

## **Adult-Child Sex and the Demands of Virtuous Sexual Morality**

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## ABSTRACT

This article is the continuation of a previous analysis of the usual arguments —lack of consent, exploitation and harm— used to evaluate sexual experiences between adults and children from general moral principles. It has been suggested that those arguments were insufficient to condemn all adult-child sexual experiences, and that it would be of interest to study others that come from a *specific sexual morality* based on a more complex and transcendent conception of human eroticism and sexual conduct. This paper develops three different arguments against adult-child sex from this perspective, a view which, while not rejecting the Kantian and utilitarian approaches, complements and transforms them with a virtue ethic that questions not only the permissibility of certain acts but also their *moral desirability* under this frame of reference. This helps us to clarify the scientific discourse on adult-child sex and directs us to the importance of attending to the educational dimension of this moral problem.

## KEY WORDS

Children; sexual abuse; sexual morality; pedophilia; sexual consent; sex education

## INTRODUCTION

There are three arguments most commonly used to morally condemn sexual experiences between adults and pre-adolescent children: lack of consent, exploitation and harm (Malón, 2015). These arguments, now fairly predominant and characteristic of a *liberal-permissive* sexual ideology, are usually based on a *sensualist* concept of sex as a desire for physical-genital pleasure (Morgan, 2003b), as well as on the idea that the ethical principles necessary to evaluate these conducts are similar to those we use to evaluate any other type of human interaction (Primoratz, 1999). These general ethical principles, of a Kantian and utilitarian nature, put forward powerful arguments for

prohibiting sexual relationships between children and adults, even if some children may agree to them and experience them and then look back on them positively. However, they were essentially prudential reasons, based on circumstantial aspects that could hypothetically be modified, turning what used to be unacceptable into something morally permissible.

The few authors that have defended the moral legitimacy of these relationships (Brongersma, 1986, 1990; Ehman 1984; Kershner, 2001; O'Carroll, 1980) also use similar parameters, focusing basically on questioning the validity of the most commonly used arguments. According to these critics, there is ultimately nothing inherently immoral in these experiences that are basically pleasurable, innocuous and ethically neutral (Kershner, 2001, p. 122). Indeed, these criticisms contain a large amount of truth, which is reflected in the limits, shortcomings and contradictions that this general morality, with a decidedly liberal and permissive attitude as far as adult sexual conduct is concerned, displays in the area of sexual relationships between children and adults (Malón, 2015).

Perhaps the most enlightening example of these problems was shown in the statement with which Alan Goldman, an unavoidable benchmark of this sensualist and liberal concept of sexuality, momentarily expresses his suspicion that when it comes to children there is something that poisons these experiences with adults due to the mere fact of being *sexual*: "I believe this last case [adult-child sex] is the closest we can come to an action which is wrong *because* it is sexual" (Goldman, 1980, pp. 131-132). And even though Goldman does not develop this intuition and continues to state that in any case it is the damage and exploitation of innocent beings that best characterizes the immorality of such experiences, that "*because* it is sexual" is still significant. Robert Ehman (1984, p. 432) explained this striking "exception" to Goldman's thesis because

of the significance still attributed, even amongst the most liberal, to the idea of the child as a sexually innocent being and the last bastion of western puritanism. However, in my opinion, this “because” reflects a generalized moral intuition that should not be overlooked.

One of the primary problems of this approach to sexual morality from *general moral principles* stems from the fact that these authors (i.e. Archard, 2004; Belliotti, 1993; Goldman, 1980; Primoratz, 1999; Posner, 1992) were more concerned about establishing some moral and legal rules rather than assessing the *desirability* of certain conducts and attitudes. They were not so interested in stating whether there is something inherently good or bad in the conducts and attitudes, but preferred to establish assessments regarding their moral permissibility and consequently achieve guidelines for correct behavior in accordance with what they understand usually happens in these cases. But in order to make their line of argument condemning sexual experiences between children and adults coherent, they are forced to reason with the implicit idea that there is something special in every sexual experience which, however, they do not seem to want or be able to recognize (Malón, 2015). Perhaps because this would lead them to conclude that *special moral requirements* exist with regards sexuality; requirements which, in my opinion, are all the more evident in the case of relationships between children and adults.

The limitations of a sexual morality based on general principles are undeniably evident in many other areas. David Archard recognized them in what he called the *Principles of Consensuality and Dissent* in problems like prostitution, rape, sadomasochism or, in particular, incest. In such cases, Archard (1998, p. 103) points out that it is clear that the arguments of *consent* and *damage* are insufficient to form the basis of a complete moral assessment of the events. An acknowledgement that is

possible for this author perhaps because his objective in the analysis of sexual consent is not as extreme as for example that of Primoratz (1999), who is much more resolute on this point. But also in Primoratz, the worthy heir to Goldman with his concept of “plainer sex”, the contradictions and limits of his own ethics are all the more obvious in the case of sexual relationships between children and adults (Malón, 2015).

In this article I will present the arguments I have found, always to condemn these experiences with prepubertal children —under 12 years approximately—, based on a concept of eroticism that is much more complex and transcendent in moral terms. The authors base their work on views which while not rejecting the Kantian and utilitarian approaches, complement and transform them with a virtue ethics that question not only the *permissibility* of certain acts but also their moral *desirability*. In my opinion this subtle difference is especially relevant for the problem addressed here, since children, given the undeniable pedagogical dimension that our moral judgments take on regarding things that affect them, compel us to speak not only of principles and moral *rules* but also of *ideals*. It is at this point where *ethics of duty* display their shortcomings and where I believe that the *sensualist* concept of sexuality is most clearly unsatisfactory for the majority of people.

These analyses aim to contribute to ethical, scientific and professional progress. They can be useful in tackling moral issues when dealing with the therapeutic, legal and social aspects of this human phenomena. Furthermore, they are important to clarify certain problems and controversies in the research on pedophilia and child sexual abuse, full of moral elements (Clegg, 1994). Scientific controversy in this field, such as arguments over whether the expression “child sexual abuse” can be used as a scientific construct (Ondersma et. al, 2001; Rind, Bauserman, & Tromovitch, 2000) or the idea of pedophilia and hebephilia being mental disorders (Malón, 2012), inevitably have a

complex moral dimension, being scientific debates that often prove to be unintelligible and without solution if various ethical points of view are not clarified.

