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**INAPPROPRIATE
FANTASIES**

by

**Daniel
Jewesbury**

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National College of Art and Design

**Faculty of Fine Art
Department of Sculpture**

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Kilkenny incest victim: a picture taken the year before the abuse began

Plate 1

This image of the Kilkenny incest victim was used repeatedly in the newspapers, and subsequently on the cover of the victim's own book (written with Kieron Wood, an RTE journalist). The image was always accompanied by a caption noting that the photo was taken "a year before the abuse began", thus permanently locating the image in the context of abuse and of victimhood. Victimhood thus becomes a total identity, fixed and definitive.

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introduction

The phrase 'Inappropriate Fantasies' is one used in psychology in the 'treatment' of child abusers, or those seen as potential child abusers. It refers to sexual fantasies involving children, which are deemed 'inappropriate' because they are presumed to be tantamount to acts of abuse themselves. The presence of such fantasies amongst the patient's/offender's sexual thoughts is usually seen as indicative of a failure of rehabilitative treatment therapies; it points to the patient's/offender's need for ongoing observation and therapy.

In the course of this thesis I will be asserting that the most inappropriate fantasies are those simplistic notions surrounding abuse which construct concrete subject positions of child, victim and abuser, and which locate them in trans-cultural, ahistorical models of childhood and of abuse itself. I will explore the logic of these terms and the ideologies that surround them, and I will attempt to show that the search for simple solutions to the problem of abuse is of no value. On the contrary, such a strategy can only be of use to those whose interests are served by the continued control of young people; thus in order to have any understanding of abuse, we must first have an awareness of how it operates as a socialised form of violence, enshrined and perpetuated within specific institutions and operating through specific dogma.

I am not suggesting that it is possible for us to arrive at some kind of sexual Utopia wherein 'sexuality' can be liberated and abuse simply does not occur. Such a belief is

founded on a profound misreading of current social circumstances. I have restricted my work to an analysis of these circumstances, for I believe that it is through engagement with them that alternative models, perhaps only in the form of a modified awareness and a more appropriate use of language, can be attained.



Plate 2

Illustration from *The Guardian*, Wednesday August 9 1995.



THE CHILD KILLER

Plate 3

Illustration from *The Sun*, Wednesday August 2 1995

one

Clarity and classification

It is generally supposed that in Ireland, in the last ten years, there has been an explosion of concern in the whole area of child sexual abuse. As case after case comes to light and is described in detail in the popular media, it is presumed that this explosion has had beneficial effects; abuse has been uncovered, the abused have been acknowledged. With this acknowledgement has come a willingness to face up to the fact that abuse has always existed in our society, and that it has been largely those who have denied its existence who have facilitated its perpetration.

This set of assumptions is useful up to a point. It can scarcely be denied that abuse has suddenly been acknowledged, in much the same way as it came to be acknowledged in the USA and in Britain previously. Yet the idea that with acknowledgement there has come frank and honest discussion is somewhat harder to believe. To somehow equate the volume of reports, feature articles and editorials with an idea of 'open discussion' is at best misleading and, at worst, a disingenuous presumption that threatens to obscure the very nature of the subject.

In fact the predominant response to the growing 'litany of abuse' (to borrow a media cliché) is one of outrage and shock; and from the concomitant angst has arisen a desire to find a culprit. There is an urgent need to understand this phenomenon, and a corresponding urge to explain it, to describe the particular perversities of those who are its perpetrators, to isolate them (either institutionally or otherwise) from society, and to

define in turn, a 'normality', of which they are the obverse, and with which the rest of society can safely identify.

The Catholic church has been a convenient villain in this drama. It is now undisputed that the Church has for years been concealing cases of violent abuse perpetrated by its own clerics; and it is quite appropriate that the previously infallible Church is now being thoroughly interrogated. This is, nonetheless, a simplification that, once again, obscures more extensive networks of power. The Family, as an institution enshrined in Irish law¹, has close historical links with the authority of the Church, yet its power is of a unique form, and exists quite separately from that of the Church, pre-dating and cardinal to it. It is within the Family that the controls implicit in the 'protection' of children, which as I shall show are themselves a precursor to abuse, are exercised. The Family is the very specific site for control of children and their bodies. Thus the relationship between Church, State and Family is complex and symbiotic. In a criticism of one there is, implicit, a criticism of the others. Unfortunately it is often too uncomfortable to admit this progression.

The predominant response to the sudden, forced awareness of abuse, then, is one of fear, manifested in an unspoken incredulity, and in the desire to allocate blame. It is my contention that there is no 'easy' approach that can be taken to satiate these fears and desires. On the contrary, I aim to show that the search for universal, ahistorical meanings of abuse only obfuscates and confuses the issues. It is in many ways an inopportune time to be seen to be arguing against a 'clear response' to child abuse; one could go so far as to say that it is inviting trouble: if one is not seen to be participating

¹See Appendix 1 for the relevant Constitutional texts.

in the discussion in such terms as already exist, one is at risk of being called a 'pervert', or an apologist for perverts. I would suggest that these terms are themselves the most useful tool of those who seek to subjugate or control children. My argument is that, through the deployment of a variety of mechanisms, abuse has been, and continues to be, perpetuated in our society; thus such an obfuscation of the discussion is by no means accidental, but is a central part of the power structures that require this perpetuation in order to maintain control.

Thus, the idea of the 'pervert' is indicative of the desire to look for easily-identifiable perpetrators, who can reassure the rest of us of our own normality, and whose deviant ways can be described for our greater understanding (titillation). An understanding of the mind of the pervert has been central to the treatment of sex offenders since the late nineteenth century, when science sought to subsume the whole of sex, to explain its mysteries and catalogue its eccentricities. Sex, at this point, became the "cause for any and everything" (Foucault, p. 65), precisely because for so long it had specifically been outside of science; not the biological terms of sex, the manner of reproduction and so on, but its 'clandestine latencies', its many deviations; its very reason. Because it had resisted scientification, it was now imperative that it be integrated and classified. And its very breadth, the enormity of its scope, dictated that its inclusion into 'science' would be diversely felt. Thus it came to be the most pervasive single causal element in the new sciences (psychiatry, psychology, etc.), the catalyst for all manner of nervous ailments. Foucault has noted,

One could mention many other areas which in the eighteenth century began to produce discourses on sex. First there was medicine, via the 'nervous disorders'; next psy-

chiatry, when it set out to discover the etiology of mental illnesses, focusing its gaze first on 'excess', then onanism, then frustration, then 'frauds against procreation', but especially when it annexed the whole of the sexual perversions as its own province...

