

**What Should you be When you Grow Up? The Politics of Generation,
Future Adulthood, and Moral Regulation of Sexuality in Liberal
Democracies**

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Abstract:

Part of a project investigating to what extent and by what means moral regulation is currently taking place in liberal democracies, this paper focuses on the resurgence of regulation of childhood and youth sexuality in Canada, the UK and the US amidst the considerable efforts, and some success, of feminist and LGBT movements to broaden notions of gender, sexuality and the family. I argue that, given the gains made by feminist and LGBT movements on rights and inclusivity of citizenship, the target population (Ingram and Schneider, 1993) for moral regulation of sexuality has become childhood and, more particularly, youth. While acknowledging the importance of different institutional structures (Smith 2008) and the complexity of the political process (Rayside 1998), the comparative analysis is based in the literatures of moral regulation, childhood and symbolic politics and, I argue, it is in understanding the symbolic that we may view the current regulation as a more general moral regulation and understand that 'family values' has a more substantial base beyond the contemporary mobilization of social conservatives. With evidence from debates and policy in Canada, the UK and the US, I locate the politicized identity of youth characterized by innocence, incompetence and providence, the last encompassing the preparation for a future adulthood that is very narrowly defined in stereotypically gendered terms of the ideal family. It is in this last notion of providence that I discuss the political and moral implications for women's sexual agency and equality and for sexual diversity more generally and outline why this form of moral regulation presents a significant political challenge to feminist, LGBT and youth activists.

Introduction

Stemming from the study of debates and discourses (Dauda, 2009) in the political process of raising the age of Consent in Canada this paper continues to explore how notions of generation affect contemporary moral regulation. In that study I argue that ideal notions of the childhood and adulthood as they relate to one another (generation) are politicized and manipulated for various political agendas in what I call the politics of generation. This paper explores one aspect of those notions of generation more thoroughly in teasing out the meanings of childhood as related to a future adulthood in what I call providential understandings of childhood. The paper then identifies and considers in comparative perspective how such notions are employed in recent regulation of young people's sexuality in the UK, US and Canada. The argument presented here is not a refutation of the importance of institutions (Smith, 2008) nor of the complex political process (Rayside, 2008) that shapes public policy outcomes. It is an attempt to demonstrate how understanding symbolic meanings and paying attention to their use in the political process can improve our understanding of how regulation of sexuality persists and even intensifies in new ways.

In considering providential notions of childhood in future adulthood, or, perhaps it is more accurate to say, future adulthood in childhood, and exploring how that future adulthood is imagined one comes to the understanding that contemporary notions of proper adulthood and , more particularly, the proper adult expression of sexuality, have a very broad basis in the

Anglophone West in utilitarian concerns of the state, academic concerns of the disciplines and moral concerns of social conservatives. While all of these influences still regulate adult behaviour indirectly, recent political gains for equal rights by feminist and LGBTQ activists have limited the scope for direct moral regulation of sexuality in liberal democracies. Yet, recent legislation regulating children and youth has extended surveillance and control over young people's sexuality. If considered from the perspective of the politics of generation, and particularly providential understandings of childhood young people become the perfect target population (Ingram and Schneider, 1993) moral regulation. Thus, one can demonstrate that this current regulation of young people's sexuality extends to society more generally in depicting, and at times enforcing, proper adult behaviour that reproduces norms of hegemonic heterosexual and gender relations. Moreover, considered from this perspective, one can demonstrate that this resurgence of moral regulation is not only the result of political mobilization by social conservatives but also the result of the deep well of symbolic notions and political convictions of generation that exists in the Anglophone West and to which explicitly moral notions of the family and sexuality readily adhere. In each case presented here it is notions of generation and particularly providential notions of childhood and future adulthood that inform and enable moral regulation of young people, precluding their competence and agency and extending moral regulation more generally into society.