In a special edition on pedophilia in the *Archives of Sexual Behavior*, Schmidt (2002b) was on the right path when wondering “Is there nothing special about adult-child sex?”, although I do not find his explanation convincing. I do not aim to provide a single, definite answer to this or any other question, as there certainly is none. I am more interested in exploring the possibility that a *specific sexual morality* would contribute useful ideas for a better understanding of the problem from a moral, scientific and professional point of view.

#### **ARGUMENTS FROM A *SPECIFIC* SEXUAL MORALITY APPROACH**

According to Piers Benn (1999), faced with the problems and contradictions created by the utilitarian and Kantian ethics regarding sexual morality, many have been drawn to this other ethical current called *virtue ethics*. If the *ethics of duty* do not try to defend any ideal of *good* sexuality, only concerns itself with an idea of *permissible* sexual conduct, the tradition of virtues, in contrast, aspires to reveal certain provisions that can be adequately justified according to the specific *telos* that governs erotic life, establishing, for example, what sexual happiness means. If we believe that there are virtues existing in the full development of different aspects of human beings, then specific activities typical of certain domains will pose moral questions that are also specific to these domains and not to others. Therefore, if we believe that “sexual fulfillment” exists, which cannot be seen as simply the extension of other types of fulfillment, then, Benn concludes, it is feasible to talk of virtues and vices that are *specifically sexual*.

An ethical theory of sexual virtues does not necessarily have to defend one or another concept of human eroticism, *sensualist* or *intentional* (Malón, 2015; Morgan,

2003b), but there does seem to be a clear affinity between this ethical approach and a view of sexual desire based on the *interpersonal intentionality* of the participants (Nagel, 1992; Scruton, 1986). Of course it is always possible for sensual-genital pleasure to transform into a type of virtue or ideal, although some say that it would certainly be a poor and limited option that would soon display its inconsistencies and scant value for human existence (Ruddick, 1975), something which the most radical sensualists have also suggested (Goldman, 1980). Hence the authors whose arguments I am going to review below have based their concept of sexual morality on an *erotic ideal* which, while it may incorporate it, goes far beyond sensual, genital and orgasmic pleasure. I will begin by presenting what I understand to be the three main lines of argument that have been used in discussions from this perspective. All three are closely related in terms of complementarity and mutual reinforcement.

### **Perversion and Obscenity**

The lines of argument I am going to present are necessarily based on a certain idea of what normal and natural sexual desire is, thereby making it possible for abnormality and sexual perversion to exist. These are concepts that have been systematically rejected by those who believe in the ethics of duty and a *sensualist* concept of sexuality (Gray, 1980; Primoratz, 1999), but they become much more legitimate when we accept a more demanding concept of human eroticism. They are undeniably complex concepts that have been greatly discussed, with there being no standard, shared idea of what they mean, even amongst those who defend their existence (Priest, 1997). I will focus on a concept of normality that stems from authors such as Thomas Nagel or Roger Scruton.

Nagel (1992) for example views sexual desire as a unique type of desire, different from other types in that the subject of desire is oneself and his body, while the object of desire is not a body or a person, but rather the totality of the other as an *embodied*

*person*. It is also a desire that requires *reciprocity*, desiring to be desired as embodied beings by our object of desire. Erotic desire and amorous encounters are therefore methods of mutual recognition between people, not as bodies or people, but as *embodied beings*. The meaning of desire is never sensual-genital pleasure, which is a secondary element arising from the essential aspect of the interpersonal encounter through the bodies.

From this perspective, the borderline between perverse and normal desires may be unclear, but this does not mean it does not exist. A lot of the types of conduct considered by most to be deviant, according to Nagel, seem to share a significant departure from this model, suggesting that a rupture or failure has occurred in the development of a natural capacity of *interpersonal mutual awareness*. Some already known deviations may easily be described in these terms, such as the case of sexual relationships with animals, very small children or inanimate objects where this form of reciprocity is impossible.

With regards this matter, Scruton (1986) is much more specific when he states that pedophilia is the paradigm of perverse desire in that the other is sought in reduced form, although not in absent form as in the case of necrophilia. Our idea of the *person* and our belief that people's lives are split into two great stages, oneself and the prelude, is essential in this argument. The child is not yet a *person*, but only its *prelude*. For Scruton, some essential traits of the person include self-awareness, continuity or responsibility, as well as the authority and sincerity of the *first person*, traits that in the child are not yet present or at least not in their fully developed form. Therefore, the interpersonal reciprocity of normal eroticism is impossible in the child, and pedophilic desires are intrinsically *perverse* (Scruton, 1986, p. 296).



The rejection of sexual perversion is extremely closely related to our fear of *obscenity*: “the fear that the experience of embodiment may be overcome and eclipsed by the experience of the body” (Scruton, 1986, p. 133). The fear of obscenity is only avoided by placing the sexual encounter in a relational context in which this individualizing reciprocity is given between both lovers. This is a form of bonding which, however, the prepubescent child would be incapable of forming not only with adults, but also with other children.

Although we are tolerant with certain sexual conduct between children of similar age, we do not accept all in the same way. It is true that today some experiences in childhood with a sexual significance may, to many, seem natural and normal, even endearing, tolerating them and respecting them as natural events in all healthy sexual development. But it also seems to be true that sexual experiences between children should be kept within certain limits so they are not disturbing. This moral rejection, or at least profound ambivalence, that for the vast majority conjures up ideas, even though imagined, of certain explicit sexual conduct between children that to our minds seems inappropriately adult and sophisticated, suggests that the issue we are addressing here is not just a matter of a difference in age or power between participants, but some idea of *normal* sexuality, as well as its expression and education in childhood.

Maybe sexual play between children is morally acceptable for us only as far as it is not threatening to the “sexual innocence” of participants. According to Scruton (1986), the idea that the child is not sexually ready has a rational significance and is not just mere tradition with no ethical value. And this is because our image of sexual development is intimately related to the process of *initiation* into adulthood. The value of virginity and its loss, for example, is connected to the division separating the child from the adult. When this idea loses strength, as happens nowadays, we resort to the

legal artifact of the *age of consent* which establishes when a person is fully formed.

Sexual initiation is precocious and inappropriate when it occurs before the end of sexual innocence, which is when sexual desire can be a complete interpersonal response.