Foucault, p. 30

Foucault maintains that the attempt to regulate or classify sex is in fact evidence of an obsession with it: something that Freud displayed eighty years earlier in his writings on hysteria. Freud was surely the master of what Foucault calls the *Scientia Sexualis*, the science of sex. In his record of the case of 'Dora' (Freud, 1962a), we are shown how Dora's neurotic symptoms are but sublimations of unconscious desires/fantasies/anxieties, which are, without fail, sexual in nature. We are told that Dora's bed-wetting was due to her childhood habit of masturbating; that her nervous cough betrays her fear of oral sex. Freud even interprets one of Dora's dreams to show that she has an unconscious sexual desire for him. For Freud, the unconscious is invariably the sexual subconscious. Everything sexual has been charted and classified by science, which then attempts to subsume the new 'truth' of sex into useful knowledge. Foucault summarises this colonisation of sex by knowledge very neatly:

We demand that sex speak the truth (but, since it is the secret and is oblivious to its own nature, we reserve for ourselves the function of telling the truth of its truth, revealed and deciphered at last), and we demand that it tell us our truth, or rather the deeply buried truth of that truth about ourselves which we think we possess in our immediate consciousness. We tell its truth by deciphering what it tells us about that truth; it tells us about our own by delivering up that part of it that has escaped us.

Foucault, pp. 69-70

And so we have the genesis of the pædophile, the pædophile as a total personality,

and the genesis of the pervert - one identifiable by his or her (overwhelmingly in writing on abuse, even now, it is 'his') difference from the rest of society and by his similarity with others sharing his deviant sexual tastes; the pædophile as a member of a homogeneous group, *defined* by 'sexuality', that presumed-to-be-innate product of sex scientified. In a recent edition of the Gay Byrne Show on RTE Radio 1, when a 'self-confessed' pædophile detailed his sexual activities and was interviewed at length by Byrne himself, such was the collective uproar ("Telephone switchboards at Garda headquarters and RTE were almost jammed with complaints yesterday after the interview was broadcast," (Cusack and Hegarty)) that the programme's producers were forced on subsequent shows to wheel in a series of medical 'experts' to analyse and categorise precisely what the pædophile had said, and to describe exactly the particular perversion with which he was afflicted.

As I will show subsequently, the category of the pædophile is one aspect of a scientific approach to abuse; he is defined by his actions, which are simply enough defined themselves. Child abuse is seen as one universal problem that involves all sexual relations between children and adults, children being those under the age that the state - more or less arbitrarily - decides to set as the age of consent. All those who have sex with persons below the age of consent (children) are thus 'child abusers'. They are already grouped, already defined. Out of this generalised approach comes the notion of 'inappropriate fantasies', a theory derived from the use of therapy to 'treat' those thus associated. Something as diaphanous as fantasy now comes to be policed and deemed 'appropriate' or 'inappropriate'. As I state in my introduction, the real 'inappropriate fantasies' are those which suppose abuse to be unitary, trans-cultural, to be

defined by universal terms definable themselves through science. Craig Allen, quoting David Finkelhor, writes:

Finkelhor.. noted.. that attempts to 'explain all child molesting with single-factor theories' are 'a serious problem' in child abuse studies. Research instead 'has shown that no single factor can begin to explain fully all sexual abuse'...

Allen in Horton et al, p. 113

Psychoanalysis, and contemporary methodologies derived from psychoanalysis, could be seen as 'single-factor' theories, reducing abuse to generalised and easily-identifiable factors. Such reductions are an *obfuscation*, essentialisms as useless in treating the issue as the media panic which we now see around every new abduction or prosecution, and which have come to dictate the terms in which it is spoken about, as I have said. They are the signs of an attempt to order, to clarify that which *by its very nature* is disorderly, confused. The transgression of society's rules or taboos is a defiance of them, a rupture or challenge of them. The attempt to classify the transgression is an attempt to nullify the defiance, to define exactly the ways in which such transgression is detrimental to society as a body. It is an attempt to reassert a challenged order.

So the models which we have for the examination of abuse are not only insufficient, they are involved in containing and perpetuating it. I will enlarge on this in the next chapter. I propose that in order to gain some appreciation of abuse and its operation as a mechanism (of control) in our society, we must look at the institutions that define it: the institution of childhood itself, and the presumption of innocence that is enshrined within it, as well as the laws that contain it. Above all of these, the logic of 'protection' is the key to an understanding of abuse and the power which is centred on it and

maintained through it. Through the 'protection' of children, that is, by presuming to subject decisions relating to their bodies to external conditions (notably the law), over which they can have no control, any bodily autonomy to which they might lay claim is undermined and, ultimately, wholly negated. As I shall show, such autonomy is in itself central to defining acts of abuse, and also might be the most valuable tool in its prevention.

