, every pedophilic person must find his own way. Different individuals will have different degrees of success with this. Many, due to mental anguish, become aggressive and cynical; some take the route of self-isolation and depression, of alcohol and self-destruction. Not everyone is able to find a balanced life on his own. A pedophile coming-out group can offer help. Through the mutual exchange of experience, they promote the self-confidence of the individual. This should help prevent the abuse of children. Sexual identity can be examined more objectively, and positive perspectives can be developed.

There are many conceivable ways of proceeding, although not all of them are feasible for, or acceptable to, everyone:

- Denying and repressing pedophilic feelings,
- Warding off sexual desire by effusively lauding childhood,
- Avoidance, whereby one retreats from any contact with children,
- Limiting oneself to masturbation and the consumption of pornography,
- Switching, of necessity, to sex tourism, or to socially-accepted forms of sexuality,
- Compensating via fulfilling diversions to other spheres,
- Renunciation of legal misgivings or celibacy,
- Orienting one's life towards frequent social contact with children,
- Internal reconciliation with an identity experienced as conflicted,
- Emancipatory defense of one's own sexuality in one's own environs,
- Public efforts and political engagement for the betterment of the overall legal situation,
- Self-confident efforts towards mutually consensual relationships with children. Admittedly, these often carry with them the real risks of discrimination and criminal prosecution.

None of these strategies guarantees a satisfying, well rounded life. Participating in a pedophile coming-out group can, however, be a great support in wrestling with all of these issues.

Author: **Paul Steinacher**, drawing from a paper by the Berlin Pedophilia Working Group, discussed and formulated with the Munich Pedophile Self-Help and Emancipation Group, Munich, May, 1993.

## IX. POSITIONS

### Human Sexuality Working Group: Sexuality Between Children and Adults

Foreword:

#### I. Formulating Questions - Clarifications

- What is Sexuality?
- To what extent do children already feel sexual?
- Is there a "molding" of homosexuality through homosexual experiences?
- How does pleasure-oriented child sexuality develop?
- What is our present-day society's attitude towards sexuality?
- What does 'pedosexual' mean?
- What does 'pedophile' mean?
- In the assessment of pedosexuality, should a distinction be made between boys and girls?
- How might we go forward?

#### II. Positions

1. The rights of pedosexually-acting or pedophilic adults.
2. Children's right to the undisturbed development of their sexuality.
3. Children's right to sexual self-determination.
4. On equal rights and consensuality in pedosexual contacts.
5. On the special responsibility of adults regarding the safeguarding of equality and consensuality.
6. On protecting children from the abuse of power in sex.
7. Potential consequences of sexual contacts.
8. Potential consequences of normative and statutory rules.
9. Conclusions and demands.

#### III. Postscript by Wolf Voegel (1994) – The Lie of Self-Determination

### Preface

The statements in this document represent the state of knowledge and the discussion position of the Child Sexuality and Pedophilia study group within the Human Sexuality Working Group (AHS). It is explicitly not to be regarded as self-contained. The study group welcomes suggestions and criticism.

The examination of what, in terms of public opinion, is the particularly sensitive issue of sexuality between adults and children should contribute to a broadening of the factual knowledge base, as well as help to rectify any prejudices or misunderstandings which may arise.

In a fundamental sense, this topic is about social relationships or contacts. There, as component phenomena, sexuality on the one hand and violence on the other – or both – can play more or less significant roles. However because in terms of the public consciousness, sexuality between children and adults is, for the most part, equated with violent activities vis-à-vis children, as well as with the seduction of and psychological harm to them, which is why it is a contentious issue, differentiating sexuality from violence must be done right up front.

Because women who deal with the subject of sexuality between children and adults typically do so only through the lens of violence, and because, within the Child Sexuality and Pedophilia study group women currently take little part in discussions over the necessary disassociation of sexuality from violence, in the present position paper, the statements to be found within it are predominantly from men. However, the study

group welcomes the participation of women who are prepared to make the distinction between sexuality and violence.

This paper will address all of those who have some stake in sexuality between children and adults; these include:

- all parents, because they deal with children and their sexuality,
- all educators as well as caregivers, because they work with children,
- adults who aspire to or have intimate relationships with children.
- parents and families of children who aspire to be or have intimate relationships with adults,
- parents and children of pedophilic adults.
- police officers, lawyers, and judges who, due to the criminal law, must deal with sexuality between children and adults;
- physicians and therapists, who offer advice and assistance, or who serve as expert witnesses,
- politicians, so that they might bring prejudice-free knowledge to the formation of their political opinions as well as legislation,
- everyone who wants to know more about this subject and wishes to join the discussion.

Ideally, children themselves should also be included in the discussion. However this paper, in its present form, is aimed at adults. And this makes sense, because sexuality between children and adults actually only becomes a problem because of adults.

Admittedly, a possible shortcoming of this document is that there is no such thing as adults as a uniform target group. Within the great spectrum of the target readership, widely varying levels of education and knowledge are to be expected; however, it is scarcely possible to be completely fair to this subject in terms of content, language, and choice of words. The authors therefore ask for your understanding.

The present position paper is subdivided into two parts:

Part 1) Formulating Questions – Clarifications.

Part 2) Positions.

