

## **Sexual Consent and the Adolescent Male, or What Can We Learn from the Greeks?**

In the last two papers we have heard about the perspectives that anthropology, psychology, and even zoology can bring to bear on the ethics of adolescent sexual activity and consent. In this presentation I propose to interrogate further the historical contingency and social constructedness of our concepts of child innocence with regard to sexuality. Historical study has usually been considered irrelevant to discussions of contemporary social and legal policy, particularly in the area of sexuality, where most historical societies are assumed to be exploitive, sexist, un-democratic, and non-egalitarian. Few responsible historical scholars would break down the wall of separation between past and present by proposing that earlier cultures might offer positive paradigms worthy of consideration by policy-makers today. However, I wish to propose doing just that by examining an advanced historical culture from which we have abundant material and textual remains illuminating the nature and consequences of adolescent male sexual activity and by testing against that evidence the validity of the essentialist normative assumptions prevalent in modern Anglo-American society, as Dr. Rind has just outlined them. Although Athens of the Classical period was arguably not a model worthy of emulation in its treatment of women and slaves, it was democratic and egalitarian with respect to male citizens, including adolescent males on the road to becoming full citizens. And although temporally distant from us, the ancient Athenians are generally regarded as a dynamic, creative, and successful society, indeed as the ancestors of Western civilization and values; we have far more in common with them than either civilization does with the highlanders of New Guinea or the indigenous peoples of the Amazon. Accordingly, it does provide a useful comparandum for interrogating the ethical and legal status of both age-equal and age-discrepant adolescent male sexuality. In effect, I want to introduce ancient Greece to contemporary social scientists and policy makers as a useful tool to think with.

As I have documented elsewhere, our evidence suggests that Athenian pederasty was primarily an upper-class institution; the most valued objects of desire were not easily

manipulated slave boys, but youths of good family and education between the ages of puberty and full beard- growth, in other words between about 14 and 21. Their lovers would typically be unmarried men in their 20s or 30s, but in some cases married men would also enjoy the company of boys, and in other cases there would be very little age difference between the pursuer and the pursued. The lover could act as a surrogate father-figure for an adolescent boy, since demographers estimate that as many as one-third of Athenian boys had no living father by the age of 18, due to the relatively late age of marriage for Athenian males and the overall shorter life expectancy. In cases where the age gap was narrower, he might act as an older brother or role model. The social contexts in which pederastic relationships are depicted in Greek poetry and on painted vases include especially athletics, hunting, music, and banqueting. In other words, these relationships may have a pedagogical dimension, not necessarily in an academic or intellectual sense, but more importantly, in teaching the kind of accomplishments and social skills necessary to becoming a citizen of the leisured class. In some cases pederastic love might become an instrument of social mobility for a talented and attractive youth of lower social origins; love for a favorite slave might even lead to manumission and rewards of money or patronage.

In effect, the transaction involved in pederastic love is one of social exchange: the younger party grants intimacy and bodily pleasure in return for his lover's time, attention, mentorship, devotion, and -- bodily pleasure too. Vase painting suggests reciprocal engagement from both parties to the relationship, particularly in cases where they are closer in age, but also in some cases where the age gap is clear. We do not often hear the voices of the boys themselves in our extant sources, but Petronius' Pergamene boy was probably not unique in always wanting more. We have at least two Greek graffiti that seem to be written from the perspective of a beloved boy: one praises his lover as the "most courageous of men," and another proclaims a boy's pride in his own beauty and admirers.

Greek vase painting and poetry make it very clear that pursued boys had the capacity to refuse unwanted admirers and quite often did so. Of course, those with the power and ability to refuse also had the capacity to consent, which we also see frequently illustrated. In contrast to

scenes of heterosexual copulation, where the man is shown in a position of dominance, pictorial representations of pederastic contact put the lover in a position of supplication, often bent down in what must have been a very uncomfortable posture. The contact is either intercrural or consists of the lover looking at or fondling the boy's genitals, as if to suggest that the real fascination is with the boy's development into sexual maturity, along with his development of adult skills in other social pursuits. Greek vases only show oral or anal intercourse among age-equal partners.