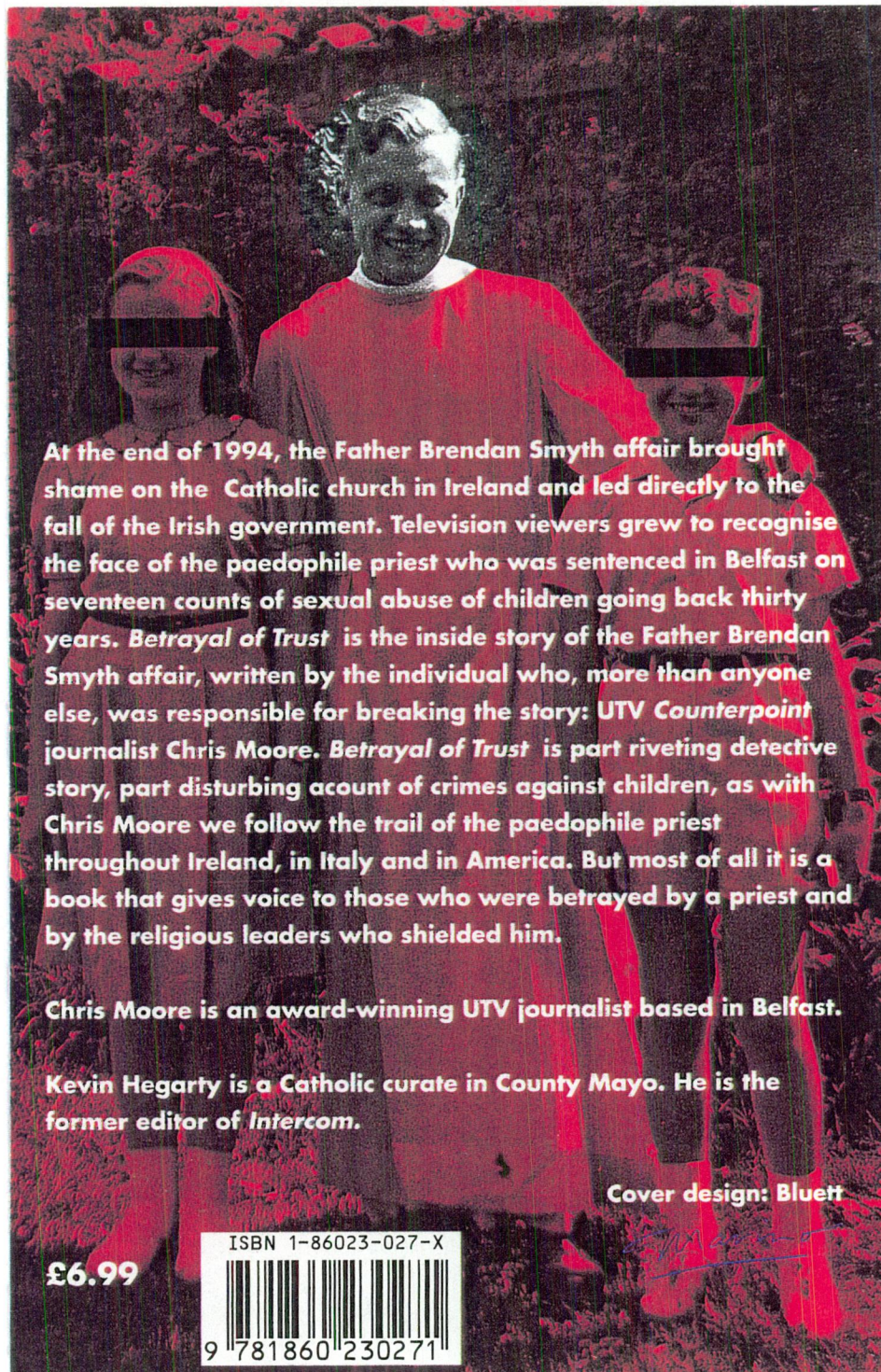


Plate 4

An image taken from the cover of Chris Moore's *Betrayal of trust, the Father Brendan Smyth affair and the Catholic church*. The image is, presumably intentionally, an abuse *pietà*.

two

Childhood: the ideology of innocence

I have mentioned how abuse might be seen as institutionalised violence; rather than happening in spite of society's best efforts to prevent it, abuse is perpetuated by the institutions and ideologies that are at the core of that society. The supreme institution is that of childhood itself. Our culture sees childhood as that age of 'natural' irresponsibility and innocence during which the child is gradually introduced to the ways of the adult world. However, many commentators have studied this assumption and have suggested that far from being an essential part of the passage through life that is innate and universal, it is a socio-historical construct, with no precedent in mediæval societies. Philippe Ariès, in his pioneering work *Centuries of childhood: a social history of family life*, noted:

In mediæval societies the idea of childhood did not exist: this is not to suggest that children were neglected, forsaken or despised. The idea of childhood is not to be confused with affection for children: it corresponds to an awareness of the particular nature which distinguishes the child from the adult, even the young adult. In mediæval society this awareness was lacking. That is why, as soon as the child could live without the constant solicitude of his mother, his nanny or his cradle-rocker, he belonged to adult society.

Ariès, p. 128

Ariès has been criticised for his generalisations and for concentrating his studies on the children of the aristocracy. Philip E. Veerman has written:

[Adrian] Wilson argues that, although that particular society lacked our awareness [of the particular nature of childhood], it definitely had *an* awareness of childhood...Mark

Yudof.. agrees that children were for much less time in a position of dependence, but argues that this is a far cry from the proposition that children were perceived as mini-adults from the moment they left their mother's breast.

Veerman, p. 5

These arguments do not undermine Ariès central premise, that 'childhood', as we know it, and with the associations and connotations that we ascribe to it, is historically specific. Clearly other attitudes and conditions, which have a bearing on the definition of childhood, are also unique to our time. Indeed a definition of childhood is particularly subject to many constantly-changing physiological factors, which would have been very different in, for instance, mediæval societies: the age at which puberty generally begins, the average lifespan for men and women, even average height and build.

In fact we could argue that the notion of childhood, in a form recognisable to us today, only really gained widespread acceptance in the nineteenth century with Victorian laws governing child labour. In the years immediately prior to this, children had been seen as a productive resource in the cause of Industrialism; their removal from the workplace, and their subsequent institutionalisation in the schools, was a crucial time in the development of 'childhood': it has been persuasively argued that from this point on, children's financial dependence on their parents was a continued source of control which is still in place today (Gough in Tsang, p. 65; Nava, p. 99; Anonymous in Tsang, p. 131). Dependence is crucial to the preservation of childhood, and to the presumptions of innocence and protection that are its central ideologies. As a dependent, the child is subject to the laws and societal codes which frame childhood. As I have

said, this is presented as protection; thus we can see how childhood is a self-perpetuating construction: the dependent child requires protection and this in turn ensures dependence. Also, it is worth noting that, whilst he does not specifically examine the birth of childhood as an idea, it is explicitly connected with the discourses on sex that Foucault explores in the *History of Sexuality*. A definition of the pædophile depends on a definition of the child, and it is pertinent that the two develop in conjunction with one another, at a particular historical point.