Understanding childhood as future adulthood

Young people have become the target population for a renewed focus on moral regulation in the contemporary politics of the Anglophone West. What makes this population so vulnerable to regulation both in the family and by the state is the relationship of childhood to adulthood as it has been constructed in contemporary society. Helen Ingram and Anne Schneider have drawn attention to the importance of considering how these constructed and naturalized identities influence the public policy process. They argue that in the case of the United States, the state-building process has historically created groups that become target populations in policy making and that through public policy "government acts to exploit, inscribe, entrench, institutionalize, perpetuate or change social constructions" of such groups (Ingram and Schneider 2005, 5). They argue that children, as such, are considered dependent, without political efficacy and not the responsibility of government. Moreover, targeted populations often internalize and accept the identity and the resulting attention afforded them (Schneider and Ingram, 1997, 115), including efficaciousness. They argue that this can result in a degenerative pattern of policy making which "legitimizes and rewards strategic and even deceptive manipulation of images and arguments in the pursuit of private political gain" on the part of political leaders (Schneider and Ingram, 1997, 6). Having no substantial position from which to demand rights or political accountability children are particularly vulnerable to being both targeted and the target of degenerative politics, what I have termed the politics of generation. Therefore, it is important to understand what influences the shaping of specific notions of childhood and the adult/child relationship and what is their content.

In the last two decades there have been innovations in thinking about both children, in their real material circumstances and their own experience of childhood, and about childhood, as it is constructed temporally and structurally in specific social, cultural and historical

circumstances and institutionalized both in the family and in the regulations of the state. Yet, as Alison James and Alan Prout point out, “the conception of children as socially developing, with its emphasis on children as inadequately socialized future adults, still retains a powerful hold on the social, political, cultural and economic agenda” (1997, xiv). There are several arguments about why it is that the notion of childhood as future adulthood prevails. The disciplinary discourses developed throughout the twentieth century that emphasize the goal of adulthood play their part (James, Jenks and Prout 1998). For example, developmental psychology, most famously that of Jean Piaget, emphasizes specific stages of development that are standardized where the child is judged by the ability to attain ‘adult’ rationality. Freudian assertions that ‘abnormal’ adult behaviour is rooted in childhood looks to a past that is responsible for the present adult and, as James, Jenks and Prout point out, this may open up the potential for adult explanations but leaves a narrow concept of childhood as “no more than a state of unfinished business” (1998, 21). Both these discourses focus on notions of generation, how childhood relates to adulthood, rather than on how childhood is experienced. Thus, childhood is pre-social with the potential of arriving at a socialized adulthood and its relationship to social context and structure remains unexamined.

Still, when the examination of childhood is put into a social context in the sociological models of the twentieth century the emphasis has been on adulthood (James Jenks and Prout, 1998). Theories of socialization focus on conformity to social norms as a measure of how children acquire competence. James, Jenks and Prout point out that prominent ideas of childhood emerge with the work of theorists, such as Talcott Parsons, in which childhood is seen as the period in which a pattern is set for adulthood. External regulations lay down a foundation in childhood that does not change remarkably in adulthood (James, Jenks and Prout, 1998, 24). They argue that even transactional analysis that focuses on group dynamics and social interaction, which might consider the actual experience of the child, starts from the “baseline of adult interactional competence” (James, Jenks and Prout, 1998, 25). Rather than dichotomizing the child/adult relationship as pre-social versus social these discourses characterize it as social incompetence versus social competence; both pre-social and social explanations leave little room for intentional behaviour and agency on the part of children.

Even discourses of children’s rights are vulnerable to these notions of childhood as future adulthood. Tom Campbell (1992) argues that both the conventional theory, that rights arise from autonomous, rational and independent individuals, and the interest theory, that they arise from interests the respect of which must be required and set down in law, bypass the intrinsic rights of children and rely on characterizations of childhood as future adulthood. The former denies rights to children because of their lack of capacity but allows for a proxy, usually the parent but also the state. The latter takes children’s interests as the basis of rights but these tend to be instrumental rights where the power is still given to others, both to implement rules but also provide correctives when the rules are violated. It also leaves open the question as to how interests are defined and who defines them. Without a clear sense of the intrinsic worthiness of children’s ability to bear rights themselves, interests can be defined as the interests of the future of society or the future of the particular child and both lead to the slippage into future adult. In the former it is the future adult who will take their proper place in society that is of interest; in the latter, it is the future person and, as Campbell points out, “the current interests of the child are often