That male adolescents were curious about sex and sexual organs is taken for granted in numerous classical texts. The Greeks exercised and competed naked, and artistic depictions of the nude male form were ubiquitous. Aesthetic appreciation of the beauty of the male form was at the center of athletic spectatorship. Boys were conditioned from an early age to perform naked before the eyes of the public; in the context of Athenian democracy, this practice prepared them for the public scrutiny expected of any citizen holding public office or wealthy enough to be taxed. Fitness of body and refinement of form were commonly assumed to coexist with inner qualities of self-discipline and ethical uprightness; hence, success in athletics often led to positions of public trust and leadership. Of course the Greeks were not always right in associating beauty with character, but the assumption explains why Athenian elites saw nothing incompatible between worshipping the bodies of the young and inculcating positive moral qualities in them.

This is not to say that pederasty did not have its critics in the ancient world, or that pederastic relationships did not sometimes go sour or cause harm to the parties involved. Plato's *Phaedrus* attributes to the orator Lysias a short treatise warning a boy of the selfishness and manipulateness of passionate lovers, who may in fact harm a boy's character formation. However, the sexual aspect of the relationship is not what concerns Lysias, so much as the possessiveness and jealousy engendered by excessive emotional attachment; Lysias' treatise instead advises sexual intimacy with someone who is not so passionate. And Socrates goes on in the dialogue to characterize Lysias' position as false consciousness.

The Greeks certainly did not buy into the canard that adults always have more power in a relationship with someone younger. Vase paintings typically show more suitors than boys, and it

is a topos of pederastic poetry that the boy flees or prefers others. Given the relative scarcity of available and interested boys in the desirable 14-20 age range compared to the many adult men who might desire them, the demographic balance of power always rested with the young. Older men might have more money, social connections, or experience of the world, but the young had the power of beauty, which to the aestheticizing elite of an aesthetically sophisticated civilization was no insubstantial advantage.

The only long-term harm that most Greeks thought might come to a sexually active adolescent was the risk to one's reputation if judged too easy or promiscuous. Indeed, elite orators sometimes accused their opponents of having been male prostitutes in their youth, not so much because they had any evidence of actual prostitution or because voluntary prostitution was illegal, but because the mere fact of having kept intimate company with multiple men might make one appear meretricious, as we see in Aeschines' prosecution of Demosthenes' ally Timarchus. As Michel Foucault has observed, Greek ethics saw adolescence as a key period for testing the moral character of future adults. Moral character did not require sexual abstinence, but avoidance of excess and care in selecting only the most worthy partner. This more informal and subtle mechanism of social control disciplined pederastic interactions, but legal sanctions played little or no role beyond protecting the young against force or involuntary prostitution.

To what extent can the evidence of the Greek model be applicable to modern Western societies? We have in Greece the documented record of a culturally advanced and highly successful society: it suggests that where age-discrepant relationships are commonplace and positively reinforced, they cause little or no long-term harm to the younger partner and often confer great benefit. In addition, such relationships gave young men of the educated class an alternative to early marriage and the demands of supporting a family, affording them greater freedom to pursue athletic, political, or intellectual interests to a higher pinnacle of achievement.

Of course, as Dr. Janssen reminds us, every culture is a unique matrix of social practices and values that has its own logical consistency. And the question of what is properly "adult" is often at the heart of cultural self-definition. For the Greeks, as for most civilizations and even

most animal species, as Dr. Rind shows, “adult” and “sexual” are not co-terminous categories, although adults are usually sexual in different ways from pre-adults. In the Greek case, both adolescents and adults were assumed to be sexual, capable of consent, and capable of intimacy, albeit a certain modesty and reticence was expected of the adolescent as an exercise in showing discretion, selectivity, and judgment of character. It was the role of the adult in a relationship to be the pursuer, of the adolescent to be the pursued, even if the two of them were the same chronological age, as vase painting not infrequently shows them to be. In other words, adulthood is defined as the state of being a “lover,” adolescence is the state of being “beloved.” At such time as a male adolescent gained enough self-confidence and *savoir faire* to himself initiate a relationship with another male adolescent or even with a female prostitute, he became a “lover” and therefore by definition an adult. This was the boundary-line for the Greeks, not any birthday; indeed, the inconsistency of the calendrical system made the notion of a “birthday” problematic in Greece. Their determination of maturity was based on a more subtle and flexible combination of physical and behavioral characteristics, confirmed in Athens by a public ceremony called the *dokimasia*. Could a similar flexibility in regard to both sexuality and citizenship, not to mention sexual citizenship, fit the modern world?

One need not belabor the fact that there were many differences between ancient Greece and the modern West, whether with regard to the status of women, the presence of slaves, or the nature of education. Our challenge is to consider which of the cultural differences, if any, materially affect the calculus of benefit vs. harm in a libertarian stance toward male adolescent sexual activity, including contact between adolescents and adults. Let us perform a thought experiment and imagine such a libertarian regime translated into modern practice.