Having established that 'childhood' is historical and not natural, we can further state that it is culturally specific. This becomes important when we study the cultural specificity of abuse itself, for if the definition and the understanding of abuse are dependent on the definition of childhood, and this definition is in itself constructed and not innate, then the definition that our culture has of abuse is by no means trans-cultural, and it is disingenuous to presume that it is. I shall examine this again at a later stage.

Our modern definition of childhood rests largely on nostalgia, a nostalgia that is inextricably mixed with fantasy:

.. the public discourse in which images play so important a part strives to produce a childhood which, as well as being different from adulthood, is its obverse, a depository for many precious qualities adulthood needs but cannot tolerate as part of itself. The dichotomy child/adult is linked to other dichotomies which dominate our thought: nature/culture, primitiveness/civilisation, emotion/reason. In each pair the dominant term seeks to understand and control the subordinate, keeping it separate but using it for its own enrichment...behind pictures of children lies the desire to secure the status of adulthood...As coal mines are grassed over, factories are turned into art galleries and

slums into garden centres, the image of childhood returns us to a fantasised pre-industrial childhood.

Holland, p. 14

...without any input from children themselves, childhood can only remain an impossible concept, always mediated by adulthood, its guileless innocence searched for but never found. However well they learn to play the part, actual children can never learn to fulfil such a fantasy.

Holland, p. 20

Holland reiterates the notion of the inappropriate fantasy; it will be recalled that I have used this term to denote the various myths and ideologies that surround the construction of the child, the victim and the paedophile as total subject positions. This time that fantasy is childhood itself. In only one point might one quibble with her; she asserts that the dominant term, in each of the dichotomies she cites, seeks to 'understand' the subordinate. It is clear that what is actually taking place is a process of invention. The colonised subordinate term becomes the fantasised, marginal Other of the centred, defining dominant. Thus the notion that in childhood we are somehow at an unformed stage; thus the notion of the exotic, childlike culture in need of the civilising missionary and his society.

Holland describes the way in which children are used as tools in our collective cultural nostalgia. Within the concept of childhood, however, it is not only children who are unable to fulfil the fantasy: adults, who are responsible for perpetuating the myth, are also incapable of fitting the myth to their own experience. Biographies are fantasised and history is constructed. We attempt to identify with the popular image of childhood but somehow we can never adopt its idealisations fully. We thus reinforce and widen the schism between childhood and adulthood, in turn reinforcing each as a sep-

arate and dichotomous position. And thus the 'adult' is alienated from his or her own 'childhood', removed as it is from the fantasy that is presumed to be childhood; a mistrust and suspicion of the mysterious Other that the child has now become grows and the dichotomy finally becomes self-perpetuating.

Holland warns against some of the more simplistic idealisations of the left as well, when she writes,

A nostalgia for a possible harmonious childhood merged easily with a nostalgia for the possible mythic harmony of society itself, a time when the social group was small and cohesive, when children and adults did meaningful work together that was not strenuous or exploitative and learning happened, incidentally, along the way.

Holland, pp. 93-4

This is a critique of certain more naïve Utopian ideas, but should not be seen to contradict the earlier quotation from Ariès. He does not suggest that the mediæval society he cites is a Utopian ideal, merely a distinct point in history.

As a historically-specific institution, childhood depends on the deployment of certain ideologies for its perpetuation. Central to these is the presumption of 'innocence'; invoked as the most sacred property of childhood, it is this which is declared as having been destroyed by the act of abuse. In these terms abuse becomes a transgression against ideologies and against 'morality', and these transgressions are far more serious infringements than the actual violation of an individual. As I suggested in chapter one, it is the act of abuse as a defiance of society's rules, its morals, which is the punishable act.

It is when we come to look at sexuality in children that the ideology of innocence is at its most insidious. Patricia Holland has undertaken her study of this in the context of images of children used in advertising and other commercial media. In methodically examining the contradictions implicit in the presumption of 'innocence', she points to the very core of the ideology itself:

The imagery of young girls hints at [the] point, so exciting to adult men, when she makes the transition from child to woman...the imagery of young girls invites a wedding - or a first seduction...The *Star* followed a fifteen-year-old model in a series of pin-up pictures which.. culminated in a topless pose on her sixteenth birthday. The visual transformation is a masculine triumph.

Holland, pp. 133-4

Whilst on the one hand we are told that only perverts and monsters could possibly see children as sexual beings, we are surrounded by images which leave no doubt as to the ascribed sexuality of children. This conflict is hard to reconcile if we are blind to the dogma that produces it; if we attempt to decipher it in terms of *ideology* we can see that it is not a conflict at all but a co-existing set of signs which serve to perpetuate the predominant idea of childhood: the ideology of innocence. To return to Holland:

The image of the child-woman balances that of the too-knowing child. In the first case, seductiveness seems an innocent condition of a woman's being which she does not choose and cannot reject; in the second, it may be openly displayed but its connotation is tabooed.

Holland, p 135

In denying availability, through the façade of innocence, it is simultaneously main-

tained at a safe distance. By constructing innocence, the possibility of complicity, of an autonomous sexuality, is denied. This allows some other sexual identity to be imposed, the fantasy of the woman-girl.

