

No Long-Term Harm? The New Scientific Silence on Child-Adult Sex and the Age of Consent

September 18, 2017 By [Mark Regnerus](#)

Two new studies use a small amount of old data to try to undermine the idea that it is abusive or damaging for adults to have sex with minors. Disturbingly, no one seems to be challenging this conclusion.



The [Archives of Sexual Behavior](#), a journal I respect and have recently published in and reviewed for, has printed a pair of studies by Bruce Rind in the past year. The recent publication of his work marks a significant, unnoticed, and unnerving turn in the dissemination and consumption of research on sex and sexuality.

Almost twenty years ago, [both houses of Congress](#) and the American Psychological Association condemned Rind's claims, published in the

August 1998 issue of [Psychological Bulletin](#), that the long-term damages caused by child sexual abuse are overestimated. I would have thought that nearly twenty years, a concurrent resolution of Congress, and a fair bit of social trauma would have convinced him to shift topics.

But I was wrong. His new studies are on the same theme: sex between adults and minors as young as thirteen. Rind is banking on a more amenable political and scholarly atmosphere in which to conclude comparable things. And from the sound of it—or rather, the utter lack of sound—he has gotten his wish. There has been no congressional concern, no APA scrutiny, just silence.

So what do the studies say?

Old Data and Small Sample Sizes

The [first study](#) concerns adolescent girls' first same-sex sexual experience, and mirrors an earlier [one](#) on boys. The data Rind uses, curiously enough, are the Kinsey data, collected by the famous early student of American sexual behavior Alfred Kinsey. These are old data—most of the participants were born before 1930—but that does not mean they have no value. Rind praises Kinsey because his was not a clinical sample, studying people who are seeking help of some sort. Agreed. But Kinsey is hardly representative. I don't believe Kinsey's data are a good guide to understanding what behavior was normative in its time, or in ours, given his nonrandom approach to locating participants. But neither do I believe that Kinsey's interviewees were lying.

The [second study](#) is on the “long-term adjustment and functioning” of boys who experienced their first same-sex sexual experience with adult men, using data from the 1992 National Health and Social Life Survey (NHSLS). These data have a comparative advantage over Kinsey's by being far more recent and population-based. Both articles seek to “test,” and purport to undermine, the child sexual abuse (CSA) framework in which “all minor-adult sexual interactions are considered abusive, traumatic, and psychologically injurious by nature.”

On average, girls in the Kinsey data set were fifteen years old at the time of their first same-sex sexual event with a woman (who was, on average, twenty-six years old). For men in the NHSLs, their mean age was fifteen and their partner was twenty-eight. In each study, fewer than half of the respondents describing such early same-sex experience currently identified as homosexual. Most of the women's first experiences were what Rind termed "outercourse," involving no oral sex or penetration (i.e., less invasive). The opposite was the case with boys, where oral sex was reported by 67 percent, and anal sex by 29 percent. In other words, these encounters were invasive and "severe," Rind admits. "Despite this," he argues, their "adjustment was not inferior to that in the comparison groups." He makes this claim while admitting that only 19 percent of such male respondents said the sex was "wanted at the time," well below the 54 percent who experienced first sex with age-similar peers. Sixty-seven percent "went along" and 14 percent report being forced, well above the 3 to 4 percent among other scenarios.

However, both Kinsey and the NHSLs suffer from very small sample sizes in Rind's population of interest. We are talking about only twenty-six cases of girl-woman sexual events from a study that sought participants wherever it could find them, and twenty-one cases of boy-man sex from a population-based study. But since we are talking about very small samples, Rind is able to conclude that there is no difference among groups in having been forced into first sex. That is not how scientific literatures ought to be built, nor legal cases won. (But it is.)

Does Sex with Adults Have Negative Consequences for Minors?

The central claim of Rind's studies, however, is that minor-adult sex tends not to be reported as a bad experience, as unwanted, or as one with longstanding negative consequences. Eighty-five percent of women who said their first same-sex sexual experience was as a minor with an adult told Kinsey interviewers they "much" enjoyed the experience. Sixty-three percent of comparable men reported "positive" reasons for participating in the act (an estimate far below that of those respondents who first had sex

with a similar-age peer). Fewer than 10 percent said they knew their first (male) partner well.