According to this view, we can say that children are sexual beings, but only in a very limited and specific way. A childish curiosity about dirty words, sexual parts of the body and forbidden pleasures, does not however have anything to do with adult eroticism. Neither does seeking orgasm, if such is the case, have the same structure in children as in adolescents or adults (Graupner, 1999). Nor does the pleasure of the other person hold the same significance for a pre-pubescent child when there is no erotic desire for the other in the full sense. Stories that I have gathered from adults and studies such as those of Sandfort (1987) suggest that, up to a certain age, children obtain these experiences mainly through masturbation. Giving pleasure to another person and being interested in their desires and arousal are rather a part of a type of “exchange” and not of genuine interest on the child’s part. Here, the experience is very different from erotic desire where the pleasure and desires of both lovers are fuelled mutually, with the pleasure and desire of the partner being the most intense source of our own pleasure and desire for him or her.

Even authors who approach these experiences basing themselves on *general principles of morality* still highlight certain differences between child and adult sexuality. Schmidt (2002a) occasionally suggests it and his arguments on the “different scenarios” in which children and adults move can be considered implicit recognition of the fact. Primoratz (1999) sustains his arguments in Ferenczi’s (1949) “confusion of the tongues” theory, an idea that, paradoxically, only serves to go against his own proposal of a general ethic and his radically *sensualist* concept of sex. However, is this difference

between both types of eroticism —the child's and the adult's— morally significant?

And if so, in what way?

### **The Sexual Bond**

Authors such as Underwager and Wakefield (1994) have questioned the idea that all these experiences imply damage or an abuse of power, that they are always experienced in a negative manner or that no child actively or collaboratively participates in them, with it being possible in some cases for them to be experienced as pleasant relationships that the children sometimes repeat voluntarily without necessarily being forced, deceived or manipulated. Despite this, they conclude, they are always “harmful” experiences and no sexual contact between an adult and a child can be morally acceptable or have positive consequences in the end (Underwager & Wakefield, 1994, pp. 63-64).

This statement is upheld by a specific concept of desire and sex that goes far beyond the idea of sensual pleasure as its exclusive or essential objective. In fact, they declare, the problem with these experiences between children and adults is that they always involve a reductionist experience of human eroticism that is limited to *genitalisation*, and that may lead to a type of damage that is not perhaps empirically evident and does not appear as any type of diagnosable pathology, but is displayed in the formation of an erroneous concept of sexuality and an incomplete or unsatisfactory sexual development of the child, which thereby puts at risk the child's capacity for intimacy and to be emotionally connected to another person (Underwager & Wakefield, 1994, p. 64). In fact, these authors go on to say that when people try to avoid intimacy, unity and communion with other people, it is very common to turn to the genitals as an “instrument” to touch them with the other person without feeling connected to him. By

reducing the relationship to genital sensations, the emotional connection of intimacy and tenderness is avoided and rendered impossible.

The experience of sensual and genital pleasure is, in fact, something that we discover at a very early age. The problem, according to these authors, is that if children do not learn that there is something more than this pleasure or even that this pleasure should serve other aspects that are more important for the individual and for those with whom sexual relationships are maintained, then we lose an important human value, as well as increasing the probabilities of having sexual and dysfunctional problems. This is something that Masters and Johnson had already stated when they said that the genitalisation of sex is the principal cause of sexual difficulties.

The problem of sexual relationships between children and adults, according to these authors, is that they must necessarily be limited to the genitals, since the inequality that occurs naturally between the two makes it impossible to form this union and communion that are the ultimate significance of worthy eroticism. All form of intimacy, including sexual intimacy, is nothing more than a joint venture in which the participants cooperate to achieve a common goal. But two people who are different in the way that an adult and child are different cannot join forces in this venture, as it will automatically mean different things for both of them. The only point on which they could coincide in the experience would be the arousal and genital pleasure. Perhaps here we could add that we also find sexual relationships involving people with intellectual disabilities to be highly problematic too, even though they are physically mature.

Taking a similar line, Thomas (2002) starts his article on the moral status of these experiences by questioning the ethical relevance of the common criteria of consent used to judge them. His starting point states that “the criterion of voluntary consent fails to do justice to the wrong of child sexual abuse” (2002, p. 178), thereby making it

necessary to clarify in greater detail what, exactly, is ethically reprehensible in these acts. The basic problem does not lie only in the child's intellectual immaturity, in their lack of experience or in the difference in power compared to the adult, but in a combination of the actual nature of childhood, the ethics of general relationships between adults and children and, lastly, the ethical demands implicit to all sexual relationships.

Firstly, according to Thomas, we need to bear in mind that, in contrast to what happens in rape, where the victim has a sense of their own body and the control they have over it, in sexual abuse a child does not have this sense and is not aware of what Thomas calls the expressive power of sexual interaction (2002, p. 182). The damage involved in rape comes from the fact that the victim is aware that their body is being used by another person in the most intimate way possible and without their consent and participation. But this does not happen with a child, since the child does not have this feeling and is not aware of what the experience means.

Hence, along with the need to establish a regulatory framework for relationships between children and adults, something which I will address in the next section, there is the need to define the conditions that make a sexual relationship ethically acceptable. And if consent is so important in the area of sexual relationships this is because what Thomas calls "choice-worthiness" (2002, p. 183) is paramount in these experiences where sexual desire involves a personal choice, not of experiencing a certain sexual pleasure with another as the sensualists would argue, but of choosing that person as an object of desire and offering oneself as such. The important point is that sexual interaction is one of the most significant ways in which, although it may be to varying degrees —i.e. through one-night stands or through deeper, more stable relationships—, each of the participants confirms the value of the other as a *sexual object* (Thomas,

2002, p. 184). This desire to be the sexual object of another requires an imaginative capacity that is not developed until a certain age, with it being absurd, according to Thomas, to propose the possibility that a 10-year-old child could desire this. This is why it is not the same to be celibate at 10 years old as it is at 20 years old, because the level of maturity is different not only in physiological terms but also in the capacity of imagination that goes with human sexuality.