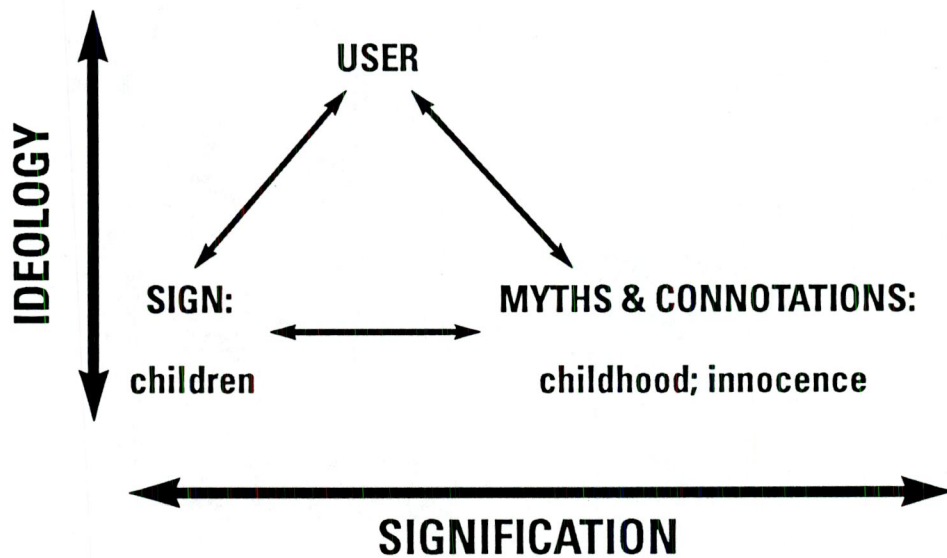
As a child sexuality is forbidden to her, and it is that very ignorance that makes her the most perfect object of men's desire, the inexperienced woman. Thus the fascinating exchange between knowledge and ignorance reaches beyond the boundary between girl and woman and towards the forbidden attraction of innocence itself, the sexuality of the child. The imagery of girl children balances childhood and femininity in contradiction and competition, indications of sexuality which are too overt are either rejected or disavowed, and visual strategies which indicate childhood are always aware of the impossibility of separating femininity from sexuality.

Holland, pp. 137-8

It might be pertinent at this point to mention child pornography. As Holland points out depictions of overt, complicit sexuality must not be allowed, since they are a clear rupturing of the logic of innocence. Whilst I am not suggesting that child pornography depicts the harmonious sexual encounters of mutually consenting partners, it is clear that one reason for its absolute unacceptability must be that it is a contravention not just of law, but of the ideology which makes that law: it posits the possibility, however remote, of children having an autonomous, physical sexuality which has no clear place within the confines of 'innocence'. Once again it is not the possible exploitation of children but the transgression of a dogma which dictates that such imagery cannot be countenanced in our societies.

Thus we have come to see childhood as a relationship of sign, myth and connotation,

an ideological fabrication. Children themselves are the sign; the myth and connotations are the institution of childhood and the ideology of innocence.



* * *

But to retain that [teasing] effect - and to preserve the enticing quality - [those who produce the images] must protect the childishness of children. Their interests are parallel to those who campaign for purity of childhood and fear its loss. *It may be, rather, that a loss of innocence is children's best protection against exploitation.*

Holland, p. 141. my emphasis

three

Consent: the logic of protection and control

A legal age of consent is an arbitrary fiction...[Consent laws] perpetuate the myth that most, if not all, adults can *and always do* consent.

Gay Men's Collective in Tsang, p. 61

Having legally defined a group as children (and children as a group), our culture has framed an ideology around their supposed attributes and it is that which we know as 'childhood'. By identifying childhood as an adult construct, it is easier to see that children might be a marginalised group, existing outside of adult culture, yet defined by it, the mythic/nostalgic Other of adulthood.

If children are not simply the homogeneous group that they are commonly assumed to be; if childhood is not simply the name given to that instantly recognisable set of innate childish qualities; then what is a child? What do we have to acknowledge about children's rights and desires, specifically in the context of sexuality, but more importantly in a much more general and fundamental way? What must we conclude about our own adult structures, the family and the law?

The most directly disempowering part of the innocence argument is the logic of protection. It is claimed that children cannot be fully consenting, cannot possibly look after their own interests, and thus they must be protected. This task most obviously falls to the parent or parents, who are deemed in law to be responsible for their child's

upbringing and safety. This should not be underestimated; in Britain, parents have been jailed for neglect for not sending their children to school at the required age. But it is disingenuous to claim that simply by giving children the right to consent to sex, their interests will be wholly catered for. Jamie Gough notes that whilst children are well able to consent and to know their own minds as to what they might want,

...the law mystifies sex to children. 'Sex education', even at its best, does not, and cannot at the moment, tell children anything about their own sexuality. What it tells them about adult sexuality is totally abstract since if this were portrayed concretely it would imply a real exposure of children to it, a sort of pædophilia-in-thought. All this actually makes it much harder for a child to discuss a sexual relationship with an adult that it may have or have had, because it is dealing with something which has been rendered mysterious and which seems to be a cause for shame. This, of course, increases the possibility of exploitation.

Gough in Tsang, p. 70

The point that sex might not be a cause for shame might seem obvious or fatuous, but it is central in understanding how power is exercised in the 'protection' of children. "The starting point can only be the belief that sex in itself is not an evil or dirty experience. It is not sex that is dangerous but the social relations which shape it," writes Jeffrey Weeks (Weeks, 1991, p. 230). He also notes, "The difficult question is when does protection become stifling paternalism and 'adult oppression' " (Weeks, 1991, p. 230).

Weeks suggests that there is a time when protection is absolutely unavoidable; he concerns himself with asking when this time ends. There is a flaw in this reasoning, in that it becomes impossible to mark out general laws for all children that are not themselves 'oppressive': the age of consent law is the current control of this area. Weeks,

whilst not making dogmatic assertions, nonetheless falls back on the age of consent as a reasonable assumption, although he points out:

NAMBLA [North American Man/Boy Love Association]...appear to be chiefly interested in boys between fourteen and nineteen...when the official age of consent is 15 for boys and girls in heterosexual and homosexual relations in France.. and when Krafft-Ebbing fixed on fourteen for the dividing line between sexually mature and immature individuals, the fear that NAMBLA is attempting a corruption of young people seems excessive.

Weeks, 1991, pp. 227-8

This admission that age of consent *laws* might be illogical and inconsistent does not force Weeks to suppose that the 'age of consent' *as an ideological construct* might be questionable in itself. He asserts that the "social relations which shape" sex are problematic, yet he does not equate this with the thinking that shapes consent law and the power networks maintained through it.

There are many feminist critics who would agree with Weeks's point; indeed his argument is based on a summary of some feminist arguments regarding the exercising of power in a patriarchal society. The argument might be constructed along these lines: children are oppressed, like women, by the patriarchal culture that we live in. Abuse, specifically sexual abuse, must be guarded against by feminists, thus consent laws are unfortunately necessary. This does not mean that they have to operate in the way that they do at present, it simply means that *protection* must be a priority.