Nevertheless, Rind believes the evidence vindicates him: “Men whose first postpubertal same-sex sexual experience was as a minor with an adult were as well adjusted as controls.” Such men reported to be “just as healthy, happy, sexually well adjusted, and successful in educational and career achievement.” It’s a tough conclusion to swallow. Recall, for example, the furor over atheist [Richard Dawkins’s assertion](#) about his boarding school sexual abuser, claiming that “I don’t think he did any of us lasting harm.” Rind concludes similarly about teen girls’ first same-sex experience. This result, he holds, “is sharply at odds with the pathology perspectives” (that is, the sexual abuse narrative). In fact, the results “showed that same-sex attracted adolescent minors were especially receptive to these relations.”

As a social scientist of sexual behavior who is surprised by very little, I’m willing to admit that it is possible for this to be the case, while holding firmly to the assertion that such events remain diabolical and an unequivocal abuse of power. Moreover, the emotional consequences of teen sex with adults are something that may never be readily accessible to “discursive consciousness,” those experiences and emotions to which humans have conscious access, can understand, and verbally express and evaluate.

Pleasure, Power, and Sexual Exploitation

I ran Rind’s studies past a friend of mine who had experienced it all—childhood molestation by an opposite-sex older relative and then a sustained relationship of same-sex “outercourse” initiated by a counselor who was eighteen years her senior. Like many in Rind’s study, she “went along” due to the counselor’s manipulation. She spoke of willingness, well short of enthusiasm, in order not to threaten the relationship. The sexual activity became mutual. And yet it was all exploitative, and deeply damaging.

At twenty years old, she was legally of age. Yet she sees obvious parallels between minor-adult relationships and therapist-client relationships: there are inherent power imbalances in both that make sexual contact of any kind wrong. Even mutual desire or initiation by the youth or the client cannot erase these power differences, as all professional and legal establishments used to understand.

Adolescents, she reminded me, are often desperate for connection. The presence of pleasure, she assured me, does not prevent harm. The fact that adolescents lack the reason, knowledge, and maturity to give consent to something they do not fully understand—first sexual contact with men and women years older than they are, and its emotional and physical consequences—ought to be obvious. But it is no longer. Minors who “went along” with anal sex cannot know what they are consenting to.

Undermining the Age of Consent

Rind’s renewed research program seems out to prove Dawkins right and to create new motivation for undermining the age of consent for gay and straight alike. He and many of his silent well-wishers are banking on benefitting from “pluralistic ignorance,” the [social psychological phenomenon](#) that happens when within a group “each person believes his or her private attitudes, beliefs, or judgments are discrepant from the norm displayed by the public behavior of others.” In other words, people who balk at Rind’s conclusions have a protective impulse, but are afraid of being labeled out of touch, narrow-minded, or worse, hateful. So far this has been rather effective in helping normalize hooking up, same-sex marriage, and now transgender children. Perhaps it can work with the age of sexual consent and the moral legitimacy of sex between minors and adults.

I suspect it *will* work, eventually, since Americans seem particularly invested in deriving what they ought to do from what appears socially normative. And what’s normative in the domain of sex and sexuality is

simply downstream a few years from what is empirically demonstrable. *Obergefell* proved that.

Consent is not enough to constitute a sexual standard. But [neither are mutuality and pleasure](#), neither of which directly leads to flourishing and both of which can still spell downstream [harm, regret, and depression](#). In both of Rind's studies discussed here—albeit one with better and newer data than the other—the respondents largely claimed to have enjoyed their first same-sex sexual encounters (as teenagers) with adult men and women. But to say that a teenager is expressing sexual agency in the same fashion as an adult is ludicrous.

“No Differences” Again?