For example, today secondary education is institutionalized and universal, whereas in classical Greece it was far more individualized and elite, and thus conducive to relationships of pederastic mentorship. However, does that necessarily make pederastic mentorship harmful and exploitive in our society? Mass education of the sort practiced in the modern West can efficiently teach factual information and certain mechanical skills. It can also teach students how to conform

with the socio-economic demands of a large-scale modern economy. But there is much wisdom it cannot teach and that can only be learned through one-on-one interaction with an older and more experienced practitioner of an art or skill. Particularly for those who are not born to privileged family backgrounds or for the many boys who grow up without the sustained involvement of a father in their lives, the acquisition of social graces and verbal eloquence can most readily come from close personal intimacy with older, extra-familial role models who embody those capacities. The poet Robert Bly and his followers in the Men's Movement have lamented the loss of this kind of inter-generational sharing of wisdom and insight in contemporary American society, where association with friends outside one's own age-group is seen as either peculiar or meretricious. I would suggest that our pervasive fear of inter-generational intimacy as something inherently and essentially harmful and exploitive has accelerated this generational disconnect, with disastrous consequences for the broader social education and development of our youth.

What about sex education, which is certainly an important component of young people's social and physical development? Is there any area that is more personal and private for growing adolescents, who often feel awkward about their own bodies and physical development? Mass sex education in the United States has been an unmitigated disaster. Since all public education in our country is locally controlled and subject to intense political pressures, sex education curricula are designed to be inoffensive to special interest groups rather than comprehensive and positive. Most school districts in my own state require what is known as an "abstinence only" curriculum, in which all mention of prophylactic measures is banned, and any discussion of homosexuality or other non-mainstream practices is impossible. Even more liberal sex education curricula in the U.S. center upon sexuality as something full of risk and danger for the young, whether in the form of unplanned pregnancy or sexually transmitted diseases. As Judith Levine has observed, no curriculum instructs students in options and techniques for generating and multiplying mutual pleasure, which is what sexuality should really be about. Virtually all sex education curricula in public schools are informed by a majoritarian political agenda that is moralistic and conformist in nature, treating sexuality for anyone under 18 as a damaging clinical pathology that must be

suppressed and repressed. Moreover, by any objective metric, institutionalized sex education in America is a failure: our rates of teenage pregnancy and STDs are among the highest in the industrialized world.

Yet sex education is always awkward within the nuclear family, where any positive discussion of sex gives off a whiff of incest and any negative discussion reeks of patriarchy. In this context, is pedagogical mentorship by a somewhat older, trusted and admired friend such a bad idea? As with most other skills, doesn't one learn by doing, as Dr. Rind has shown with his references to the evidence of primate behavior? And doesn't one learn the most from those who are already experienced, rather than from other blundering, ill-informed teenagers? And what about the special problems encountered by gay, lesbian, and queer youth, who often feel uncomfortable exposing their orientation to the peers they see every day in school? As Dr. Rind's studies have shown, most gay or bisexual men who as underage children had sexual relationships with an older man rate the relationship as something positive in their development, especially if it was non-coercive and sustained.

One of the key results of Dr. Rind's meta-analytic studies is that age-discrepant sexual relations affect females differently than males. The same might be said in regard to many other aspects of sexuality. We cannot resolve here the question whether underage non-marital sex is less positive for females because Western society conditions females to value virginity and sexual modesty more highly or because of more essential, biological factors, as Dr. Rind's zoological data suggest. However we must pose the question whether age of consent law should necessarily treat underage males and females the same, given the wide variance in their sexual drives and development, as well as the greater health risks faced by females. Could it be that in our zeal to protect vulnerable underage females, we have set up a legal regime that does great harm to underage males by suppressing and even punishing the entirely natural and powerful sexual urges that every male feels at the age of puberty, but cannot always fulfill with partners his own age?