And yet such a view of the workings of power is far too simplistic. *Who* are children to

be protected from? If the pædophile is a constructed sexuality, then by centring strategies of protection on a fear of him we perpetuate the power relationship through which he is constructed, and through which abuse in turn is perpetuated. Similarly by assuming that 'power' is necessarily always active, *possessed by* a privileged individual or group in society, we reduce 'abuse' to simplified, generalised terms and we neglect the very real needs of the abused. (For a fuller discussion of the workings of power in abuse see Bell.)

This argument has been rigorously deconstructed and lambasted by the anonymous author of "A militant young dyke's feminist perspective on the age of consent question", who writes:

Yes, young people have less power, to be sure, and older people denying Younger [sic] people's ability to say yes or no are participating in such imbalance by denying us that right...It seems to be.. regarded as irrelevant that: 1) Young people can be/are punished for wilfully consenting to a sexual relation with an adult; 2) Young people are not allowed (do not have the right) to engage in sexual relationships with each other, under present laws protecting us.

Anonymous in Tsang, p. 129

This brings us around again to an awareness of the ideology of innocence that operates in the notion of 'childhood': innocence, far from being a protection, is a device by which young people are systematically deprived of their own definition of themselves; the logic of 'protection' is that children are incompletely formed individuals who need adult guidance until the time when they are able to represent themselves effectively. Protection becomes control. A difference of power is implicit in the logic of

protection. Both Gough and 'Anonymous' point out that age of consent laws also deny children the right to contraception and abortion, thus endangering them when they do become sexually active.

A telling example of the hypocrisy of consent laws and ideas of innocence can be found in an advertising campaign run by the Irish Sugar Company in 1992 - 94. The slogan on the posters, "sweet 16", was supposedly a reference to the fact that one teaspoon of sugar contains sixteen calories. The accompanying image showed a young woman, presumably sixteen years old, posing in an overtly sexual manner - that is to say, the trappings of innocence had been disposed with. The obvious pun, that this 'sexy' young woman was 'sweet' and available, could be said to be no more or less damaging than any of the other commercial images that dominate the mass media. What makes it alarming is that in Ireland, since 1935, the age of consent for girls has been seventeen. Thus the woman in the advert is, by implication, technically a child. The poster has disappeared and the connotation of the 'sweet sixteen-year-old' has been replaced by images of fit young men, definitely older than sixteen. A woman who in another country could be construed as a sexual being is here to be seen as a child.

Holland's example of the model in the *Star* is a similar case: of course we are in no doubt that were the laws to be changed tomorrow to make it legal for fourteen-year-olds to have sex, we would see them naked in the newspapers ("..the recent row over the publication by an Irish newspaper of a photograph of a heavily made-up 13-year-old Brazilian fashion model exposing a breast, also exposed some ambivalence in atti-

SWEET 16



A TEASPOON OF
SUGAR
CONTAINS
ONLY
16 CALORIES.

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as an eating apple.

What's more, research shows
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actually tend to be slimmer
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considering your figure,
consider ours.

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most natural sweetener
there's ever been.

Siúcra

The Spice of Life

Plate 5

Advertisement used by the Irish Sugar Company, 1992.

tudes towards young girls and their sexuality," (Sheridan)). But the presence of the current laws, and their placement in an ideological structure, demands on the whole that the viewing of pictures of naked fourteen-year-olds be condemned as a criminal act by the very same newspapers.

There is an interesting aside that can be inserted at this point: age of consent laws, and the notion of childhood itself, see puberty as a major stage in the development of childhood. But this is firmly placed within the educational/cultural structure which sees the role of childhood as being one of induction into adulthood. This is a culturally specific notion of the passage through early life, and one that, as I have argued, demands huge generalisations. In other cultures, and in other periods of history in our own cultures, there has been a view that the child is initiated, rather than gradually introduced, into the adult sphere. In some systems of initiation the child is brought into adult society at a time that roughly corresponds to their physical maturation during puberty. Social change *is* marked by the physiological, in contradiction with what Weeks tells us about our own society. If we assume that our own 'introductory' system of education is non-ideological, that is, ahistorical and trans-cultural, then any other system is defined as a perversion or deviation of our own, which thus becomes culturally superior, a fictionalised norm. The implications that this might have for our concepts of education are too complex to be explored in detail here, nonetheless it is essential to make these points. (For examinations of the cultural contexts of abuse see issues of *Child Abuse & Neglect*, published quarterly by the International Society for the Prevention of Child Abuse and Neglect, Denver, CO.)

A further problem with 'protection' is that whereby the protector becomes the abuser; when the parent or guardian in whom control over the child's body has been centred uses that control to subject the child to unwelcome, non-consensual sexual acts, acts of sexual assault. The refusal to allow the child direct control over their own body is the root cause of such situations. Thus protection legitimises abuse, or rather, it is impossible to condemn abuse under the logic of protection, since protection predicates the removal from the child of control over their own body, which is also the case in abuse: if the child's body is a 'possession' that is controlled by somebody else, then dogmatic laws become frighteningly fluid and abuse has to be condemned in a superficial, circuitous way. The actual child, the abused person, cannot truly claim that their body has been violated, since it was never theirs in the first place. Thus, once again, the transgression of law is more disagreeable to society than the violation of a child.

This has been clearly demonstrated very recently in Ireland. In 1991, the Department of Education and the Eastern Health Board introduced a scheme known as the Child Abuse Prevention Programme or 'Stay Safe' programme into primary schools. The programme aimed to help children avoid abuse by encouraging them to recognise and assert their own feelings in potentially abusive situations:

They learn about "Yes" feelings and "No" feelings. "Yes" feelings are happy, secure, comfortable and safe feelings; like when a child is being tucked up in bed, warm and snug. Children learn that "No" feelings are those feelings that make them feel uncomfortable, distressed, unsafe or threatened...Teachers emphasise that "No" feelings are unsafe feelings.