Because the positions refer back to the clarifications from Part I, and because the individual sections and positions themselves overlap, occasional repetitions could not be avoided. Berlin, summer of 1988.

## **I. Formulating Questions – Clarification: What Is Sexuality?**

For every person, sexuality is, first and foremost, what he or she has experienced throughout his or her life-course as sexuality. At any given time, based on our own experiences and problems, we all have our own conception of sexuality.

We have had experiences with our own bodies, and the bodies of others, in the context of particular life situations and particular people; they are social experiences.

Many of us wish that sexuality could simply be physical pleasure, the desire to discover both ourselves and others, to feel its stirrings and its warmth; it is meant – as a form of communication and via the exchange of feelings – to make a sense of community possible; it should be allowed to push boundaries, to be explosive, affectionate, thrilling, relaxing.

With our wants and expectations, we turn to other people. At the same time, we also try to learn our partners' expectations and wants.

Which form of sexual behavior and need-satisfaction we then actually allow to be realized, however, depends to a large degree on various social norms.

Admittedly, from earliest childhood, it is not merely general rules and prohibitions that we find ourselves up against. We also very soon discover that there are different expectations of boys than there are of girls. We learn what makes a man a "real man," and a woman a "real woman."

Certainly, important differences in expected and rewarded behavior (not only in the sphere of sexuality) are clear not only in terms of the dividing line between man and woman, but also that between adult and child.

What are key in this arena are the differences in how people are furnished with instruments of power and prestige, and which judgments concerning activity and aggressiveness. From this point of view, the male adult is the socially/sexually most powerful – and the female child the socially/sexually powerless participant in social/sexual interactions.

It is thanks to one portion of the women's movement, and a portion of those who endeavor to protect children, that attention has been drawn to the social oppression of children, which, likewise, is also found again and again in the sphere of sexuality.

In addition to that, our society reveals itself to be generally sex-hostile. In spite of the so-called "sexual revolution" this still holds true today for both men and women, and for children most of all.

To the extent that we are unable to self confidently meet our legitimate needs in the face of manifold and often unnecessary restrictions, to the extent that we can only satisfy them in secret – and this is true even for the youngest children – sexuality will also be accompanied by fear and guilt. In our society, both of these ways of experiencing things are, apparently, inextricably tied to the experience of sexuality.

And there is yet one more reason why we are vulnerable, above all, in terms of our sexuality: When we turn to other people to get our needs met, we must again and again experience disappointment, being hurt, rejected, exposed, or "failure."

What role men and women play in maintaining this state of affairs remains an open question.

In this sense, (our) sexuality is characterized by a multiplicity of fissures and contradictions: by fears and hopes, the abuse of power and powerlessness, by guilt and longing.

### **To What Extent to Children Already Feel Sexual?**

Everyone who – as an educator, a parent, a scientist, or a pedophile – has had some dealings with child sexuality, has realized that, with respect to their sexual feelings and activities, children know nothing of "good" or "bad," insofar as this has not been drilled into them. To children who experience tenderness, security, and trust in and with adults, whose freedom to develop their personality is safeguarded, sexual activities unfold based upon the pleasure principle. Under these conditions, it is completely irrelevant whether the sexual contact is with a person of the same or the other gender, or whether the partner is older, younger, or the same age. Moreover, children experience their entire bodies as being pleasurablely stimulatable, although genital stimulation also plays an important role from the very beginning.

### **Is There a "Molding" of Homosexuality Through Homosexual Experiences?**

In the past decade, sex research has put forth two theories regarding the origin of a homosexual orientation.

Endocrinologists (hormone researchers) maintain that hormone levels in the mother's womb determine the eventual direction as well as intensity of the fetus' sex drive. On the other hand, for almost all psychologists and psychiatrists who adhere to the psychoanalytic school, the so-called Oedipal phenomenon is primarily responsible for the origin of sexual orientation; therefore, homosexuality would be a trait acquired primarily in childhood (up to about age 3), which is caused by a combination of factors related to the child's carepersons, such as, for example, a dominating, overly attentive, or even insufficiently present father or mother.

Regardless of which of the two theories is more applicable, what is certain is that under no circumstances is sexual orientation instilled via homosexuality being demonstrated to someone – or via the emulation of homosexual behavior – in the childhood or teenage years. In any event, what is called for here is tolerance towards homosexual manifestations. The theory of drive fixation in the teenage years – which was only acknowledged a relatively short time ago, and is held by many behavioral psychologists – perhaps via seduction or other kinds of practice of homoerotic behavior, can, in any case – based on the current status of knowledge – be conclusively rejected.

## **How Does Pleasure Oriented Sexuality "Develop"?**

Children's acquaintance with sexuality depends on the behavior of persons in their immediate environs. The latter are, in turn, shaped by general attitudes towards sexuality.

Whereas, in small children, sexual stirrings are initially welcomed, in general older children in our culture suffer ever-increasing limitations on their sexuality via a consciously or unconsciously conveyed disapproval of their sexual activities – by both their parents as well as others who have dealings with them – which the children themselves, in turn, also experience either consciously or unconsciously. The child learns very quickly to either repress sexual desire, or live it out secretly and with a bad conscience. Because he or she thus fails to learn how to manage desire in the heat of the moment, or to obtain a partner, the result is either any or all varieties of helplessness, or, the sexism which characterizes "adult sexuality" everywhere.