A child does not crave sexual satisfaction from other nor does he wish to sexually satisfy others, however curious he may be about his body and genitals. This, according to Thomas, means that the adult who sexually desires a child cannot expect the child to sexually desire him back in the same way. The child cannot make a worthy choice of a sexual object, therefore the experience is basically masturbatory. And if we also hope that this desire is fed by the feelings that make the sexual encounter worthy—individuality, love, commitment, responsibility, loyalty—, then this hope of the adult's is even more deluded. Lastly, if the child is motivated by a sense of gratitude, this makes the sexual encounter similarly unacceptable within these parameters.

We can see that here, as well as in the case of pedophilia as perversion, the adult's motives take on enormous moral relevance; but we are not talking only or mainly about the motives that usually accompany the sexual act as they accompany any other interpersonal relationship (Morgan, 2003a), but the actual motivational structure itself of *normal* sexual desire. It could perhaps be argued that the sexual desire of the pedophile would be more acceptable or, if preferred, less despicable, if it was accompanied by sincere love and affection for the child who is recognized and desired precisely for their individuality, aspiring to a certain relationship of commitment, exclusivity, fidelity, etc. But if these are the feelings behind the adult's desire, then

justifying the expression of their conduct is even more difficult, if possible, since the child cannot effectively correspond in the same terms.

Furthermore, if we extend the possible implications of this argument of sexual bonding, we must not forget that a very problematic peculiarity of pedophile desire, at least for desire that is authentically pedophilic in nature and not a substitute, is that it has an expiry date. The child is desired as a child, and is no longer an object of sexual desire when he stops being a child and enters adolescence and sexual maturity. Hence the genuine pedophile, while he may be motivated by feelings of sincere love, concern for the child and the promise of commitment, will always be condemned to seeing sexual desire split from a long-lasting sexual love. The pedophile desires not the *person*, but the person at a stage in their life in which they have not yet fully developed as a person.

### **Erotic Neutralization and “Extended” Incest**

Incest, the prohibition of all sexual contact between people who are closely related, is one of those rules that seem to have a universal meaning. In our society, when there is family relationship between an adult and a child, sexual contact is even more alarming, taking on peculiar moral implications. And although not all these experiences occur within the family, and much less between parents and children, some of the reflections on the ethical status of these experiences have focused on the question of incest. My aim is not to review all the theories that explain this prohibition, but just one of them that is especially relevant for the topic addressed here. From there I will go into greater detail regarding what we could call a theory of *extended incest* that justifies a necessary *neutralization* of sexual feeling for all those who are in some way responsible for the care and education of children.

Within the framework of *general sexual morality*, based on general ethical principles, incest is a category of sexual abuse in which the greatest severity stems from the fact that the child's *consent* is even more flawed, the level of *exploitation* is higher and the *damage* is also more intense. Here "incest became a type of sexual abuse" (Janssen, 2013, p. 680). In contrast, from the perspective of *specific sexual ethics* that we are analyzing here, there is something in incest that gives it special moral implications, an extra moral transgression that needs to be properly explained (Archard, 1998).

According to Scruton (1986), the moral problem of incest comes essentially from the nature of two types of relationship that cannot coexist without destroying each other: the family relationship and the sexual relationship. The taboo of incest stems from the absolute incompatibility between these types of connection, with family relationships being dependent not so much on the biological relationship but the type of coexistence that has taken place between certain individuals. The essential element of incest then is the violation of a family, affectionate bond. When a father who has raised and brought up a daughter seduces her, he is breaking a sacred trust, a "law of the heart," upon destroying this parent-child relationship and building another on its ruins that is incompatible. Incest is therefore a threat to the very concept of home and a danger for its members; an assault on the logic that binds them together in a system of altruistic cooperation. The true family bond has the particular feature that it was not chosen by the members of the family, in the same way that I did not choose the obligations I have towards my son. In contrast, the sexual bond is a bond whose obligations have been chosen by the lovers concerned.

Scruton (1986) continues that, although there is something similar to pedophilia in incest, since often the sexual innocence of one of the members can come under threat



from the desire of the other, incest is not a sexual perversion but rather a family perversion, destroying the relationships and obligations that existed within the family unit, as well as the personal development of the members and the natural transformation of these bonds. But the threat is not only to the individual, but also to society as a whole, because if incest is a crime, it is a crime that is political to a large extent, since its widespread existence would threaten the structure of society itself and the sense of the family as an institution.

The incestuous sexual bond therefore threatens the ultimate goal of the family relationship which is to allow the separation of the child from his parents, his individualization and differentiation, as well as his entry into the social world beyond the family (Cohen, 1964; Frayser, 1985; Parsons, 1954). And, in turn, the sexual bond threatens the necessary relationship of authority that must exist between parents and children. Incest implies a reversal of the hierarchical order of bringing children up, for example placing the daughter in charge of covering the needs of the father (Renshaw, 1982, p. 42). Incest confuses love-tenderness with love-passion, affection with eroticism, erasing the necessary limits that should be in place between the generations of the family unit.

Lastly, considering incest with adolescents or adults, it is true that while it involves mitigated sexual perversion, given that it is not a perverse act or attitude in itself but rather because of specific circumstantial elements, it is, however, significant that the sexual act between people connected through family ties is still *obscene*. Therefore, we feel a particular revulsion upon imagining sex with close family members; all physical intimacy with them can be acceptable except sexual intimacy. It seems, stated Scruton, that the family tie of piety demands that this image be radically prohibited.

Unraveling the thread of these arguments, we could think that what lies behind the prohibition of incest is a powerful need to sexually *neutralize* certain areas and human relationships, particularly family relationships and, within this, the parent-child relationship (Schelsky, 1962, p. 114). From this perspective, the prohibition of family incest could be a manifestation of a broader need for certain areas and institutions to be categorically closed to the development of any sexual bond, at this threatens their meaning and normal functioning. This would affect other relationships occurring in other areas like school, the military, work or friendship. And although the reasons for sexual neutralization may vary in each of these cases, what justifies the need is always the particular nature of the sexual bond that can never be reduced to a simple and irrelevant physical pleasure, as it inevitably has more far-reaching consequences and implications for the participants, in their relationship and in the context in which it occurs.

This approach to the problem of incest, which suggests it can be applied to other areas beyond the family, points to the inevitable incompatibility or at least conflict between sexual desire and other types of bonds. There are types of bonds and human relationships which with great difficulty, or perhaps at too high a cost, can coexist without ending up destroying each other. It is for example a problem that is structurally similar to the friendship between parents and children. If this friendship tries to imitate other types of friendship between equals, the normal parent-child relationship is profoundly threatened. Maybe we could apply this logic to all the types of human relationships where the different types of bonds —or of love— are mutually exclusive. Perhaps the major relationship categories —family, friendship, fraternal, work, sexual, etc.— can be such because they are incompatible with each other, as it is true that the presence of one destroys or at least significantly alters the other.