subordinated to the training needs of the future person” (1992, 20). Campbell argues that “in the shadow of this future, children’s lives are governed and moulded often to an extent which involves real suffering and deprivation during the years of childhood” (1998, 16). Thus, the characterization of childhood as future adulthood can have some grave implications.

All of these approaches have what can be termed a providential understanding of generation that structures childhood as incomplete in relation to adulthood. Here providence is defined as foresight, as an anticipation of and preparation for the future and, finally, as prudent management, government or guidance. While this idea may have some basis in Christian, particularly Protestant, notions of divine providence it is the secular meaning that is used here. Nevertheless, divine providence, which proclaims the foreseeing, caring and guardianship of God over all creatures and provides a rationalization for order and governance, has an important history in the Anglophone West and is still important in some contemporary social conservatism.¹ There is no doubt that the close connections between notions of divine providence and notions of order in the family, the state and the disciplines in modernity create powerful and complex symbols ripe for political use; this understanding of childhood in terms of future adulthood is the basis of much public policy.

In the last two decades much scholarship on children and childhood has been dedicated to analyzing how childhood is constructed and made meaningful socially, culturally and historically and how notions of childhood shape and are shaped by institutions and public policy in what Alison James and Adrian James (2004) refer to as the cultural politics of childhood. These scholars also stress the agency of children and young people both in how their behaviour is shaped by institutions and policies and how they negotiate within and/or because of those limitations as they cope with social change (for example, Qvortrup et al. 1994; Wyn and White 1997; Scraton, 1997; James and James 2004; Qvortrup, 2005). Barry Goldson argues that the dependence of children on adults is seen as the essential social arrangement, a natural model in which children are reduced to “potential citizens” (1997, 18). In contemporary law this relationship is established by various age limits and,

Law and policy work empirically to ground, control and legitimate these as somehow ‘natural’ age-based, status differences and in doing so, to make them more resistant to challenge and critique (James and James, 2004, 35).

These studies demonstrate that notions of generation, that establish the child as incomplete and incompetent and the adult as complete and fully competent, animate the institutions of education, health, criminal justice and welfare (within the family and the state), and the regulations guiding them. In doing so they shape relations of power where adults exercise their power in the interests of the child, often characterized as protection, and the agency of children is proscribed.

Future Adulthood and Sexuality

When it comes to sexuality, the development from childhood to adulthood in the Anglophone West requires complete passivity on the part of children with the goal of a very narrowly defined adulthood. Sexuality is seen as adult-only and any agency and independence on

¹ Divine providence has been used historically for defending imposed order, whether in the name of an elite hierarchy or a democratic one and certainly forms some basis for evolving secular order (see for example, Baker, 1988; Bellah, 2005 (1965); Nash, 2008).

the part of children is censured (Lehr, 2008). Children are characterized as innocent and defenseless and Jenny Kitzinger (2001) argues that not only does this make children more vulnerable to adult power but also stigmatizes the ‘knowing’ child as damaged goods. Danielle Egan and Gail Hawkes (2008) analyze this contradiction using Michel Foucault’s analysis. They argue that, in its characterization, childhood sexuality is both present, biologically, and absent, physiologically. In this latent state there is always the possibility that it may materialize, always from an external cause, and, in that case, it needs to be controlled as it is a threat to the broader social order (Egan and Hawkes, 2008, 357). Given this characterization of childhood sexuality, the sexualization of youth in popular culture, particularly of young girls, is viewed as improper sexualization, coming as it does from “unsanctioned sources or, worse, from within the imagination or experience of the young” (Hawkes and Egan, 2008, 199). Karen Corteen and Phil Scraton point out that, “the denial of childhood sexuality is an essential component of the broader negation of children and young people as active citizens” (1997, 98). The limited acknowledgment of rights that is sometimes accorded young people in health promotion, they argue, does not adequately address the issue of agency. As Egan and Hawkes point out, the sexual rights of children are “often singularly framed as the right of protection but rarely do these conversations turn toward the equally important right of sexual agency” (Egan and Hawkes, 2008, 365). Gender relations are central here as the heterosexual family model remains the norm and parental responsibility for children’s sexuality is that it “proceed towards its ‘normative’ monogamous productive end” (Egan and Hawkes, 2008 357). It is this narrow conception of the proper expression of adult sexuality that informs the proper sexualization of the future adult.