It may be useful here to deconstruct the ideological assumption and nested premises behind modern age-of-consent legislation. As the historians Steven Schlossman and Stephanie Wallach showed in an influential 1978 article, the age of consent was raised and vigorously enforced in early 20<sup>th</sup> century America not out of any concern with adolescent male sexuality so much as with the control of “precocious” female sexuality, which threatened to escape the bonds of patriarchal control due to rapid industrialization and urbanization. The age of consent was as low as 10 or 12 in the mostly rural society of early 19th century America. Although clad in the rhetoric of public health and social hygiene, the move to raise the age of consent was closely connected to the racist preoccupations of the eugenics movement, as well as to concerns about mass immigration, miscegenation, and “public morals.” Sexually active women and girls were identified as socially dangerous “deviants needing permanent care and, if possible, sterilization.” The focal concern was control of young female bodies: when the patriarchal family could no longer retain its control, the state stepped in to control female sexuality by the force of law. The intent of the age of consent laws was not to protect children from predatory adults, but to keep young women’s desires under control; at the same time that the law denied adolescents the ability to “consent” to sexual contact, it did allow them to marry at a younger age if their parents consented, or not infrequently, coerced. Contemporary feminists should not support the strengthening and extension of laws that were in their origin designed as tools of state paternalism and patriarchal control over young, female, working-class, ethnic bodies.

In the Progressive Era, the age of consent technically applied to underage males as well, but was seldom enforced or used to control sexually active boys. However today, gender equity concerns and the general public paranoia surrounding children dictate equal enforcement, with results that often do far greater harm to the boys involved than the purported harm of the sexual activity itself. In closing, I would like to suggest that enforcement of “statutory rape” laws and punishment of transgressions should incorporate a very large degree of judicial and prosecutorial discretion, based on real social science and a considered calculus of harms and benefits, which may vary depending on the gender of the parties involved, the nature of the relationship, the



younger party's degree of consent, the older party's degree of commitment, and a variety of other factors that the criminal code as currently written is ill-equipped to accommodate. This would return our currently aberrant suppression of adolescent male sexuality to the historical norms of most advanced societies.

### **Recommended Bibliography**

#### **Ancient Greece:**

- Buffière, Felix. *Eros adolescent: la pédérastie dans la Grèce antique*. Paris: Belles Lettres, 1980.
- Cohen, David. *Law, Sexuality, and Society: The Enforcement of Morals in Classical Athens*. Cambridge: Cambridge University Press, 1991.
- Davidson, James. "Dover, Foucault, and Greek Homosexuality: Penetration and the Truth of Sex." *Past and Present* 170 (2001) 3-51.
- Foucault, Michel. *The History of Sexuality: Vol. 2, The Use of Pleasure*. Trans. R. Hurley. New York: Random House, 1985.
- Hubbard, Thomas K. "Popular Perceptions of Elite Homosexuality in Classical Athens." *Arion* series 3, 6.1 (1998) 48-78.
- Hubbard, Thomas K. (ed.) *Greek Love Reconsidered*. New York: Wallace Hamilton, 2000.
- Hubbard, Thomas K. *Homosexuality in Ancient Greece and Rome: A Sourcebook of Basic Documents*. Berkeley: University of California Press, 2003.
- Hubbard, Thomas K. "Pindar's Tenth Olympian and Athlete-Trainer Relationships." *Journal of Homosexuality* 49 (2005) 147-71.
- Hupperts, Charles. *De macht van Eros: Lust, liefde en moraal in Athene*. Amsterdam: G. A. van Oorschot, 2002.
- Lear, Andrew, & Cantarella, Eva. *Images of Ancient Greek Pederasty: Boys Were Their Gods*. London: Routledge, 2008.
- Percy, William A. *Pederasty and Pedagogy in Archaic Greece*. Urbana: University of Illinois Press, 1996.
- Vattuone, Riccardo. *Il mostro e il sapiente: Studi sull'erotica greca*. Bologna: Patron, 2004.

#### **The Origins of American Age-of-Consent Legislation:**

- Alexander, Ruth M. *The "Girl Problem:" Female Sexual Delinquency in New York, 1900-1950*. Ithaca: Cornell University Press, 1995.
- Chesney-Lind, Meda. "The Sexualization of Female Crime." *Psychology Today* 8 (July 1974).
- Odem, Mary E. *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920*. Chapel Hill: University of North Carolina Press, 1995.
- Schlossman, Stephen, & Wallach, Stephanie. "The Crime of Precocious Sexuality: Female Juvenile Delinquency in the Progressive Era." *Harvard Educational Review* 48.1 (1978) 65-94. See also the review articles in the *Journal of the History of Childhood and Youth* 2 (2009) 85-124.

#### **Other:**

- Bly, Robert. *Iron John: A Book About Men*. Reading: Addison-Wesley, 1990.

Bly, Robert. *The Sibling Society*. Reading: Addison-Wesley, 1996.

Levine, Judith. *Harmful to Minors: The Perils of Protecting Children from Sex*. Minneapolis: University of Minnesota Press, 2002.

Rind, Bruce. XXXX.