Ehman stated, and correctly in my opinion, that “Philosophers tend to neglect pedophilia even though it raises fundamental questions about the justification of the actions of adults toward children” (2000, p. 129). Therefore, following this line of argument, perhaps we should study the nature and significance of all relationships between children and adults to decide whether sexualization has a place within them or not. And if we accept the idea that sexual desire seriously threatens the desirable bond between parents and children, between siblings or between closely related family members, we may also suspect that in all sexual relationships between an adult and a child what we believe should be the normal or natural relationship between any child and any adult is subverted.

I think the idea that we are all in some way responsible for the care and education of new generations forms part of our concept of the world. The concern for the protection of children seems to be ingrained in our very nature. When it comes to education, we also feel compelled to help the child’s development, feeling we are examples for them even though they are not our own children and we are not their teachers. The majority of us feel, albeit to varying degrees, responsible for children, demanding from all adults a certain attitude of responsibility and exemplarity in front of them. And I think there is even the idea here of a generational solidarity or agreement, where my equals deserve me to respect, care for and educate their sons and daughters. We might not know exactly where this feeling comes from, but I do think that we can confirm it exists and is relevant to the subject matter addressed here.

All societies establish different *age groups*, with the universal differentiation between *children* and *adults*, with its cultural variations, being the most clear example. This organization implies the creation of different *categories of persons* according to the stage of life reached. A category that “always involves an evaluation of the meaning

and importance of the given age for the individual and for society, thus giving it a fully ideological connotation. It contains certain definite expectations of future activities, and of relationships with other people at the same or at different stages of their life career” (Eisenstadt, 1956, p. 23). In this regard, the sexual bond may be incompatible with the idea of a desirable relationship between any adult and any child, as we are all ultimately representatives of our generation and therefore we are theoretically vested not only with a certain amount of authority, but also with the same responsibilities and obligations that the whole social group has with regards members of the following generations (Eisenstadt, 1956). Some anthropologists have put forward similar ideas on the incompatibility between the erotic bond and the nature of relationships between children and adults within and without the family group (Cohen, 1964; Frayser, 1985).

Undeniably one response to this may be the idea that perhaps it is possible to establish a type of relationship between adults and children which, with the existence and development of a sexual bond between them, does not violate the basic principles that should be respected in all relationships with younger generations. The example that comes to mind most readily is the one called Greek love or pederasty (Eglinton, 1964; Percy, 1996) where I believe our argument is strengthened precisely by the fact that the sexual bond is justified by its pedagogical significance in the political training of adolescents who were always male and had already entered puberty (Percy, 1996). But that institution, according to Foucault (1993) never free of problems, eventually disappeared, perhaps partly because it is always difficult to combine those two dimensions: that of being lovers and that of being teacher and pupil, with everything that involves in terms of authority, commitment, obligations, responsibilities, expectations, etc.

This could lead us to think, as Claudia Card (2002) suggests, that even in those cases in which the child, as can occur, sexually bonds with the adult beyond a merely genital sensual experience, this powerful link can compromise their development, as it reduces their capacity to disengage themselves, to choose their path and make their own life, which is something that all adults are morally obliged to guarantee in our relationships with any child. If sexual desire were indeed an issue of mere physical pleasure, both dimensions could perhaps coexist peacefully. But from the perspective of sexual virtue ethics and their intentional view of desire, it is argued that this concept of human sexuality is completely misguided. Sexual acts can never be exclusively individual and collectively irrelevant experiences. We should abandon, so they say, the claims based on a liberal and merely sensualist concept of sexuality that leads to the idea of its neutrality and moral indifference. The sexual bond, although it may be experienced in different ways, by its very nature would indicate something that reaches far beyond this. Its individual and collective implications are always wider, especially when it affects children and their development as people.

### **THE SCIENCE OF ABUSE AND MORAL BELIEFS**

We have reviewed three arguments against sexual relationships between children and adults from what we have called a *specific sexual morality*, founded on an *intentional* concept of sexual desire that imposes special moral demands. The time has come to ask ourselves if these approaches are convincing and if they can help us to clarify the ethical dilemmas posed by these experiences and make our attitudes and scientific statements and controversies more comprehensible. These are no doubt controversial and disputable arguments, but I think they can be useful in order to understand common moral attitudes about this issue in western societies.

My proposal could be summarized as follows: it is not only the impossibility of consent, the damage or the exploitation, that leads western societies to condemn sexual relationships between children and adults—which, in any case, would not explain the way or the intensity with which we reject them— (see Malón, 2015), but also a *certain concept of sexuality* seen as something worthy and morally demanding by most people in our society. A concept that is a far cry from what the contemporary moral discourse would have us believe. A view of what desirable sexual desire is that is apparently so deeply ingrained in our way of being that it cannot be explained as a cultural construct that we could easily dismiss. It is in fact a concept that is so widespread and with ethical implications that are so powerful that very few people in western societies would be willing to sacrifice it when it comes to children and their education. I will explain this pedagogical dimension in a following section, but first let me discuss some implications of these ideas for scientific knowledge.

In a well-known article entitled “What’s wrong with sex between adults and children?” Finkelhor asserted that:

There are at least three ‘intuitive’ arguments that are often made against the idea of sex between adults and children, none of which seems really adequate. The most simple argument says that such sex is intrinsically wrong. It is unnatural from a biological and psychological point of view. (...) A second argument rejects adult-child sex because it entails a premature sexualization of the child. (...) A final, very common argument says that sexual encounters with adults are clearly damaging to children. (1979, p. 693)

The problem is that, if we do not accept this type of argument exactly as it stands, it is difficult to understand the work by this and other, later authors. The very concept of “traumatic sexualization,” which according to Finkelhor (1986, pp. 181-182) is one of

the harms caused by these experiences, seems to be more a re-writing of the usual *sexual corruption* (Malón, 2011). Here, morality is medicalized in the belief that it avoids moral issues, but has the drawback of generating incoherence and confusion. Something similar happens with the widespread and problematic use of the term “abuse”, the cornerstone of our current discourse, not only on the ethical, but also legal, clinical, political and, especially, scientific dimensions.