The proper expression of adult sexuality within the heterosexual family norm has been the basis of moral regulation in the Anglophone West in modernity, both in the utilitarian concerns of the state and in the broader concern for proper conduct and self regulation in a well-ordered society. While Philip Corrigan (1981) eschews a direct connection between economic relations and social control, he argues that state formation as well as the structural relations of capitalism and individualism are fundamental in shaping prescriptions, or codification, of moral conduct which also involves a positive agency in the internalization and consent of individuals (see also Corrigan and Sayers, 1985). However, Mariana Valverde (1991) de-centres regulation arguing that, in the Purity Movement of the late nineteenth and early twentieth centuries in Canada, the middle class acted to constitute itself as the model for citizens and this became the standard for proper conduct. Against that standard, religious and women’s groups focused on the moral degradation of mostly adult women, whether it was because they were single, poor, or inadequate mothers, or all three, and remedies ranged from birth control to hygiene (Valverde, 1991; Strange and Loo, 1997; McClaren and McLaren, 1997; Little, 1998). This movement in Canada was highly influenced by the one in Britain and had its counterpart in the United States (see Odem, 1995, Larsen, 1997).² Nicholas Rose’s (1989) study of the disciplines in the

² Jane Larsen critiques Mary Odem’s argument and argues that reformers did not view regulation as policing women’s sexuality so much as addressing gender inequality, particularly the unequal consequences for young girls who were damaged socially through loss of reputation. She argues that reformers were more concerned with structural inequalities of gender and were more persuaded by the real-life experiences of adolescent women than cultural myths of violated

Anglophone West reveals another powerful de-centred source of moral regulation that locates adult sexual expression within a reproductive, heterosexual and monogamous norm. Rose argues that the 'psy' disciplines in the Anglophone West have established self-evaluation and self-regulation towards this 'norm' as the *responsibility* of the family and argues that the critique of feminism as well as the breakdown of the consensus over welfare in the late 20th century did not negate this ideal form of the family built up in the nineteenth and twentieth centuries by these discourses and practices. Other feminist scholars argue that often this norm was regulated through state coercion, rather than consent, when it came to girls and women. In Canada, Joan Sangster argues, young women's promiscuity was highly policed by the state while incest was mostly ignored since the sanctity of the family prevailed (Sangster, 2001). Dorothy Chunn argues that direct state regulation through family courts "reproduced, or attempted to reproduce desired [middle] class and gender relations in deviant families" (1992, 167). So, too, in the US, young women were more often incarcerated for having sex than their partners were for statutory rape (Oden, 1995; Ehrlich, 2006). In both cases, race as well as gender was a factor as girls and women of colour were treated differently (Larsen, 1997; Sangster, 2001). Likewise, as Judith Walkowitz (1992) points out, attempts in the late nineteenth and early twentieth centuries in the UK to protect young working class girls through age of consent led to a censure of their sexuality and erased their real experiences and agency at the time (see also Gorham, 1978).