## **What Is Our Present-Day Society's Attitude Towards Sexuality?**

On the one hand, most people – if only secretly – have a remarkably lively interest in everything sexual; on the other hand, sexuality is regarded as being something dirty and embarrassing, from which one should, at the very least, protect children. This attitude flows out of a centuries old condemnation of desire: It is regarded as "bestial" and "anti-intellectual," and as the expression of a "base egotism."

Only rarely is sexuality addressed in an objective and cautious way. Many people's distorted attitude towards desire leads, likewise, to repression, disorientation, and helplessness, but also to the marketing of – as well as the abuse of power in – all things sexual.

The fact that sexuality is experienced differently from the woman's perspective vis-à-vis that of the man is based in differing role behaviors. Many women experience male sexuality in conjunction with "guydom" and masculine power behaviors, with which men achieve success occupationally and, often, with women as well. They fear that men will never be able to be different towards those who are weaker than they are: the sheepish wife corresponds to the sheepish child-partner.

Sexually violent acts – from a forced kiss on up to rape – are perpetrated by men daily in many forms, and cause a great deal of physical and psychological misfortune. Today, in the school alone, every girl must reckon with terrible sexual infringements, by boys or cliques of boys. This sexually violent practice is both discharge of aggression as well as instrument of power, in order to demonstrate masculine dominance interests. In addition, via the media, many boys are successfully imparted a dubious image of women. They learn – including through personal examples – sexuality as a power factor and means of humiliation, tied into which is the general, grown up readiness to accept violence.

## **What Does "Pedosexual" Mean?**

Pedosexual contact denotes any sexual contact between a child and an adult, independent of whether it came about through consent or via the exploitation of power and thus violence.

Pedosexual contacts can take place under various circumstances: They may be one-time events, occur within a parent-child relationship, or even have their place within a pedophilic relationship.

## **What Does "Pedophile" Mean?**

It is remarkably difficult to describe pedophilic persons, because every individual pedophile reacts to the enormous social pressure in different ways, whether coping with it, or otherwise. Under massive threat from the criminal law, and because essential life necessities remain unfulfilled, the pedophile cannot be who he really is. The obligation to camouflage and ghettoize oneself eventually leads the pedophile to a hopeless situation, not to mention profound misunderstandings and prejudices amongst the general public.

The prevailing notion of the pedophile is shaped by the image of a man who, employing various tricks, either worms his way into the child's favor or exploits a preexisting sense of trust, in order to bend the will of

defenseless young people towards satisfying one-sided sexual wishes. And so, in terms of the public consciousness, pedophiles are those who do not have the maturity to carry on a relationship with adults of equal status, and therefore switch to powerless and available children, sexually exploiting them as a means of improving, their own sense of self worth.

As much as these notions may well be based on actual events and traumatic childhood experiences, and as much as power or aggressiveness can play a role in pedosexual contacts, it is simply incorrect to apply these notions to pedophiles generally. The force of attraction which the child exerts on the pedophile and his or her affection for the child interact to prevent any potential abuse of power by a responsibly-acting pedophile. Nevertheless, it must also be recognized that the temptation to act irresponsibly and to abuse power can be more or less strong for pedophiles as well.

Notwithstanding the great variety of forms that the phenomenon takes, the following statements probably apply – with different degrees of weight – to pedophiles generally.

They (men as well as women) have or strive for friendly relationships with children which, by no means necessarily include sexual contacts, at least do not rule them out. They are remarkably susceptible to the fascination which children exude. In general, this force of attraction is free of ideological and moral prejudices vis-à-vis thoughts and actions relating to the pleasure principle. The child's refreshing carefreeness, the fact that children simply take no notice of the many excessively important trivialities in the adult world such as financial position, social rank or physical inadequacies, their enthusiasm, their liveliness, their fantasies and spirituality, their blending of adventurousness and a need for loving care, all of this awakens in the pedophile the desire to let him/herself "catch the fever." He or she experiences the adult's "being mature" as a shortcoming, and the child's being open to further evolution as a positive quality. By the same token, this need may also play a role in – via the child – redressing any emotional deficits in his own childhood.

Affecting him or her in similar ways is the erotic aura of the child's body, as well as their sexual curiosity; in pedophiles' eyes, the unspoiled child would give freer reign to the latter than any adult ever would.

This feeling of happiness that pedophiles get from being in close contact with a child, and the striving for it, characterizes their personality as a whole. For them, it is not possible to experience this feeling with adults.

Experience shows that this attraction is indeed mutual. With a responsibly-acting pedophile, the child feels that he or she is taken seriously as a personality and as a partner, in all aspects of his or her being – and that includes sexuality.

### **In the Assessment of Pedosexuality, Should a Distinction Be Made Between Boys and Girls?**

Although a relatively large number of studies of man-boy sexual contacts indeed do exist, there are scarcely any meaningful experiential reports or scientifically based information concerning sexual contacts between women and boys or women and girls, not to mention regarding nonviolent consensual contacts between men and girls. In any event, the following would appear to hold true: Both girls as well as boys have more or less self-confident characters. However, because of still-existing, gender dependent differences in socialization, the result of which is heightened timidity and lack of independence among girls; on average, it is easier for boys than it is for girls to speak up for their own interests.