Department of Education, p. 7

This approach clearly relies on giving children a certain autonomy over their feelings and thus over their bodies. Many opponents of the scheme were critical of the possibility that 'abuse' might be perpetrated without the child experiencing a "No" feeling: thus the 'legal' definition of abuse was challenged, that governed by consent law. The programme hinted at a definition centred on Yes and No: on consent itself. This was sufficient provocation for many people, notably spokespersons for the Catholic church, to denounce the scheme, claiming that it did not teach children basic morality, that it corrupted them by suggesting to them notions of sexuality, and that it would interfere with family values and "the primary rights of parents in the education and guidance of their children" (Department of Education, p. 8). The last of these is a direct reference to Article 42 of Bunreacht na hÉireann¹. Additionally it was felt that the programme would damage the "trusting relationships between children and their parents and other close relatives and friends" (Department of Education, p. 8). Clearly a programme that only makes tentative gestures towards empowering children to refuse abuse poses too great a challenge to the predominant institutions and ideologies of our society; institutions and ideologies which, as I have said, are implicated in the perpetuation of abuse.

If we return briefly to the issue of power that has concerned many feminists (the idea that there is an implicit imbalance of power in inter-generational sexual relations, due to the nature of patriarchal oppression), then we might comment that a difference of power exists in all relationships; certainly it is not enough simply to state a power differential as the sole reason why cross-generational relationships should not take place. Nor can it be assumed that all sexual abuse is perpetuated by men. Mica Nava points

¹See Appendix 1 for the relevant text.

out that whilst it is nearly always man/boy relationships that are implied when cross-generational relationships are mentioned, these in fact amount to only 10% of such relations:

Quite properly it has been pointed out that this is evidence of the massive prejudice which exists against gay relationships rather than of the concern to protect underage children. This is also borne out by the status in popular (male?) mythology of sexual relations between adult women and boys, which... retains a romantic and quite distinct image from that of the archetypal man-in-raincoat molester-of-boys. Sex between women and girls also remains relatively undocumented and uncommented upon..

Nava, p. 99

This is enlarged upon by Craig Allen in his essay "Women as Perpetrators of Child Sexual Abuse: Recognition Barriers", wherein he examines the reaction amongst child-care professionals and the police to incidents of abuse by women. On the one hand, allegations of abuse against women are more likely to be disbelieved by relevant authorities, since women are not presumed to be capable of such things, and because the characteristics assigned to paedophilic behaviour are not easily transferable onto women. On the few occasions that women are convicted of sexual abuse, they are usually dealt with in wholly different terms to comparable male offenders, and the subsequent reaction of the media is also markedly more indignant and outraged. An obvious recent example is the trial of Rose West in England. That anybody should have committed such atrocious acts in the first place is hard enough to acknowledge; but the media feigns incredulity at their perpetration *by a woman*. Not only have all the rules that relate to abuse been transgressed, but all those pertaining to the proper role and place of women in society have been flouted too. Rose West is a double challenge:

no longer a 'normal' member of society, but, more profoundly, *no longer a woman*:

Various processes work..to bring anomolous female behaviour into congruence with the traditional sex role and gender expectations professionals hold about women...Edwards noted that women convicted of shoplifting or petty fraud who are poor and conform to the "appropriate domestic stereotype of good wife and mother" may be treated more sympathetically so that they can continue to care for the family. On the other hand, if congruence between female offender's [sic] behaviour and the attributions of professionals is not achieved, female offenders may be given harsher, more severe treatment than men even when behaviours are the same, and labeled more often as "sick" or "disturbed".

Allen in Horton et al, p. 116

Allen goes on to state that it is effectively impossible to speak of 'abuse' by men and by women in the same, undifferentiated terms, since considerations of power and control are, by definition, non-universal, and the social factors shaping such relationships are themselves vastly different.

As I have shown, the argument of a power differential as legitimating protection/control is in fact tautologous: the power differential arises precisely from the child not having the right of control over their own body, and to argue that the solution is to maintain this situation is plainly ridiculous.

conclusion

If we consent that children have the right of control over their own bodies, we are implying that they must be able to express an autonomous sexual identity. The replacement of this with an adult-orientated 'sexuality' is a recent historical phenomenon, coinciding and merging with the nostalgic cult of childhood. Freud wrote in 1905, "...it is a regrettable thing that the existence of the sexual instinct in childhood has been denied and that the sexual manifestations not infrequently to be observed in children have been described as irregularities" (Freud, 1962b, p. 156). Of course he then went on to develop his Oedipus and Electra theories, wherein he concluded that children's 'sexual instincts' are limited to soliciting incestuous advances from their parents.

The main concern in the area of sex is inextricably linked to the area of consent: if a child has a sexual awareness then they presumably have the right to express themselves sexually. Problems arise with this basic approach, as Kate Millett observes:

The problem here is that when you have an exploitative situation between adults and children as you have between men and women, cross-generational relationships take place in a situation of inequality. Children are in a very precarious position when they enter into relationships with adults not only in a concrete material sense but emotionally as well because their personhood is not acknowledged in our society...what's interesting is that the right to child sexuality is not being approached *initially* as the right of children to express themselves with each other, which was the issue in the '30s with the early sexual liberationists. Instead it's being approached as the right of men to have sex with kids below the age of consent and no mention is made of relationships between women and girls. It seems as though the principal spokespeople are older men and not youths.

Millett in Tsang, pp. 80-1

Millett does not approach the issue of young people consenting to sex with adults, or indeed initiating it, because she suggests that while such inequality exists (as perpetuated in the ideology of childhood) there is really no way to broach the subject. Nevertheless, we can confidently state that persons under the age of consent do agree to sex with adults, and that by no means all of these children would necessarily say the experience was a negative one. On the contrary, unless we accept that children, who are a heterogeneous group with vastly different capabilities and concerns, even when they are at the same age, can engage in positive, meaningful sexual relations *at differing ages* we fall back into assuming that children are one unitary interest group whose concerns and desires are exactly identical. There then ceases to be any difference between a fifteen-year-old boy and a two-year-old girl. Clearly we would not expect a two-year-old of either sex to be consenting to sex with an adult, but at what age do we start to apply different rules? What about children's right to consent to sex with one another? ²

It should be becoming clear that there is no way to generalise about the sexual nature of children. I have pointed to the fact that those we see as children might be seen as adults in other societies; and that our notions of who constitutes a child can change from day to day. However, there is one important concern regarding sexuality that should not be overlooked. This is the question of how, or whether, children's 'sexuality' corresponds in any way to adult 'sexuality':

Because we believe that children do have sexual desires, it does not follow that adults should engage in sexual relations with them; nor does it follow that, because a child may have *unconscious* incestuous impulses of a vague

²For an appraisal of the current state of consent law in Ireland, see Appendix 2

nature towards a parent, it consciously desires the adult expression of them.

