

SCHOLARSHIP ON PROBLEM SEXUAL BEHAVIOUR IN CHILDREN

METHODOLOGICAL AND IDEOLOGICAL DIFFICULTIES IN RESEARCHING CHILDREN WITH PROBLEM SEXUAL BEHAVIOUR

A number of the difficulties in gathering data on childhood problem sexual behaviour in the Australian context are evident in the international context as well. Ethical considerations place restrictions around research and analysis of children with problem sexual behaviours but there are also historical and ideological factors contributing to what amounts to a silence around this issue. Children engaging in problematic sexual behaviour is not a new phenomenon, nor is it something that occurs only in discrete locales where particular environmental or socio-economic conditions prevail. Problem sexual behaviour in children is a far greater issue than has been publicly acknowledged either internationally or in Australia⁷ and the continued failure to confront this issue in an honest and systematic way seriously jeopardises effective preventative and rehabilitative response.⁸

Prior to the 1990s problem sexual behaviour in children was often explained as “normal experimentation or developmental curiosity” (Veneziano and Veneziano, 2002, p. 247), and there is some concern that this thinking continues to pervade contemporary responses to child sexual activity (Ryan, 1997). Ideological constructions of childhood innocence contribute to a reluctance to admit that children are capable of engaging in sexualised behaviours that exceed commonly accepted developmental or experimental bounds.⁹ Indications that children might engage in coercive sexual behaviour have often been met with shock and denial. The lack of reliable national data on the prevalence of childhood problem sexual behaviour notwithstanding, reports from the media, community members, and service delivery providers all point to a serious problem in Australia. In their history of Child Protection in Australia, Dorothy Scott and Shurlee Swain argue that this has long be the case:

Research had always shown that the most common type of unwelcome sexual experience of children was that inflicted by another child or adolescent, but the issue had largely been ignored, perhaps because it was inconceivable that a child could sexually abuse another child. (Scott and Swain, 2002, p. 171)

⁷ The ACF has identified the “reluctance of parents, teachers and others to report to agencies any incidences of these behaviours in young children. Even if reports are made, the service system often fails to acknowledge the significance of the problem and frequently does not record reliable data” (Staiger, Kambouropoulos et al. 2005b, p. 3).

⁸ Difficulties in responding in Australia are exemplified by the fact that The Children’s Protection Society (CPS) introduced an Adolescent Sex Offender Treatment program in 1994, and found that “other agencies providing services to victims of sexual assault were unwilling to become involved with young offenders, despite the fact that many of these offenders were also victims of sexual abuse themselves” (Scott and Swain, 2002, p. 170).

⁹ Freda Briggs identifies the dangers associated with unquestioned ideals of childhood innocence when she writes “Children are made vulnerable by ignorance, which many adults mistake for ‘innocence’” (Briggs, 1989, p. 1).

The historical and ideological reasons for this kind of silence and denial are complex, and they continue to manifest in the lack of attention given child sexual assault compared to domestic violence and sexual assault against adults.¹⁰ Scott and Swain (2002) chart the slow process by which Australian agencies came to acknowledge the sexual assault of children as a major problem, and they go on to identify a similar delay in the recognition of problem sexual behaviour in children. “What is perhaps most surprising about children sexually abusing children is not the time it took to discover this phenomenon, but the lack of analysis it has received” (p. 171). This assessment is supported by the Doctoral research of Joanne Hatch, who argues that although sibling abuse is by far the most common type of intra-familial sexual abuse¹¹ this fact has been overlooked for decades in favour of an emphasis on father-child incest (Hatch, 2005). This pervasive culture of discursive silence and denial must be broken if Tucci’s recommendations regarding an increased investment in research and response are to be heeded (Tucci et al., 2006).

Neglecting research on childhood sexuality functions both to perpetuate dominant ideologies of innocence and to exacerbate the already significant gap in our understanding as to what constitutes developmental sexual behaviour. Contemporary researchers confronting the issue of problem sexual behaviour in children find that they are hampered by both this paucity of research but also by the inadequate and inconsistent understandings of what constitutes “normal” childhood sexuality and “problem” sexual behaviour. The ACF report that the result is a compromised response:

The lack of a conceptual frame for understanding children’s sexual development results in the potential for a number of different interpretations to be made about the behaviour and puts into jeopardy an effective system response. (Staiger, et al., 2005b, p. 3)

Definitions of “normality” and “deviance” are subjective and socially and culturally specific and, given the aforementioned socio-cultural sensitivities, definitions are all the more contingent in the context of child sexual activity. Nonetheless, the conceptual and legislative framework required for coordinated response to incidents of problem sexual behaviour requires that we distinguish between “developmental” sexuality in children and behaviours that might be considered problematic, either for the child initiating the contact or for the subject of their attention.