However, the fact that many studies have corroborated the conclusion that in our society girls are, on average, less self confident and less good at carrying out their own intentions has statistical value only, and therefore, no significance for the individual assessment of a pedosexual contact; nevertheless, in very general terms, this finding admonishes us to be particularly careful regarding pedosexual contacts involving girls.

In any case, one may proceed based on the assumption that girls as well as boys have a good shot at strengthening their self confidence when their relationships with adults are lovingly and respectfully imbued with mutual affection, irrespective of whether sexuality is experienced within them or not.



## **How Might We Go Forward?**

The customary application of the term "sexual abuse" treats harmless and harmful contacts, sexuality and violence, as equivalent. That is precisely why it is used by people who put no stock in this distinction. This may be understandable when one considers the sorrow that can be wrought through the abuse of power in pedosexual contacts: And talking in terms of "sexual abuse," in order to categorically put pedophiles in check, reinforces this idea.

In reality, the term "sexual abuse" does not describe what is actually meant to be prevented, and moreover distracts us from the essential element: the abuse of power. It has to be about protecting children from the abuse of power in sexual matters, not about protecting them from sexual experiences; because to close off sexual experiences is, for one thing, inhumane, and for another, if it truly were to be brought about, could only happen through radical sexual oppression. In every case, however, the only thing that would be achieved by such repression would be to prevent children from both learning how to handle their sexuality, as well as talking about "such things." Furthermore, sexual repression is one of the causes of sexual violence.

The question is, how can we have protection against the abuse of power in the sexual arena without being inhumane? This would mean, for one thing, that pedophilic persons would not have to be forced to make a choice between either committing a crime or losing their sexual identity, an "alternative" which is degrading to their very existence. Likewise, pedophiles who become advocates for child sexuality (children scarcely have any other lobby in this regard) should not be constantly subjected to reproach merely for pursuing their own interests. And of course they too – since during the unfolding of their personalities, they were prevented from pursuing a natural interest – have to correct their own false notions of child sexuality and pedophilia. Because, at the moment, they are the only ones who actually experience child sexuality, they are, in fact, thoroughly knowledgeable; therefore, it is absolutely legitimate to include their experiences and arguments. Consequently, they should not be casually dismissed as self-interested parties.

Protection from the abuse of power in the sexual arena would, on the other hand, mean that children would not be coerced into repressing their sexuality. All in all, society surely has an interest in making sure that its children are not subject to any negative imprinting in the sexual sphere, which individually leads to psychological harm, and societally, to manifestations of sexism. So long as the concept of "sexual self-determination" is not taken seriously, and children are not accorded and entitled to sexual self-determination as well, it will not be possible to stem the abuse of power in the sexual arena. A more frank and respectful discourse is a necessary and first prerequisite for breaking the chain of exploitation, toleration, and re-exploitation by violence and the abuse of power. At least then, children could even talk openly about negative experiences, and not have to keep to themselves what are oftentimes life-long and stifling secrets.

## **II. Sexuality Between Children and Adults**

### **1. The Rights of Pedosexually-Acting or Pedophilic Adults**

Adults have no right of possession over children. But there is a right of each person to his or her sexuality. The question as to where the boundaries of this right lie must be answered in a new, yet to be formulated sexual ethic. At the same time, the rights of the weaker party – of the child – must serve as our standard.

### **2. Children's Right to the Undisturbed Development of Their Sexuality**

Arising from the fundamental human right to sexual enjoyment is the child's right to the development of his or her sexuality. Therefore, every imposition of sexual contact, and every act carried out via force or violence, must be rejected as a serious interference. On the other hand, anything which impedes a child from uninhibitedly and enjoyably experiencing his or her sexuality, and bringing it into harmony with his/her own self and environment, also constitutes interference. It is, above all, interference when an adult categorically fights against a child's sexual curiosity or desire for (self-focused) sexual experience via authoritarian

prohibitions. Bringing up a child with prohibitions which can only be maintained via the exploitation of dependency relationships and the setting up of groundless fears has disastrous consequences, particularly in the area of sexuality. Such an upbringing plunges the child into serious conflict between his or her own conscious or unconscious needs and external demands, which can be enforced via the might of authority. Such an upbringing may well be traumatizing not only in terms of associating the sexual with what is bad, guilt feelings, insecurity, or even fear and disgust, but also by instilling an inclination to either act against prohibitions, or do harm to others who do what is forbidden.

### **3. Children's Right to Sexual Self Determination**

Self determination presumes the existence of a will of one's own. Frequently, children's difficulties in intelligibly expressing their will to adults gets misinterpreted as an absence of will. The question as to whether one may even speak of a child already having his or her own will can only be answered in the affirmative, based on what we know about "children's stubbornness." Admittedly, depending on the child's age and personality, as well as the conduct of those around him or her, this initial obstinacy – arising from spontaneous feelings of pleasure or displeasure – can be more or less influenced by upbringing and environment. Even a thus overformed (i.e. outside-determined) will can be subjectively experienced by the child as being his or her own (i.e. self-determined) will, and is thus to be respected as such. .