Elizabeth Wilson, quoted in Nava, p. 101

Thus the recognition of childhood sexual feeling does not mean that children's sexuality can be unproblematically equated with adult sexuality.

Nava, p. 101

I am not suggesting however that a 'child' cannot desire physical sex, but it should be conceded that within the current structures of our society imbalance and inequality cannot be ruled out *even in cases where consent is given*.

* * *

I have outlined the ways in which it can be shown that abuse is integral to our society and its institutions, and how, therefore, strategies that are truly aimed at confronting it must confront the ideologies in which it is framed. One must also consider the ways in which the discussion of abuse is formulated; for no terms or ideas are 'innocent', free from the impingent matrices of power and control. If we come to tell about abuse, unquestioningly, in terms handed down from previous inadequate methodologies, we are ourselves perpetuating the mystification of abuse. Telling about abuse constructs the act of abuse, the *specific* transgression of a 'rule' in *generic* terms: abuse as a *phenomenon*. Not only do we perpetuate the notion of the pædophile as a sexuality, we construct the victim as its binary opposite. Victimhood becomes an identifiable sub-sexuality, a particular sexual deviation. We must be constantly aware, in considering the instance of abuse, that we are sure of what it is that we are confronting.

APPENDIX I

Article 41 of Bunreacht na hÉireann:

.1.1° The State recognises the Family as the natural primary and fundamental unit group of Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.

.1.2° The State, therefore, guarantees to protect the Family in its constitution and authority, as the necessary basis of social order and as indispensable to the welfare of the Nation and the State.

[...]

Article 42:

.1 The State acknowledges that the primary and natural educator of the child is the Family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of their children.

[...]

.5 In exceptional cases, where the parents for physical or moral reasons fail in their duty towards their children, the State as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents, *but always with due regard for the natural and imprescriptible rights of the child.*

[my emphasis]

In Art. 42.5 the duty of the State to care for children is carefully phrased in order not to be seen as violating the rights of the Family. The “natural and imprescriptible rights of the child” are basically the right not to be separated from the Family *unless absolutely necessary*. Clearly this is reciprocal, and becomes almost a property right.

APPENDIX II

Consent law in Ireland: the Law Reform Commission

The confused nature of consent legislation can be illustrated with details of the law as it currently stands in Ireland. Until 1935 Ireland still used the British Criminal Law Amendment Act (1885), which in section five sets sixteen as the minimum age at which sexual intercourse is permissible. Although this is somewhat complicated by laws relating to the 'age of majority' this age is still adhered to *for females in heterosexual relationships* in Britain. Ireland, however, felt that sixteen was too low an age and the Criminal Law Amendment Act (1935) raised the minimum age to seventeen. This age now applies for heterosexual and homosexual relationships (following from the legalisation of homosexuality under the Criminal Law (Sexual Offences) Act (1993)).

There is an additional complication: the 1885 Act stated that "any person who..carnally knows any girl under the age of thirteen years shall be guilty of a felony" (section four), whilst between thirteen and sixteen years 'unlawful carnal knowledge' is classed as a misdemeanour. The 1935 Act amends these ages to fifteen and seventeen respectively. It is still the case that sexual relations with one below the lower age is a felony, whilst with one between the two ages it constitutes a misdemeanour.

The Law Reform Commission addressed this confusion in 1989 in its *Consultation Paper on Child Sexual Abuse* , and again in 1990 in the subsequent *Report on Child Sexual Abuse*. In the former they wrote:

We..recommended provisionally that it should not be an offence to engage in any consensual sexual activity *other*

than sexual intercourse with a girl between the ages of fifteen and seventeen *unless the perpetrator was a person in authority over her...* We had also provisionally recommended that where the present offence of sexual intercourse with a girl between the ages of fifteen and seventeen was committed by a person in authority, there should be an increased penalty...it was also suggested to us that it would be more logical to fix the age [of consent] at eighteen, thereby bringing it into line with other age limits affecting the young [the age of majority]. But it was also strongly urged upon us that the present age limit of seventeen was too high and that fixing it at fifteen or even fourteen would be a more realistic approach. This argument was, however, directed to sexual relations between persons of similar age.

Law Reform Commission 1990, p. 36

There follows much agonising regarding the age of the offender and the bearing this should have on sentencing policy: a boy of eighteen having sex with a girl “nearing her fifteenth birthday” would be in a totally different situation to a “mature man who had intercourse with a girl of thirteen” (Law Reform Commission 1990, pp. 37-8). Interestingly the younger partner in all the examples given in the Commission's documents is always a female.

The report goes on to comment:

..the wholly different nature of the consent given by an innocent seven-year-old to sexual intercourse proposed by an adult and the consent of a teenager, albeit emotionally immature, to a similar proposal...We remain of the view that the retention on the statute book of an offence which equates sexual intercourse with a willing fourteen-year-old girl, in terms of the gravity of the available sentence, with murder and rape is questionable...Most of those whom we consulted as to the law in this entire area were strongly of the view that parental guidance, improved sexual education and a greater availability of contraceptives, rather than the constraints of the criminal law, provide today a better framework for the sexual development of the young.

Law Reform Commission 1990, p. 38

Whilst the complications contained in the intricate examples of the first quotation above might give rise to visions of semi-naked teenagers anxiously pawing thick volumes of law before proceeding with their sexual explorations, it is clear that the Commission has acknowledged the contradictions inherent in the law as it stands. No revision has been forthcoming since the 1990 report.

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