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Warren Middleton

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7. In his book, *POLITICAL TRIALS IN BRITAIN* (Allen Lane, London, 1983), Peter Hain, never a friend of pedophiles, said this about the trial: "Understandable public distaste for his (O'Carroll's) activities diverted attention from the fact that Conspiracy to Corrupt Public Morals is a highly subjective and political charge; and also that the use of conspiracy enabled the prosecution to mount a case that would have been impossible on the substantive activities themselves which were not actually criminal offences." Patricia Hewitt had earlier come to a similar conclusion in her study, *THE ABUSE OF POWER: CIVIL LIBERTIES IN THE UNITED KINGDOM* (Martin Robertson, Oxford, 1982): "The considerable controversy aroused by the case, . . . , overshadowed the deplorable nature of the conspiracy charge used by the prosecution. Conspiring to Corrupt Public Morals is an offence incapable of definition or precise proof."
8. Peter Owen (London, 1980).
9. Personal correspondence with Tom O'Carroll.
10. See, for instance, *GROWING UP IN NEW GUINEA*, by Margaret Mead (first pub. in 1930/reprinted in Penguin-Pelican, 1973).
11. There is a lot of dissension about this, and some authorities would claim that such relationships only began in adolescence.
12. Although not necessarily. Some PIE members, for instance, were married, and others had children of their own.

Chapter 9

QUESTIONING AGES OF MAJORITY AND AGES OF CONSENT

by PETER TATCHELL

The notion of legally enforced ages of sexual consent is premised on social estimations of physical and emotional maturity. Until recently, this was overwhelmingly informed by a metaphysical moral fiction rather than biological and psychological fact. Current laws are based on the idea that only at a certain fixed age is a person able to make a free and responsible decision about sexual relationships. Yet, inevitably, fixed ages of consent are based on definitions of average maturity and responsibility. This necessarily means that some people 'mature' before the average and others after it. A rigid and inflexible legal limit on sexual activity cannot, therefore, take into account individual diversity from the generalised norm.

Of course, what constitutes physical and emotional maturity and the age of sexual responsibility is a subjective and precarious judgement, culturally and historically variable.⁽¹⁾ In mediaeval England, betrothals and the consummation of marriages often occurred at thirteen or fourteen years of age, signifying a very different notion of when people were assumed to be fit to take on 'adult responsibilities'.⁽²⁾

So, the very idea of ages of sexual consent related to a broader concept of adulthood, is not a universal and historically immutable notion. It varies from society to society and from era to era. It seems quite reasonable, therefore, that we should question the present social and legal definitions of the age of majority. What purpose does it serve other than reinforcing a set of increasingly quaint, minority

moral values left over from the Victorian era? Shouldn't we be preparing and educating children for greater rights and responsibilities at an earlier age; perhaps critically re-examining our concept of childhood and viewing children more as young citizens?⁽³⁾

Certainly, in the realm of sexual ages of consent, we need to ask whether the law has any legitimate role to play in criminalising consenting, victimless sexual activity. As for protecting the young: the main protection they need, as do adults, is legal protection against forced, involuntary sexual acts which is afforded by the laws covering rape and sexual assault; plus protection against self-destructing feelings of guilt and anxiety which are so often stirred up by sexual encounters outside the ages of consent precisely because they are illicit and regarded as shameful. It is usually this social shame, more than the sexual act itself, which harms young people. The psychological scars of court cases and societal disapproval often remain long after the actual sexual encounter is forgotten; no more so than among Britain's young gay men who are still the victims of a discriminatory age of consent of twenty-one.

In a fully democratic and egalitarian society, there can be no question of adults usurping the rights of young people by keeping them in a state of ignorance, fear and guilt, or by resort to arbitrary and autocratic laws which deny them responsibility for decisions affecting their lives, especially about their own bodies and emotions.

NOTES AND REFERENCES

1. As evidenced by the varying ages of consent around the world which are often wildly dissimilar; for example, England's homosexual age of consent of 21, Japan's 13.
2. In earlier times, children held some important positions. There have, for instance, been many child naval and army officers.

3. See various publications of the children's rights crusades, especially, *BIRTHRIGHTS: A BILL OF RIGHTS FOR CHILDREN*, by Richard Farson (Macmillan, New York, 1974); *THE CHILDREN'S RIGHTS MOVEMENT*, ed. by Beatrice & Ronald Gross (Anchor Doubleday, Garden City, New York, 1977); and *CHILDREN'S RIGHTS: TOWARDS THE LIBERATION OF THE CHILD*, ed. by P. Adams (Praeger, New York, 1971).

Chapter 10
ENDS AND MEANS:
HOW TO MAKE PÆDOPHILIA
ACCEPTABLE....?

by ROGER MOODY

They were no more than about eight or nine years old - possibly they were brothers. Freckle-faced, angular-limbed, bursting with smiles, the boys lay naked on their sunbeds, rubbing their own and each other's erections until they stood over white midriffs like miniature leaning towers.

All very normal to a libertarian, even to some open-minded parents; except that these young people were on an open beach at the busiest time of the year surrounded by scores of people of all ages. No-one took a blind bit of notice of their play - or rather, few of us were blind but none censorious. But this wasn't Margate or Palm Beach; this was last year at Zandvoort in the Netherlands..... and a million miles from Brighton.

I choose to grab the reader's attention through the device of a 'cocky' little yarn, not merely because what will follow is of high seriousness, but because the mutual masturbation of young children is in itself a highly serious business. Acceptance of the free sexual expression of the young is at the root of all sexual liberation. We need to ask ourselves why it is that some 'primitive' societies accept this, while placing proscriptions on what their young people will do when grown up,⁽¹⁾ and why many 'civilised' societies do the opposite, seeming not to care what adults choose to do together, while denying virtually every sexual expression in their children.

More particularly, why do these societies abstract children's eroticism from all other dealings their young people have with the external world? Why are these, the most subjective and personal feelings as well as the earliest,⁽²⁾ regarded as fundamentally different from, say, what children do with their toys or even with the excreta from their own bodies? Why - to paraphrase Christiane Rochefort⁽³⁾ - is the strongest control imposed on growing people at the very age at which their desire for sexual expression is the most intense?

We have to consider whether or not such questions are false, or at the least rhetorical. We have no recorded instances of a human society in which children had sexual freedom, coexisting with strict regulation of what they did otherwise, or with the rest of their bodies. In all cases, erotic repression was linked with other kinds of restrictions: on the right to live where you wished; to choose the task you performed; to go where you would.

And this linkage appears so strong, so self-fulfilling, that until recently no anthropologist or social psychologist had dared to propose that it might be a fallacy. In other words, that trying to stop children doing what they want with their genitals is not an essential to the stability of a society - like discouraging them from eating poison berries or burning down their elders' houses must be: it is made to seem fundamental, partly because it is easy for adults to focus their control on a universal, and universally comprehended activity; and partly because of an historical and cultural confusion between sexuality and gender.

In order to dispense with the linkage, or at least to demystify it, we require more than logic. Just as we can undermine patriarchy, so we can undermine the false symbiosis of childhood sexual repression with social control, by asserting that it *should not exist*.

In the first instance, it is instructive to take a leaf out of the book of feminists who find that men organise language itself against them. When they try to argue the case for having their own space,