Whenever two or more people gather, however, there is always the possibility – and should the situation arise, the necessity – of one's will being influenced. The question of whether the exertion of influence on the child's will is – in the self determination sense – justifiable or not has to depend on the needs of the child, as well as on the nature and ways in which these exertions of influence take place. What is not justifiable, and is characterized and rejected as an abuse of power in the sexual realm, is the employment of dishonest means. As such must be deemed: misleading someone or withholding necessary information from them, the promise of extraordinary advantages or the threat of disadvantages, the generation of groundless fears, suggestive urging, and self-evident compulsion and physical encroachments (see No. 4).

It is certainly necessary to prevent acts whose scope is not discernible to the child, but which would harm him; thus, acts which would be a violation of the child's integrity (see No. 5).

On the other hand, just as in other spheres of life, in the arena of sexuality as well it is wrong to influence a child's will for the sole purpose of condemning the child, because he or she turned what had been unfamiliar into knowledge, or was open to new realms of experience. Fundamentally, children need, in order to practice self-determination and social responsibility, the freedom to have new experiences; in no way does increasing knowledge conflict with this – quite the contrary.

The child's right to sexual self determination must be universally recognized as the supreme principle: The expression of the child's will – the spectrum ranging from the spontaneous turning away or turning towards, on up to the express yes or no – is to be given space, and the will itself is – in all fairness to the prevailing debate – to be respected. Moreover, children's decisions, which to a great extent follow the pleasure principle, are by no means of poor quality as such, but are based on a deliberate weighing of factors. The too must count as full-fledged acts of self determination.

### **4. On Equal Rights and Consensuality in Pedosexual Contacts**

There is a power and influence gradient between adults and children, just as there is no such thing as complete equality and independence in any human relationship. Despite this inequality between people, equal and consensual acts are probably quite possible, if the standard is the weaker party's desire to engage in the act, and thus, if the stronger party does not take advantage of his power in order to carry out his own, one-sided wishes. Pedosexual contacts also fall into the category of such acts, which, in spite of the partners' inequality, can be structured equally and consensually. Those who treat the child with openness and sensitivity allow, promote, understand, and take seriously the child's expressions of his or her own will.

We cannot, however, speak of equality and consensuality when an adult goes against the child's will. Moreover, this is not merely a matter of coercion and physical encroachments; the latter are only the most

extreme forms of flouting the child's will. Equality and consensuality are also violated when the child him/herself doesn't dare express his/her refusal, or doesn't know how to go about doing so. Because of their superiority, adults bear the burden of recognizing and if respecting the child's will. When children sense sincerity, the risk that they will simply acquiesce is small; on the other hand, when unfair methods are employed to influence the child's will (see No. 3), the risk is great. Moreover, within the family, or under conditions similar to those of a family, the risk that power will be abused is particularly great, because there, the child must turn to others for the meeting of such primary needs as lodging, food, and clothing.

### **5. On the Special Responsibility of Adults Regarding the Safeguarding of Equality and Consensuality**

Even consensuality does not guarantee – in every case of a sexual act – protection from each and every potential, partial, indirect, or direct violation of a child's integrity through the contact itself.

Therefore, such a violation is present, even in consensually arranged sexual acts, when:

- force or violence plays a role in the sexual acts,
- as a result of the sexual acts, harm is done to the child's well-being, or his or her life is thoughtlessly or deliberately put at risk,
- the sexual act leads to pregnancy, thereby making the child's later life-journey more difficult.

In the case of such concomitant or direct effects of sexual acts, we may proceed based on the assumption that the adult has not properly borne his or her special responsibility (his/her obligation to look after the child's welfare): that is why those types of behaviors would also constitute the "abuse of power."

### **6. On Protecting Children from the Abuse of Power in Sex**

Fundamentally, it holds true that only agreed-to and enjoyed sexuality can help a person develop and flower. Decisive for positive development, however, is the anxiety-free enjoyment of sexuality – without any feelings of guilt – right from the beginning.

Protecting children from the abuse of power in the sexual arena should not equate to a prohibition on sexuality. A blanket prohibition on sexual behavior in no way protects children against inhumane sexual experiences; to the contrary: it only makes them much more likely. Protection lies, instead, in affording and guaranteeing both the right to sexual self determination, including, and especially, vis-à-vis children, as well as the ability to exercise that right, through experience, and through the strengthening of their self confidence. When children take to heart statements such as "Trust your own feelings" or "You have the right to want or not want to," the necessary and first prerequisite for their protection from abuse of power is a given. This is not the case when one prevents them from having sexual experiences or instills fear in them.

### **7. Potential Consequences of Sexual Contacts**

The consequences which sexual contacts have depend critically on the structure of the contacts, as well as the environment in which they take place.

Scientific studies and expert court psychologists have established again and again that there is no detectable harm from sexual contacts in which the child's sexual self determination and integrity are preserved. In these cases, by contrast, neutral to positive consequences were reported. Positively experienced sexual contacts are enriching, and are, therefore, worthy of protecting.

Even the assertion of many behavioral psychologists that particular sexual contacts lay the groundwork for later homosexuality or pedosexuality has been proven false by sex research in recent decades.

Unlike sexual experiences per se, violent experiences in the sexual arena do have negative consequences. These, like violent experiences in general, always cause harm.

## 8. Possible Consequences of Normative and Statutory Rules

To the extent that it protects the child from the abuse of power, the criminal law does have legitimacy. But certainly, when even consensual and harmless acts are threatened with punishment, the criminal law is unjust. It then fundamentally violates personal rights, and constitutes an indefensible interference by the state, into the personal sphere. With the criminal law currently in effect, this is indisputably the case. That is why attention must be drawn to these negative consequences.