DEFINITIONS AND TERMINOLOGY

Although definitions vary most scholars agree that coercion and consent are central concepts in defining problem sexual behaviour in children. For Allan coercive sex constitutes deviant behaviour (Allan, 2005) as for Becker, who defines non-deviant adolescent sexuality as “noncoercive sexual interaction with a peer” (Becker, 1998, p. 197, qtd. in Lovell, 2002, p. 2). “Coercion” has come to be pivotal in Australian definitions as well. In their 2006 Australian Institute of Family Studies Issues paper on young people with

¹⁰ Child sexual assault is often subsumed by discourse on domestic violence. The term “family violence” is often reported as the term favoured by Indigenous people yet this term has also been criticised for subsuming, and perhaps euphemising, child sexual assault. The Gordon report provides commentary from Indigenous people who criticise “family violence” as a term that implies that it is a positive family activity.

¹¹ Hatch quotes two UK studies in support of this. The large sample survey conducted by the NSPCC revealed that sibling abuse is twice as common as that perpetrated by a father or a step-father. The predominance of sibling sexual assault comparative to father or step-father –child incest is also supported by the recent study conducted in the UK by Laurence (2000).

problematic sexual behaviours Cameron Boyd and Leah Bromfield adopt the U.S. scholar Ryan's tripartite model of analysis of the extent to which "equality, consent and coercion" are present in the relationship of the young people concerned (Ryan, 1997 qtd. in Boyd and Bromfield, 2006, p. 2). Boyd and Bromfield (2006) caveat this by emphasising that whilst these definitions are conceptually useful it is not possible to provide a standardised measure for determining behaviours as either "normal" or "deviant". The UK National Society for the Prevention of Cruelty to Children (NSPCC) is also reluctant to categorically polarise normal and deviant sexual behaviours in children. In her NSPCC report Elizabeth Lovell stresses the importance of considering childhood sexual behaviour in terms of a continuum so that "normal" or developmental activities are not wrongfully represented:

The sexual behaviour of young people can be seen on a continuum from mutually agreed experimentation to very serious crimes such as stalking and multiple rape. Many children engage in activities that form a normal part of their sexual development (Gil and Cavanagh-Johnson, 1993; Ryan and Land, 1997). Much of this behaviour is not abusive and forms an important and necessary part of the learning process. Other types of behaviour are harmful and not appropriate. (Lovell, 2002, pp. 1-2)

Although studies undertaken to date have been fraught with methodological difficulties including insufficient empirical data, difficulties with data set comparability, and definitional disparities, one aspect on which scholars agree is that to generalise about children who engage in sexually harmful behaviours would be non-representative and would likely be harmful in itself. Researchers seem to agree that this group of young people is heterogenous and that response needs to be multi-systemic and customised according to individual and contextual factors (Nisbet et al, 2005).

There is general consensus among scholars that to term juveniles "sex offenders" would have negative consequences in that the label would inhibit the impetus to change. It can also be argued that this term is not representative of the full spectrum of child sexual activity that is reflected in Lovell's notion of the continuum. Several researchers have suggested that the phrase "young people who engage in sexually harmful behaviours" better encapsulates the spectrum of activity whilst avoiding the punitive, paedophilic and pathological associations of the term "sex offenders" (Boyd and Bromfield, 2006, p. 2; Lovell 2002, p. 2; and Veneziano and Veneziano, p. 254).

For the purposes of this report the term "problem sexual behaviours" will be used in accordance with the preferred terminology of the ACF.¹² This term is favoured because "the child is positioned in relation to the behaviour rather than being 'totalised' by it . . . [and] the conceptualisation considers the impact of social and cultural factors" (Staiger et al., 2005b, p. 3). The concepts that underpin the ACF definition of "problem sexual behaviour" are slightly more nuanced than Ryan's emphasis on consent, coercion and equality. The ACF refer to the work of Cunningham and McFarland (1991) to "stress that sexual activity between children of any age that involves coercion, bribery, aggression or secrecy, or involves a substantial age difference" should be considered problematic and in need of attention (qtd. in Staiger

¹² In instances where other descriptions or terms are used these reflect the terminology of the author/s cited.

et al., 2005b, p. 8). Thus consent, coercion and equality remain central to ACF definitions, but problem sexual behaviour is also identified by sexual behaviour that contravenes family and community values, or that takes place out of context (i.e. in public):

There are three ways behaviour can be problematic. Firstly, the behaviour puts the child at risk, interferes with his or her development and relationships, violates rules, is self-abusive and/or is defined by the child as a problem. Secondly, the behaviour causes others to feel uncomfortable, occurs at the wrong time or place, conflicts with family or community values, and is abusive. Thirdly, the behaviour can involve coercion and unequal power. (Staiger et al., 2005b, p. 3)

On the basis of this broad definition and in reviewing the available literature on childhood sexual development the ACF use the work of Sharon Araj (1997) to chart common examples of problem sexual behaviour in children of various age groups. For children aged 0-5 years the following sexual behaviours would be characterised as problematic:

- Curiosity about sexual behaviour becomes an obsessive preoccupation
- Exploration becomes reenactment of specific adult sexual activity
- Behaviour involves injury to self
- Children's behaviour involves coercion, threats, secrecy, violence, aggression or developmentally inappropriate acts.