In this narrowly conceived version of proper adult sexual expression, homosexuality, particularly male homosexuality, is precluded. Various terms such as 'gross indecency', 'unnatural offence' and 'buggery' in the Canadian *Criminal Code*, homosexual activity 'in private' between consenting adults over the age of twenty-one was legalized in 1968 and the age of consent for anal sex remains at eighteen.³ The proper sexualization of young men has been of concern in Britain where, along with raising the age of consent to sixteen in 1885, politicians also included the Labouchère Amendment which replaced the offence of buggery with the criminalized of all sexual activity between men (Waites, 2005). A later amendment in 1922 criminalized any sexual activity with minors under the offence of 'indecent assault' which, Matthew Waites argues, was aimed at lesbian activity. In 1967 the UK legalized homosexual activity between consenting adults over twenty-one as long as it was in private. Waites has pointed out that the term 'private' led to considerable harassment in public places such as public baths or gay bars (2005, 106) as it did in Canada. The age of consent discriminated against young gay men in Britain until 2000

women (Larsen, 1997, 13). The law, however, was a blunt instrument that could not address the systemic inequality in American society. Thus, young women, cast as victims in losing their innocence but as villains after they had lost it, were more often incarcerated for lack of chastity than their young male partners were for violating statutory rape laws (Oden, 1995, Ehrlich, 2006).

³ In Canada: S. C. 1892, c. 29, s. 178; S. C. 1892, c. 29, s. 174, 175; S. C. 54, c. 51, s. 147; S. C. 1968-69, c. 38, s. 7. History of Canadian Sexual Assault Legislation (<http://www.constancebackhouse.ca/fileadmin/website/index.htm>). England and Wales only in the UK. The law was extended to Scotland and Northern Ireland only in 1980 and 1982, respectively (see Waites 2005).

when it was ‘equalized’ at sixteen. The US federal structure allows states to legislate criminal law and so discriminatory legislation is more complex (Smith, 2008). Sodomy laws remained on the books of thirteen states until the *Lawrence* decision in the Supreme Court in 2003 (Smith, 2008, 136-142).⁴ Don Ronesberg (2008) argues that in the first half of the twentieth century there was some tolerance for white boys going through a ‘homosexual phase’ in adolescence (no such tolerance for immigrants or black Americans) but adjustment into maturity was expected. Sexuality, race and democracy were fused into a model of mature whiteness and citizenship that included “romantic, companionate heterosexual marriage, a stable loving family life, and civic concern and participation” (2008, 434). In the disciplines, homosexuality was considered a mental illness until the 1970s and, although it has been removed there is still much controversy in how non-heterosexuality and non-conforming gender behaviour is treated (see Sedgwick 1991; Ryan, 1997). In the space of a century, from the late nineteenth until the late twentieth centuries, a powerful heterosexual norm of acceptable expression of adult sexuality was established .

Finally, the codification of proper conduct through utilitarian concerns of the state, as explained by Corrigan (and elaborated in Corrigan and Sayer 1985), and its recodification in the turn to neo-liberalism (Brodie, 1996) has powerfully reinforced this norm for proper adult expression of sexuality in the reproductive family. Familialism, the dependence on the family for social reproduction, dominated social policy in liberal democracies up until the 1930s, reproducing unequal gender relations and demanding the coherence of the heterosexual nuclear family (O’Connor et al., 1999).⁵ Noting that there was never a consensus among feminists in Canada about the welfare state as a vehicle for bringing about gender equality, Janine Brodie (1996) argues that, nevertheless, the turn to neo-liberalism has re-emphasized women’s domestic role in the family. The recodification of proper conduct in the turn to neo-liberalism is located in a refamilialism which was the “dominant thread running through the moral regulation of the 1990s” (1996, 22). Social policy plays a direct role in shaping women’s behaviour through welfare provision, especially that of single mothers (Timpson 2001; Chunn and Gavigan, 2004). Angela McRobbie (2007) argues that social policy under the Blair government in the UK reveals a new sexual contract in which young women have the sexual freedom formerly accorded to men but are expected to be model reproductive actors. McRobbie argues that social policies are shaped so that a young woman “does not reproduce outside of marriage or civil partnership” (2007, 732). Viewed as depriving their child of the human right to a father, single mothers are “now more harshly judged for inappropriate reproductive activity” (Mc Robbie, 2007, 732). Likewise, American reforms, aimed at cutting back on welfare payments that create disincentives for the market, have shaped notions of proper adult sexual expression. In an exhaustive review of federal funding and state welfare programs Anne Marie Smith (2002) demonstrates that under the

⁴ Police in Texas, upon entering a private dwelling for other reasons, came upon two men having sex and charged them under the sodomy statute. While the appeal court upheld the lower court ruling, the Supreme Court found that the petitioner, Lawrence, had been deprived of freedom in his private life and found the statute unconstitutional.