If Rind is right, the clergy sexual abuse scandal that rocked the Catholic Church and scandalized the world should be reinterpreted as a moral panic, at the bottom of which is no big deal, since the data suggest there are “no differences” in how such adolescent boys (and girls) have fared. Apparently, it is our contemporary lenses—and our penchant for stigmatizing—that are the problem. Indeed, Rind claims, poor outcomes “could arise because the anxiety, hostility, and suicidality associated with (child sexual abuse) compromise perceptions, decision making, and behavior.” In other words, negative consequences of first sex between a teenager and an adult may just be a social construction. A definition of sexual abuse, he plainly asserts, ought to be rooted in science rather than morality. He further claims that “social arrangements and contexts that support intergenerational relations (non-sexual as well as sexual) are sparse compared to the past.” He holds that sex between adults and minors was historically more common, but lacked a language in which to make reasonable sense of it.

While Rind is not talking about prepubescent sexual activity in these two studies, he is no respecter of a clear age of consent. [His 2014 study of first sex](#) also employed the Kinsey data, but explored sex between opposite-sex adults and boys or girls *under* age fourteen (as young as ten), concluding

much the same—that the enjoyment of such sex does not vary widely by age of respondent and that of their first partner. He writes: “. . . boys aged 14 and under with women nominally had the highest percent of enjoying first coitus a great deal (63%).” The data on girls were dramatically different, as anticipated.

We have collectively and wisely decided that ignorance of minor-adult sex, as many leaders have displayed in the past several decades, is no longer an option. Rind’s research can aid us in that. But concluding that the victims of such acts—and they are that, even if they recalled complicity and enjoyment—are no worse off is shortsighted and hence scientifically irresponsible. (For context, ten of the twelve outcomes Rind considers as measures of long-term flourishing of men are about their current sexual behavior.)

Why should we expect adults to recall their first such sexual event in the same way they experienced it when it actually occurred? In the NHSLs, 23 percent of those who now identify as straight said their first same-sex sexual event was “forced,” a sentiment repeated by not a single respondent who self-identified as gay. It’s possible that gay respondents may recall their first teen sexual encounter with an older man as more “wanted at the time” than they did when the event happened. Indeed, Rind quotes approvingly the notion that a first sexual experience “has a special power to shape future sexual and nonsexual adjustment.” Even as notions of the immutability of sexual orientation [continue to fall apart](#)—and not just about women’s sexuality—there remains an assumption about survey self-reports as being stable and retroactively valid. I see no reason to assume this. Indeed, we know [sexual identity self-reports are not stable](#).

Consent Is Not Enough

A decade ago, I would have had help with this kind of critique. But the “center” in the social scientific study of sexual behavior has collapsed. A surge in “sex-positive” research, of which the Rind studies are awkward but obvious examples, has helped silence moderates. What Congress readily

condemned in 1999 has become something Congress ignores, or is unaware of, in 2017. Scholars with misgivings about the wisdom of any sexual standard beyond consent sense little space in which to operate today. Meanwhile, a liberative science of sex and sexuality has exploded in popularity in the past decade, with the help of empathetic foundations—I'm thinking of Gill, Ford, and Arcus, among others—and even the indirect complicity of the National Institutes of Health and National Science Foundation. The resulting science tends to be weak in content but strong in effect, providing a growing list of plaintiffs with the “science” needed to shore up all manner of legal challenges to longstanding law. The success of *Obergefell* proved this effort could be fruitful. In 1999, Rind's claims and conclusions were thwarted in no uncertain terms. In 2017, I sense little interest in doing the same.

As I argue in my new book [*Cheap Sex*](#) (Oxford, 2017), consent as a legal shield from sexual harm is a rather lonely standard. With Rind's work published to little critique, the *age* of consent is faltering—now aided by multiple peer-reviewed publications. Such laws were meant to protect the innocent and shield the vulnerable, but instead of these longstanding concerns, values like sexual exploration and autonomy have begun to emerge as linchpins of a “healthier” sexuality at the same time as the language of public health and social science have come to dominate discourse in this domain. Bruce Rind seems to be a pathfinder whose task is to discern just how fertile the soil is for yet more socio-sexual change.

The late social theorist Zygmunt Bauman lamented that the “powers-that-be no longer seem interested in drawing the boundary between ‘right’ and ‘perverse’ sex.” Rind, on the other hand, concludes that “What is most important is not what current patterns may be (or should be), but what they can be.”

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