Thus, for example, according to Rind, Bauserman and Tromovitch, “In science, *abuse* implies that particular actions or inactions of an intentional nature are likely to cause harm to an individual” (1998, p. 45). However, even if this view is accepted, it would necessarily require clarification of the meaning of “harm”, a much more controversial concept than some scientists seem to think (see Frye, 1984). It is obvious that liberal thinkers do not find it easy to talk of “moral harm” (see Feinberg, 1984, pp. 65-70), with morality, and sexual morality in particular, being seen as something subject to individual freedom and independence. Therefore, entrenched in the liberal standpoint of the “harm principle”, social researchers have tended to focus their efforts on elucidating the damage caused by such experiences by trying to define harm in empirical terms. However, this work, as well as returning uncertain and contradictory results, has led to concealing and leaving aside other lines of argument based on certain moral beliefs which, although not openly recognized, are still present in scientific and social discussions. All this suggests to us that science needs to be more careful about the powerful moral dimension of their inquiries into adult-child sex, as well as about the possibilities and limits of empirical findings in resolving ethical questions.

It is true that concepts such as *perversion* and *obscenity* have been swept out of contemporary moral and scientific language, but this does not mean that they are not still present. Current paraphilias seem to be attempts to reinterpret long-standing

perversions in a more clinical language (Wakefield, 2011; Malón, 2012). Something similar occurs with a large part of the emerging discussions on abuse and sexual violence. As Benn pointed out, “old taboos and ideas of sexual integrity have neither completely disappeared, nor entirely know how to justify themselves. Some elements of feminist concern about sexual harassment and date rape are, I suspect, residues of traditional ideas of sexual integrity, awkwardly superimposed onto an officially liberal culture” (1999, p. 243).

From this *specific sexual morality*, the criteria of *consent*, *exploitation* and *damage* do not disappear, but they are radically transformed. Sexual *consent* is suddenly no longer the same as any other type of consent, which is what the liberal school of thought would have us believe. It is a very special type of consent which, as stated by Merleau-Ponty (1975), emerges not only from my rationality but also from my body and in short, from my whole being. The problem of whether a child can “consent” or not is not limited to whether he can consent intellectually with the information necessary, but whether he can do it *carnally*, sexually, as we believe it to be desirable to do so. In the same way, differences between the child and the adult no longer lead us only to a problem of power and exploitation, but also to the inherent impossibility of sexual intimacy and compromise between two people who live in different worlds.

In the case of harm, instead of trauma and clinical problems we speak of *corruption* and *sexual innocence* (Spiegel, 2000), recalling the language of the taboo and the contamination typical of a traditional sexual morality. The emphasis is no longer placed only on what these experiences generate, but rather on what they cannot generate, considering the *vice* as a fall from *virtue*; as a detachment from ideals which we no longer impose on adults, at least not through the penal code, while we are reluctant to



stop imposing them on children. Children and their education are what define the limits of moral and political change in the field of sexuality.

However, let us not forget that all these phenomena are presented to us in the form of a *continuum*, necessarily making the concepts of the *normal* and the *desirable* unclear, as well as making any claim of *universal* sexual morality uncertain and always problematic. Anthropological research on child sexuality, scarce and fragmentary (Frayser, 1994; Nieto, 2004) and intrinsically problematic, has not given definite answers, but perhaps provides us with some guidelines. It is common to find cultures where not only is sexual behavior among children not prohibited, but is sometimes encouraged (Ford & Beach, 1952; Frayser, 1994; Nieto, 2004). There are also some mentions to cultures that seem to tolerate some sexual contacts between adults and pre-pubescent children (Bullough, 1990; Diamond, 1990; Ford & Beach, 1952; Frayser, 1994), although these anthropological references are often anecdotal and superficial, with it being much more difficult to find cases where such contacts are actually promoted. This seems to be particularly clear with small children. According to Bullough, “The evidence, scanty as it is, would indicate that it [adult-child sex] was not very widespread and that probably most such behavior took place within the family, although the answer has to be dependent upon how sexual behavior is defined. If a child is defined, on the basis of age, as being under 12 years old, there was a greater incidence of activity than if a child is defined as being under 9 years old; using the latter definition, there are very few historically documented incidents that this author has found” (1990, p. 77).

The well known habit of genital stimulation of babies by their caregivers (i.e. Eibl-Eibesfeldt, 1971, p. 191) is not in response to an adult’s sexual desire, but simply to calm the infant or as part of adult care of children (Diamond, 1990), sometimes with

aesthetic aims. We also know that many examples of sexual relations between girls and adult males are only accepted within a marriage scenario (Frayser, 1994; Nieto, 2004). Other customs such as pederasty in ancient Greece and certain homo-erotic rituals between men and boys in some cultures (Herdt, 1987) are much better documented examples of the relativity of these moral rules. Note that Greek pederasty involved always pubertal boys and that those rituals studied by Herdt and others (Herdt, 1984) were associated with superstitions on reaching maturity, “with individual boy’s ages averaging approximately 8,5 years” (Herdt & McClintock, 2000, p. 596).

Without trying to solve this difficult issue, I believe that we should make an effort to find a theory that makes the continuity and the difference among all these human manifestations, coherent. The fact that a series of motives and universal moral structures exist does not prevent them from being expressed differently from one culture to another (Midgley, 1991). This makes cultural variation a reasonable idea, as well as its continuity being an expression of a same nature. Anthropology invites us to be less absolutist, but also to recognize a rational basis for various moral viewpoints. It can teach us that, in fact, a child’s life and sexual learning are not treated the same in all cultures; also that, in each case, the treatment can be understood within the framework of their respective worldviews, structures and social conditions.

What appears to be an anthropological constant is the fundamental organization throughout society into age groups or generations (Eisenstadt, 1956), with at least two large, basic categories of person – adults and children – with a marked sexual significance. Anthropological variations in age and types of initiation into socially acceptable sexual relationships should not surprise us. The concept of “child” or “adult” do not only answer to the biological or *material* world, but also to the *intentional* world that depends on the structure, values and needs of each society (Bullough, 1990; Lancy,

2008). In the same way, in the recent debate on whether to consider hebephilia as a mental disorder (Blanchard et al., 2009), the status of the adolescent as a *person* also comes into play, something that is determined culturally (Rind, 2013). The trend towards raising the age of consent in the western world certainly has a great deal to do with the increasing prolongation of childhood status for financial, social and educational reasons (Killias, 2000).