⁵ For a discussion of the consequences for women in both the classical and Post-WWII reform periods liberal reform movement of the twentieth century see O’Connor et al., 1999.

1996 welfare reforms of the Clinton Administration state policies, from tracking out-of-wedlock births to new paternity identification procedures to abstinence outside of marriage promotion, target adult sexuality. She argues that states' "efforts to correct 'sexual deviance' and family structure 'pathologies' among the poor have never been so well codified, coordinated and funded by the federal government" (2002, 210). While it may be a temptation to blame the resurgence of regulation of sexuality, now targeting young people, on the political mobilization of social conservatism since the 1980s, it is clear that the establishment and reproduction of the 'family values' of the new right has a more far-reaching and robust foundation in liberal democracies. Utilitarian concerns of the state dovetail with and often complement the socially conservative focus on the family of the new right arising over the past three decades. What is new is that activists of the new right articulate these well-established norms and use their symbolic content in a much more explicit and explicitly political and moral agenda.

The political mobilization of social conservatism happened much earlier in the UK and the US than in Canada but in all three cases it has reinforced symbolic notions of the family in its narrowly conceived heterosexual monogamous form. Social conservatives found a political home in the 1980s in the Conservative Party in the UK and the Republican Party in the US under Thatcher and Reagan respectively. While socially conservative groups were active in Canada in the 1980s, it was not until 1993 that they had a political voice in the Reform Party and also in Reform's successors, the Canadian Alliance (in 2000) and, finally the Conservative Party of Canada under Steven Harper (in 2003), the current Prime Minister (Dubinsky, 1985; Cairnes, 1993; Farney, 2009, Malloy, 2009). These groups and the political parties they affiliate with often have association with religion and have a history of campaigning against women's rights, whether moving beyond a domestic role of motherhood or acquiring reproductive rights, and gay rights (see Herman, 1994; Bashevkin 1998; 2009; Bean et al., 2008; Behiels, 2010). However, the ability to impose direct moral regulation on adults has dwindled. Formal women's rights, including the right to abortion, are difficult to rescind (although abortion is restricted in the US through lack of federal funding and the equal rights amendment failed to pass). Persistent activism and use of the courts has resulted in the establishment of gay and lesbian rights in all three countries (Moran, 2005; Smith 2008; Rayside, 2008). Perhaps the most egregious legacy of the Thatcher years was Section 28 of the Local Government Act instituted in 1988 forbidding the use of government funds for the 'promotion' of homosexuality as 'a pretended family relationship' and precluding social services for those families (Waites, 2005, p. 159). Section 28 was repealed in 2003 and civil partnership accorded gay and lesbian couples the same rights as heterosexual couples in 2005 (Moran, 2005). Likewise, the legalizing of gay marriage was the culmination of the achievement of comprehensive gay rights in Canada in 2005. Activists in the US face a more complex task as conservative groups take advantage of the federal structure and organize at the local level to prevent change. Therefore, progress towards formal recognition has been slower (Smith 2008). As mentioned, sodomy laws were struck down by the Supreme Court only in 2003 and gay marriage is available in only a few states. Targeting children and young people for direct regulation has been a tactic for conservative groups that consider the family to be threatened. However, these new restrictions answer not only the moral concerns of religious and other groups but also speak to the political objectives of other constituencies. What they all have in common is the use of symbolic notions of generation, including providential

understandings of childhood, to rationalize such constraints.