For children aged 6-10 years the following would constitute problem sexual behaviour:

- Sexual penetration
- Genital kissing
- Oral copulation
- Simulated intercourse

Children aged 10-12 years whose behaviour "involves sexual play with younger children" would cause concern. "[I]t is highly unusual and problematic for children of this age to be involved in sex play with younger children" (2005b, p. 3-8).

This provides a useful and much needed guideline but, again, it is important to consider that definitions of appropriate and inappropriate behaviours are subjective and culturally specific, and definitions of consent are often similarly contingent.¹³ Researchers need to resist the apparent comfort offered by fixed definitions or exhaustive lists of "normal" or "problem" behaviours. These cannot be assumed to reflect the complexity of childhood behaviour, and in each instance of sexual behaviour a whole host of contributing factors would need to be considered. It is also crucial that we acknowledge the implications associated with the use of these definitions outside of the context of clinical research.

¹³ This is exemplified in a recent major Australian sexual health study of 2,388 students (15-17 years-old) in which 14.9 per cent of girls reported that they had unwanted sex because "their partner thought they should" (Smith, 2003). This indicates the degree to which coercion characterises adolescent sexual experiences in the broader Australian population.

Varied interpretations of definitions, jurisdictional discrepancies as to the age of consent and the age of criminal responsibility, judicial discretion, and difficulties surrounding child legal statements all contribute to the problems associated with the term “consent”. Definitional quandaries such as these have long beleaguered effective research and response to problem sexual behaviours amongst children.¹⁴

Scott and Swain express concern that as problem sexual behaviour in children becomes more widely acknowledged (and necessarily so) it may “like other forms of child abuse, become reified as a social problem” whereby “counsellors and therapists colonise children’s sexuality as another area of child rearing that requires specialist expertise and control” (Scott and Swain, 2002, p. 171)¹⁵. These authors are firm advocates of a broader acknowledgement of, and more effective response to, problem sexual behaviour in children. Their important caveat is that societal panic and unstable definitions might result in childhood sexualities (in general) being pathologised.¹⁶ This is an important reminder of the fact that constructions of childhood innocence can indeed operate as something of a double-edged-sword of denial. Erroneous assumptions that childhood is universally characterised by pre-sexual innocence position children as beyond reproach, and thus risk factors to problematic behaviour might be overlooked. On the other hand, the reluctance to avoid pathologising childhood sexualities might, if taken too far, contribute to both our lack of understanding of the developmental stages of childhood sexualities and those acts that might be seen as excessive to developmental bounds.

¹⁴ This definitional and legislative instability is also a likely contributor to the current situation in Australia in which it is extremely rare that juveniles are prosecuted for sexual offences against other juveniles. The recent prosecution of Indigenous juveniles from Kulumburu is an exception, particularly in contrast with the more recent case in Far North Queensland. The six juvenile and three adult males who all pleaded guilty to the 2005 rape of the ten-year-old Indigenous girl from Aurukun received a warning and no criminal conviction. Although above the age of criminal responsibility these juvenile boys were assumed too young for even the suspended sentences awarded the adult offenders. District Court Judge Sarah Bradley’s speculative assertion that the ten-year-old victim “probably agreed” to have sex with the three adult and six juvenile males attributed the victim with the responsibility of granting consent five years prior to the time in which she would legally be deemed able to do so. This inverted logic demonstrates the difficulties associated with definitions of age of consent, actual consent, and age of criminal responsibility. Legislative confusion is reflected in Indigenous communities also. The NT Inquiry reported “many Aboriginal people were still confused as to the age of consent” (p. 71).

¹⁵ Judith Bessant and Rob Watts, amongst others, argue that in the early 21st century, children and young people “are one of the most regulated groups of people in Australia” (p.3). Nationally, there are 47 statutes dealing with child welfare and juvenile justice.

¹⁶ Jan Kociumbas provides a history of the means by which the sexualities of Australian children have been pathologised in a series of moral panics. Of particular relevance is the section entitled “Juvenile sexuality as a disease” (1997, pp. 135-147).