In this area, it seems reasonable to think that the arguments on *perversion* and *obscenity*, as described previously, are more plausible with small children, and become more difficult as we approach puberty and adolescence, when a young person's eroticism acquires more legitimacy being "adult/adolescent sexual behavior (...) accepted as the norm throughout much of humankind's documented past" (Bullough, 1990, p. 85). This also happens in our culture, although certainly imbued with ambivalence and contradictions. The problem of how to regulate the ages of consent in penal codes is the best example of this (Graupner, 2000), not to mention problems caused by some sexual behavior, even among adolescents, however much they are consented to (Gooren, 2014). Rejection on moral grounds in such cases does not appear to depend so much on the age of the minor, who is usually recognized to have a right to an erotic experience, as the difference in age between the participants and the nature of the relationship. It is here where the demand springs up for the *erotic bond* to be part of a more committed relationship that also does not threaten obligations established between individuals from different generations.

## **THE EDUCATIONAL DIMENSION**

None of the authors mentioned in the first section seem to claim that the sexual experience cannot really be reduced in many cases to a phenomena of sensual and genital pleasure and appetites, although none of them believe that this is the most

desirable option either. Primoratz himself (1999), a defender of a radically sensualist concept of sexuality, recognizes an enormous capacity in sexual desire to develop powerful emotional and commitment ties. This could lead us to think that perhaps they are all saying the same thing and the *intentionalist* authors are simply establishing an *ideal* that could be added to what sexual desire actually is; in other words, the desire for mere sexual pleasure. This is the perspective upheld by Primoratz (1999; 2001), Goldman (1980) or Posner (1992), who do not deny that there are moral ideals that are valuable and significant for people's lives, but they do not believe that these ideals have the power to become ethical limitations or that their absence is worthy of moral reproach.

But interpreting the problem like this dilutes the important differences that exist between the authors of each of the two major perspectives, the *sensualist* and the *intentional*, between the defenders of a *general morality* applied to sexual matters and those advocating a *specifically sexual morality*. Because although intentionalist authors do not deny that this sexuality reduced to sensual and genital pleasure may exist, they believe that not only is it morally inferior and to a certain extent degrading for any human being, but it also goes against the very inclination of the actual nature of sexual desire. Individualized and reciprocal intentionality, fear of obscenity or the peculiarities of the sexual bond, destructively incompatible with other types of relationships, are not simply possible "add-ons" making sexual desire more appealing and valuable, but form an integral part of its *natural* and *normal* manifestation in human beings. Hence animals cannot sexually desire other animals; at least not in the way that people usually desire each other.

Therefore there is a central idea that spans these last three lines of arguments to explain the immoral nature of sexual relationships between adults and children or even

between children themselves. If there is a *specific sexual morality*, as they argue, it is because *normal* sexual desire, natural and worthy, includes the idea of reciprocity—mutual recognition as embodied beings— complemented by the idea of individuality, with both these points encouraging particular and inherently compromising relationship bonds. It is the concept of sexual desire aiming for sexual union and intimacy that imposes new moral demands that neither the child nor the adult are able to fulfill.

From this perspective, morality is not reduced to a set of social rules to govern individual conduct; its function is also to give shape to our *nature*. Morality, as Darwin suggested, does not serve to eliminate conflict, but to handle the many that we have with others and, especially, with ourselves; conflicts that, within the erotic sphere, confer a special complexity and intensity to humans (Midgley, 1994). Hence, morality can be understood to be a table of priorities on how to be, act and live; a table containing ideals and virtues—sexual in this case— which every group aspires to nurture in its new members.

Certainly one advantage of the usual arguments about consent, exploitation or damage, resulting from *general moral principles*, is that it prevents us from having to question whether the active, initiator and participating child in these relationships has behaved correctly and whether we can give him our permission to act like that or not. The presumption of violence and trauma has relieved us of the moral questions that were common before the seventies, which is when the current discourse of sexual abuse emerged (Malón, 2011). Personally I believe that the lack of this educational analysis prevents us from addressing certain details relevant for a better understanding of the ethical problem discussed here.

The pedagogical dimension of the issue analyzed here, despite its importance, has been given scant attention. The analyses and debates on the ethical status of these

experiences between children and adults have usually revolved around the question of whether we should allow adults to initiate and maintain these relationships. This is logical because, among other reasons, it is usually adults that initiate these relationships; or because they are the ones we consider to be morally responsible and therefore the main target of our regulatory demands. However, I do not think it would be pointless, although it would perhaps be uncomfortable, to also question the child's moral responsibility and his hypothetical right to participate in these experiences. In this hypothetical decision about giving permission to a sexually precocious child a whole range of pedagogical questions related to the effect of this experience on their development as a person comes into play, regarding what the experience can give the child as well as, in particular, what the experience could prevent them from achieving, especially concerning the development of their sexual character and erotic structure.

Some has suggested that we should leave children to choose for themselves the type of desire and sexual conduct he wishes to experience. This would only be feasible if we believe, as Primoratz (1999) and others (Farson, 1974; O'Carroll, 1980) seems to believe, that desiring in one way or another, loving in one way or another, is merely an issue of personal choice, with it being possible to switch from one way to another with no great problem. The child could ultimately choose how to experience his sexuality in the same way he might choose how to dress or how to style his hair when he is older. This claim, according to other authors, is absurd. It is the embodied subject that desires with all his personality and in line with how his character compels and allows him; and not all individuals can desire, love and enjoy sexuality in an equally valuable way.

Some have suggested that physical and genital pleasure is maybe not the best candidate for an *ideal* in human eroticism. But if sensual, genital and orgasmic pleasure, aside from any moderately individualizing and compromising sexual bond, were

however considered a virtue to encourage from a pedagogical point of view, then I agree with other authors (Benatar, 2002) who recognize that it is much more difficult to find reasons to discuss the most libertarian views with regards sexual conduct with children. Once again the problem is that from that point of view it is difficult to discuss the possibility, put forward by Kershnar (2001), for a family or group to have the right to raise their children within a merely sensualist concept of sexuality, teaching them from a very young age to enjoy their genitals and the pleasure they may get from them with anyone, children or adults alike.