To the extent that it categorically suppresses the satisfaction of basic needs, constricts the experiential horizon, and curtails the right to self determination in critical ways, the sexual criminal law is both violent and inhumane. It causes more conflicts and problems than it prevents.

Children who are not harmed as a result of the sexual act itself, but only really become victims and suffer harm because of a report and ensuing legal proceedings, are not the exception. Both the fact as well as the methods of police questioning, as well as the carrying out of court proceedings, violate the intimate sphere in the most irresponsible of ways. Positive experiences with sexuality are, thereby, turned into quite the opposite. Children often emerge from such proceedings seriously emotionally wounded, and with profound feelings of guilt: feeling guilty both because they have allegedly done something bad, and because they betrayed the "perpetrator" they had been friends with. Even when the authorities try to act with discretion, history shows that they always let something slip, thereby leaving the "victims" permanently stigmatized. In such cases the criminal law – which professes to protect children – harms them.

Also suffering from this kind of criminal law is the adult who – whether he did indeed have sexual contact with a child or was merely accused of having done so – often suffers a profound contradiction between his or her own sense of what is right and good, and the rebukes of the state's attorney. Through the intervention of the justice system, his/her existence – as well as that of his/her family – can be pointlessly put at risk, if not actually destroyed. What is more, in the face of such a threat, he may not be in a position to act objectively and carefully with the child.

Moreover, because of the existing laws and social prejudice, which regards every – even the most positive – sexual contact with a child as abuse, thereby requiring that it be kept secret, it can be readily used for the purposes of exploitation, defamation, extortion, or coercion. The obligation to conceal leads the adult and child into isolation, and thus, into relationship problems as well. Thus, neither positive experiences, nor difficulties, can be discussed with either parents or friends.

As in any relationship, problems can arise in pedophilic relationships as well. In the courtroom, though, they are ripped from their social contact and artificially delimited to the sexual sphere. This hardly contributes to a solution, or the prevention of difficulties, instead, it typically causes or exacerbates them.

Those who outlaw gentle interactions with child sexuality drive erotic contacts between adults and children underground, and could even – instead of stemming child prostitution – be promoting it. Prostitution, sex tourism, and pornography are the result of unmet human needs; what this shows – among other things – is how unreservedly sexuality, in our society, can be placed at the service of power structures, and trivialized as merchandise. Conditions under which persons or their situations are arbitrarily at the disposal of others are to be rejected and combated. On the other hand, such conditions cannot be seen, understood, criticized, and changed without calling into question both current sexual morality, as well as the prevailing social conception of morality.

## 9. Conclusions and Proposals

Physical and psychological violence does exist, including in the area of sexuality. However, sexuality – even between children and adults – is not automatically accompanied by violence. Sexuality and violence must, therefore, be clearly delineated from one another.

Sexuality must not only be recognized as a means of procreation, but also an instrument of communication and self realization, as a source of *joie de vivre*.

The suppression of child sexuality via medically, psychologically, or religiously motivated prejudices does not stand up to scientific examination, and, in a pluralistic society, should not serve as a guiding principle for legislation.

Because people of every age have – and can express – sexual feelings, children's right to sexual self determination, and therefore also to sexual activity, must be acknowledged and respected. Children must be allowed to decide – and give voice to – whether, and with whom, they want to experience sexuality. In the sexual sphere as well, just like in other arenas, adults should not – from the outset – exploit their superior position to the detriment of the child.

Because the right to sexual self determination applies equally to adults, the right of pedophiles to their sexuality must be acknowledged as well. The boundaries of this right are where the abuse of power begins. Accordingly, the criminal law should be revised in such a way that it is not sexual acts that will be punishable, but rather, the abuse of power in the sexual arena. Moreover, the following factors and values should be taken into account:

- the (in principle) guaranteed (but in practice not attained) legal equality of women and men;
- a fundamental philosophy of openness vis-à-vis sexuality;
- the current status of knowledge of psychology, sexual science, and social science regarding sexuality and sexual contacts;
- the need to avoid (secondary) harm to children which can result from criminalization and criminal prosecution; and,
- the appropriateness of the means.

What is to be demanded of legislators, is that they be aware of the normative effects of their work. Because of their special social responsibility, they have the obligation to first become fully informed themselves and then put together new majorities by educating their peers, instead of short-sightedly adding to existing majorities.

### **III. The Lie of Self Determination**

#### **The Legislator Bans Children from Having Sexual Contacts**

##### **Postscript by Wolf Vogel**

In Germany, under the penal code (StGB) currently in effect, anyone who engages in a sexual act with a person under fourteen years of age (legally regarded as a "child") is threatened with a prison sentence of between six months and ten years (or in "less serious cases," a fine). What constitutes "sexual contact" is frequently left to the discretion of the court. The criterion mentioned by the Commentary to the Criminal Law is that a sexual act must be of "some seriousness" in order for the criminal provision to be applied. In practice, however, court decisions have demonstrated that, for many judges, in times of strict sexual morality, the mere prelude sexual acts – like stroking the upper thighs and briefly touching the genitals – are sufficient for conviction. Also what is frequently overlooked is that this criminal provision, § 176 StGB ("Sexual Abuse of Children") is not only directed at teenagers over fourteen and adults, but even against children themselves: In principle, § 176 StGB would for example ban any sexual contact between a thirteen-year-old girl and a twelve-year-old boy (including French kissing and petting), or same-age children "playing doctor."