Targeting Future Adulthood in the Contemporary Regulation of Young People's Sexuality

While the scope for direct moral regulation of adult sexuality has narrowed there has been a resurgence of direct regulation of sexuality with regard to children and young people. These measures include equalizing the age of consent and passing a new sexual offences act in the UK, raising the age of consent in Canada, and passing amendments to statutory rape laws as well as establishing federally funded abstinence programs in the US. While the rationale for these measures is presented as protection for children in all three countries, the framing of the issue in terms of moral harm differs in each case. In the UK the debates over equalizing sexual consent for both homosexual (previously set at eighteen) and heterosexual (set at sixteen in 1885) sexual activities at sixteen has focused on the danger of homosexual activity to young people but young men in particular. However, broader legislation resulting in the *Sexual Offences Act* of 2003 referred to adult sexual predators in general. In the first case LGBT activism provided the catalyst for equalizing after an EU court decision put the UK in violation of European Convention on Human Rights. In the second, the Blair government, mandated to modernize sexual offences in compliance to the EU and protectionist groups (child advocacy, feminist and conservative) provided the catalyst. In Canada the harm centred on adult sexual predators, especially internet predators and child pornographers, often referred to as pedophiles.⁶ The Conservative Party of Canada allied closely with victim advocacy, pro-family and religious groups as well as police associations to dominate the debates. Although there is concern for adult sexual predators in the US, also referred to as pedophiles, and for the sexualization of children, the dominant harm is that of teen pregnancy and a general atmosphere of permissiveness brought on by birth control but, in particular, by abortion. In the US political process a combination of fiscal and social conservatives in government and in pro-family and religious groups in civil society have spearheaded legislation for the purposes of cutting back on welfare, which is seen to fuel such behaviour, and promoting chastity in preparation for a monogamous future (Cocca, 2002, Ehrlich, 2006). In both the US and Canada, while there is an underlying rejection of sexual diversity, the focus is squarely on protecting adolescent girls and, through them, the heterosexual family norm. What is significant in all three countries is that moral discourses of conservatives on the family and sexuality are enabled and supported politically by the broad, robust and resilient foundation of 'family values' in liberal democracies and an important component contains providential ideas about childhood that direct attention to an idealized future adulthood and preclude the actual experiences of children and young people as well as their agency.

While LGBT activists framed equalization arguments in the UK in a discourse of rights, forcing conservatives into that framework; but providential notions of generation harboured within the debates reveal the limits of the rights discourse. There is no doubt that a very socially conservative and openly homophobic discourse dominated the opposition to equalization in the UK, indicating a heterosexual norm as the measure of proper adulthood (Waites, 2006; Ellis and Kitzinger, 2002). Religious opponents (Church of England) emphasized the sinfulness of

⁶ Evidence for Canada is based on a study of the debates in Parliament and parliamentary committees for Bill C-22 and Bill C-2 taking place between March 2007 and February 2008.

homosexuality while secular arguments identified the abnormal character of homosexuality as contributing to the erosion of the heterosexual family that is the foundation of a moral society (Ellis and Kitzinger 2002). Opponents characterized male youth as endangered and incapable, even more so than girls (thus, the need to retain a higher age for boys), and vulnerable to older homosexual men who made them do what they did not want to do; their need for protection and care must be put before rights (Ellis and Kitzinger 2002). However, the convincing discourse that enabled a broad coalition of supporters for equalization was based on developmental notions of children that also harboured providential notions of a preferably homosexual-free future adulthood. Biomedical models that designated sexual identity as already set at the age of sixteen were instrumental in building compromise and consensus but at the same time reinforced the idea that same-sex relations are acceptable only *after* there is no longer a threat to adolescent sexual development, thus equality was combined with the notion of containment of homosexuality (Waites 2005). The coalition was also kept together by the argument that equalization did not necessarily lead to gay marriage. Thus, the prohibition and criminalizing of sexual activities under the age of sixteen is predicated on a prescribed future adulthood. However, what is also made clear is that the rights discourse has little salience for young people who are completely separated from adulthood as articulated in the discourse of protection.