Some of these ideas, within the framework of a libertarian concept of eroticism and morality, were put into practice in isolation in the framework of the sexual revolution of the sixties (Fleischhauer-Hardt & McBride, 1979; Fleischhauer & Hollersen, 2010). The pro-pedophilia movements enjoyed a fleeting period where they possibly fantasized about the real possibility that their type of love and desire would be socially and legally accepted (Thorstad, 1991). Along those lines some authors (Guyon, 1933; O'Carroll, 1980) have tried to defend something similar to what Huxley described in his *Brave New World*, where children were taught from infancy to enjoy genital pleasure with an indifference that would seem strange to say the least for most of us.

The problem there, from the perspective of a *special sexual morality* developed in this article, is that sex is treated as just *another thing*, forgetting the specificity of our sexual condition that is incomparable to anything else. Human eroticism is a unique phenomenon different from any other we could imagine. All the comparisons that have been put forward in an attempt to explain what desire and erotic encounter consist of have failed. Desire is not like hunger or thirst, nor is it like friendship or love; sexual intercourse is no dialogue or game. It is not that these metaphors cannot be useful to illustrate certain aspects of this complex and rich reality, but they do not come close to

capturing the essential points of it, nor the variety of elements that come into play. As Merleau-Ponty says, “There is no explanation of sexuality that reduces it to something other than what it is, because it was already different from itself, and, as required, our whole being. Sexuality is dramatic, it is said, because we put our whole personal life into it” (1975, p. 187).

## CONCLUSION

Are these two moral perspectives of sexuality, the *general* and the *specifically sexual*, discussed in this and in a previous article (Malón, 2015), mutually exclusive? Should we choose one or the other in the ethical assessment of relationships between children and adults? In my opinion they are two complementary views and the six arguments that emerge from both perspectives are relevant for a better understanding of the moral complexities of this phenomenon. From my point of view, *general sexual morality*, inspired by Kantian and utilitarian theories and based on general moral principles concerning human relationships —consent, exploitation, harm—, works reasonably well when it comes to regulating sexual relationships between adults. This does not mean that there are no debates and controversy in this area too about the real moral problem that hides behind phenomena like rape or abuse. But these debates are not at present the same as those that occur concerning children. With regards adults, discussions usually focus on the origin of the immorality of rape (Murphy, 1994), the severity of it (Baber, 1987) or the type of damage it causes (see Wertheimer, 2003, pp. 89-118). In the case of children these elements are discussed but along with another, more radical point: the moral legitimacy of the relationship or lack thereof, taking the child’s “assent” to it for granted, something which is clearly not disputed in rape or abuse between adults.



The idea of freedom and individual well-being, also in sexual matters, are essential values in our societies and it is not for me to question them. They have served to organize the complexity of individual and group interests and needs in developed societies in a moderately reasonable and sensible way. The metaphor of the social contract may undoubtedly seem incomplete and problematic, but it still has numerous significant benefits and achievements regarding sexuality. I do not believe the solution to our problems lies in dismissing it completely, although perhaps we do need to amend it and complement it with other images and metaphors that come from virtue ethics as well as from an intentional concept of sexual desire.

The demands of a liberal type of ethics have to be met first. But their framework of analysis does not always give us a clear and consistent response, leaving unanswered the possible permissibility of certain cases as well as the desirability of them. That is when we have to turn to the idea of *virtue* so we can at least state what would be most estimable, even as an ideal, for these specific cases. Perhaps in the case of adults we have stopped imposing this ideal, although we may only have partially done this and, in particular, in the area of criminal law, focusing on the principle of free and informed consent. This model has caused no end of problems, as a large part of the feminist school of thought has shown, especially in the case of adolescent girls (Oberman, 2004a; Tolman, 2002 ) and for the ever sensitive matter of where to place the legal age of sexual consent (Graupner, 2000). But no alternative is perfect and this model does also have significant benefits that should not be dismissed.

The particular thing about children is that, in contrast to what occurs with adults, the *permissible* is much more closely connected with the *ideal*. Adolescents are at an intermediate point which explains the problems we face when addressing their sexual life (Delgado, 1996; Oberman, 1996, 2004b; Gooren, 2014). The problem is that we

cannot educate without a certain idea of what is worthy; what we are trying to develop in the other, not only as a way of behaving but also as *a way of being* (Carr, 1991). Since there is a conflict of values on the idea of *estimable eroticism* to be cultivated among children, it is not strange that it is not easy to know who has really been damaged and in what way.

“Morally corrupting a person, that is, causing him to be a worse person than he would otherwise be, can *harm* him, therefore, only if he has an antecedent interest in being good. (...) The moral corruption or neglect of an unformed child, then, is not direct harm to him, provided that he has the resources to pursue his own interest effectively anyway, but it can be a very real harm to his parents if they have a powerful stake in the child’s moral development.” (Feinberg, 1984, p. 70)

If my thesis is correct, then it is not a trivial point that the phenomenon of sexual relationships between children and adults, symbolized now in the horror towards pedophiles, has become a social problem and concern of major importance in the last few decades of the 20th century. This anxiety, which on occasions has seemed to reach levels of mass hysteria (Ofshe & Watters, 1996), seems to be nothing more than a reflex to a broader problem with our moral barriers, with the limits to which we can extend the ideas of liberal modernity regarding eroticism. As Janssen suggested: “The child is the last chance for a taboo in a world without any taboo. And thus, what remains, or should remain, objectionable in sex today, always turns out predominantly objectionable to ‘the’ (anybody’s) child ” (2013, p. 681).

This complicated junction between childhood and sexuality not only shows us our limits regarding sexual relationships, but also our barriers in the field of aesthetics—pornography, advertising, media and popular culture (Heins, 1998)—, sexological research (Bullough & Bullough, 1996; Ericksen, 2000; Lilienfeld, 2002), sex education

(Epstein & Sears, 1999; Irvine, 2000) or criminal law (Boutellier, 2004). Regarding this, Ehman stated that “The attitude toward adult-child sex is the last unquestioned bastion of sexual puritanism” (1984, p. 433). But it is hard to understand our difficulties with this question if everything boils down to a problem of outdated traditionalism which we can and, according to some, should overcome.

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