Legally-speaking, § 176 StGB concerns an "abstract risk offense." This means that proof of harm, however large or small it may be, is not necessary in the event that punishment is apportioned. One is, analogously, familiar with penal laws against the personal consumption of "soft drugs" (not medications of course) pornography, or alcohol behind the wheel. Such criminal laws, based on the presumption that harm could eventually result, are extremely controversial among legal experts. Consider for example, the fact that enticement into smoking or using a telephone in a moving vehicle are criminal only when provable harm has resulted.

What has not been fully comprehended is that, what the legislator may have actually done – contrary to the purported goal of protecting children's right to sexual self determination – is to "protect" children from all sexual contacts, while also placing them under threat of punishment. In the parliamentary debates which led up to the current version of § 176, there probably was a recognition that children had to be protected from sexual violence. And yet, what was agreed to was a total prohibition, even on non-violent erotic contacts as well as those which the child had expressly wanted.

Therefore, it becomes clear that this is not simply about protection from violence. The legislators simply did not want children to have sexual experiences. They openly said this; the reason being: "The child's undistorted sexual development" should be protected. In their lack of interest regarding children's sexual development, the legislators failed to notice that they were contributing very substantively to this distortion in sexual development. By threatening to severely punish even those sexual contacts that were wanted by, harmless to, and possibly needed by the child, they were acting violently against the child.

Presumably, moralistic criteria have influenced – perhaps even distorted – legislators' views of what constitutes necessary protection. This is demonstrated in a more recent criminal provision, based on which German citizens can be punished – under § 176 StGB – for having sexual contact, while abroad, with a foreign national under fourteen years of age, regardless of what the penal law in that country deems necessary and sufficient. Looked at objectively, this juridical trick goes against the principles of the rule of law; it is an act of neo-colonialism.

Steadily mounting hysteria was the breeding ground for a foolish law which – introduced by the women in the Bundestag – in the meantime found a majority, and was passed: The already long statute of limitations period (ten years) for criminal acts against children's right to sexual self determination begins (no longer with the act itself, but rather) in the future, upon the victim's eighteenth year of life. Many criminologists and experts have expressed grave misgivings about the intent of this law. In fact, one has to ask what sense it would make, for example, for a 26-year-old man who, through therapy, comes to feel that he was obviously sexually abused by his mother while he was a kindergartner, to run to the police to report his mother. What court would be in the position, some twenty years later, to still be able to get at the truth? In the area of the criminal law, the simplistic bandying-about of the subject of "sexual abuse" produces some strange effects.

Verbosely but meaninglessly, another recent criminal provision (§ 182 StGB) bans sexual contacts by adults (women and men) with teenagers (girls and boys) when, for instance, the older person "takes advantage of the victim's lack of capacity for sexual self determination," or, in another example, is permitted by the teenager to engage in "sexual acts for remuneration." As an apprentice, a fifteen-year-old performs difficult physical work (for remuneration, of course); however, he should not allow himself to be spoiled with sexual pleasure for payment, at least not by adults. This only makes the legislator's lie of sexual self determination all the more obvious.

### **What Do We Want?**

Sexuality is an opportunity for human communication, which, like speech itself, has to be learned. Therefore, every person must be allowed to have sexual experiences, both with himself, and with others. Some members of our society are denied the opportunity to practice sexuality: for example, children, the elderly, the sick, the disabled, prisoners. Therefore, the right to sexual self-determination is violated in manifold ways.

The Human Sexuality Working Group (AHS) is committed to ensuring that the issue of sexual self determination does not disappear from the public discourse. It works together with various emancipation movements, in order to improve the conditions for the dignified living-out and formation of sexuality.

The Human Sexuality Working Group wants to bring to the table persons who truly have to be united with one another in solidarity; persons who stand by their sexuality, who are privately or professionally occupied with sexuality or its study. The AHS provides a forum: It attempts to combine its own joys and sorrows with the need to have a real impact on sexual policies

## Themes and Theses

In the Human Sexuality Working Group, the following themes are being/have been worked on:

- Sexuality and a Punitive Society
- Child Sexuality and Pedophilia
- Sex Education
- Handicaps and Sexuality
- Transsexuality
- Violence in Family Constellations
- Men and Violence
- AIDS
- The Abuse of Abuse

Information about its work is available from the AHS upon request.

In the AHS, women and men have joined together to strive for a humane sexuality. When you become a member of AHS, you are entitled to the following privileges:

- access to information from many areas of sex research and the status of discussions concerning essential aspects of sexuality
- regular member newsletters and topical notices on research, conferences, and new publications
- the chance to collaborate with the AHS
- collaboration with the preparation and implementation of topical notices
- support for planning and implementation of your own research projects

### *AHS - Steering Committee*

Dr. Frits Bernard, Dr. Gisela Bleibtreu-Ehrenberg, M.A., Federal Supreme Court attorney Manfred Bruns (retd.), Rald Dose, M.A., Prof. Dr. Helmut Kentler, Elisabeth Kilali, Prof. Dr. Rudiger Lautmann, Dr. Theo Sandfort, Dr. Hans-Georg Wiedemann.

## X. APPENDIX

### LITERATURE ON A SET OF ISSUES 1980-1995: A Survey by Frits Bernard

#### NONFICTION BOOKS

- Baurmann, Michael C. *Sexuality, Violence, and Psychological Sequelae. Federal Police Bureau, Wiesbaden, 1983.*
- Bernard, Frits: *Child Molesters? Pedophilia – On Loving Children.* Foerster Verlag GmbH, 3rd ed., most recently updated version, Berlin, 1982.
- Bernard, Frits: *Paedophilia: A Factual Report.* Enclave, Rotterdam, 1985
- Bleibtreu-Ehrenberg, Gisela: *Rites of Manhood: On Institutionalized Pederasty Among Papuans and Melanesians.* Ullstein Materialien, Frankfurt/M., 1980.
- Borneman, Ernest: *The Sexual Life of the Child: Contributions to Child Analysis and Sexual Pedagogy.* Urban and Schwarzenberg, Munich, 1985.
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- Li, C.K.; West, D.J.; & Woodhouse, T.P.: *Children's Sexual Encounters with Adults.* Duckworth, London 1990.
- O'Carroll, Tom: *Pedophilia: The Radical Case.* Peter Owen, London, 1980.
- Rossen, Benjamin: *Fear of Satan: The Story of Oude Pekela.* Swets en Zeitlinger, Amsterdam/Lisse, 1989.
- Rutschky, Katharina: *Aroused Enlightenment. Child Abuse: Fact and Fiction.* Klein Verlag, Hamburg, 1992.
- Sandfort, Theo: *Pedophilic Experiences.* Gerd J. Holzmeyer Verlag, Braunschweig, 1986.
- Taylor, Brian: *Perspectives on Pedophilia.* Batsford Academic & Educational Ltd., London, 1981
- Tillmanns, Marius: *Tell Me Where the Love Is*, with a Foreword by Gisela Bleibtreu-Ehrenberg. Jahn & Ernst Verlag, 2nd ed., Hamburg, 1994.
- The Trobriands: *Crime Without Victims: A Book About Paedophilia.* Collective of authors with an Introduction by Proben Hartoft. Global Academic Publishers, Amsterdam, 1993.
- Vogel, Wolf: *Forbidden Love: Pedophilia and a Punitive Society.* S. Roderer Verlag, 2nd ed., Regensburg, 1986
- Wilson, Glenn D. & Cox, David N.: *The Child-Lovers: A Study of Paedophilia in Society.* Peter Owen, London & Boston, 1983.
- Wolter, Jsrgez: *Pedophilia: The Forbidden Love.* Carl Stephenson Verlag, Flensburg, 1985



**PERIODICALS** (as of 1997, may now be defunct)

- Paidika: The Journal of Paedophilia, published by the Paidika Foundation, P.O. Box 15463, NL-1001 ML Amsterdam, The Netherlands (scientific-cultural journal).
- NAMBLA Bulletin: Voice of the North American Man/Boy Love Association. P.O. Box 174 Midtown Station, New York, NY 10118.
- O.K. Journal of Adult/Child Relationships, published by the Martijn Organization, P.O. Box 93548, NL-1090 EA Amsterdam, The Netherlands.
- Koinos Magazine: Features on Boys (texts are in German and English), published by the Amikejo Foundation, P.O. Box 12710, NL-1100 AS Amsterdam, The Netherlands (concerning boys from age 12 on up).
- NY Sexual Politics, (successor to 'Bornebanden'), Udgives af paedophilgruppen, P.O. Box 843, DK-2400 Copenhagen NV, Denmark
- Uncommon Desires Newsletter New York/Amsterdam (concerns girls only) P.O. Box 408, NL-1000 AK Amsterdam, The Netherlands

Not mentioned are some smaller journals and newsletters, which appeared in limited editions and are not commercially available.

**PUBLISHERS** (Pedophilia and relates spheres)(as of 1997, may now be defunct)

- Enclave-Verlag (since 1958) P.O. Box 6591, NL-3002 AN Rotterdam, The Netherlands
- The Acolyte Press, P.O. Box 12731, NL-1100 AS Amsterdam, The Netherlands
- Global Academic Publishers, a division of New Perspectives, P.O. Box 12731, NL-1100 Amsterdam, The Netherlands and 80-50 Baxter Ave., Suite 500, Elmhurst, NY 11373.
- Southernwood Press, P.O. Box 15463, NL-1001 ML Amsterdam, The Netherlands

**INSTITUTES, SOCIETIES, AND ASSOCIATIONS** (Sexology)(as of 1997, may now be defunct)

- German Society for Sex Research (DGFS) Johann Wolfgang Goethe University Medical Center, Frankfurt I Theodor-Stern, Kai 7 D, 60596 Frankfurt/M. Germany
- German Society for Social Science Sexual Research (DGSS) Gerreheimer Strasse 20 D, 40211 Dusseldorf Germany
- Dortmund Institute for Sexual Pedagogy of the Association for the Advancement of Sexual Pedagogy e.V. Postfach 104117 D, 4600 Dortmund Germany
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