The containment message, harboured in the arguments for equalization, and the protection discourse of critics recuperated paternalist discourses and had repercussions for the Labour government's modernization of sexual offences in 2003 (Epstein et al. 2000). The modernizing done in the UK is similar to the modernizing of sexual offences in Canada in the 1980s when feminists also were concerned that gender inequality be addressed, particularly within the family. In both cases sexual offence was extended to that of 'exploitation' when in positions of authority and trust and the age for protection from this type of exploitation extended to eighteen. However, as was the case in Canada, the law, in liberal utilitarian tradition, individualizes offences so that systemic issues, particularly unequal relations in the family, are not addressed and violence against children is separated out from them; at the same time the law limits the consensual activity of those targeted for protection (see Gotell 1996; Levan 1996). Vanessa Munro (2007) argues that the law can deal with concrete physical or material harm but has not developed a method of judging nuances of harm required to address systemic issues of power beyond making moral judgements of community standards or religious convictions of sin. It is here that feminist arguments are vulnerable to conservative discourses of paternalist protection that invoke gender stereotypes of inequality (also see Oberman 2000 on the American case). In the debate over the new sexual offences legislation of 2003 in the UK the moral traditionalist argument introduced the need to protect girls and displaced children (boarding schools, foster homes, step-families) from paedophiles and found common ground with protectionists groups. The undercurrent of dangerous homosexuality remains within this protectionist discourse and, as Epstein et al. note, "the heterosexual nuclear family, a pervasive site of child abuse, is missing" in these notions of harm (Epstein et al. 2000, p. 15). Moreover, influenced by the UN definition of 'the child' as anyone up to age eighteen, legislators have drawn stark child/adult boundaries as 'under 18s' and 'over 18s' and this marks, Waites argues,

“a significant symbolic shift, giving age boundaries extra rhetorical impact” (2005, p.190).⁷ Without a close-in-age exemption, discretion is left to the police and court officials whether to go forward with cases of ‘under 16s’ and there is no discretion for ‘over 18s’. Here we find a period of childhood prohibition for the purpose of entering into a properly sexualized monogamous and heterosexual adulthood; yet, adulthood at eighteen is also portrayed as somehow contaminated and suspect, rather than complete, competent and coherent. Thus, the political manipulation of symbolic notions of generation abound.

In the US the increased attention on a combination of statutory rape laws and abstinence education has provided the framework for establishing childhood as a very limited if not prohibitive space for sexualization in preparation for future adulthood. Age of consent is not a consistently used term in the US because it is predicated on the offence of statutory rape which criminalizes sexual relations with unmarried persons under the age of consent. Most states have age limits between sixteen and eighteen. While most states have age spans between two and five years (termed close-in-age exemption in Canada), seven do not⁸ and of those that do, sixteen states prosecute close-in-age offenders under the lesser charge of a misdemeanor.⁹ States have also adopted public sexual offender lists with no special provision for young people. Cocca points out that, depending on the state, a sixteen-year-old boy convicted of having sexual contact with his fifteen-year-old girlfriend may end up on a dangerous sexual offender list (2006, 21). Citing the case of the charging, conviction and registering on a sexual offenders list of an eleven-year-old under very dubious evidence of childhood sex play, Franklin Zimring (2004) argues that often the laws are used for purposes that were never meant by the drafters of the legislation. However, there is evidence that, in fact, legislators do understand and use the symbolic notions of childhood innocence and providential understandings of childhood as future adulthood as a political tactic for various political goals.

Conservative moral discourses have effortlessly adhered to neo-liberal¹⁰ concerns in

⁷ No children can be charged with ‘sexual activity with a child’ since that offence is only for ‘over 18s’. However, ‘under 16s’ can still be charged with indecent assault (sexual activity other than intercourse) and put on the Sex Offences Registry and sixteen- to eighteen- year-olds can be charged with ‘child sex offences’ with ‘under 16s’. At the same time, the new crime of ‘sexual grooming’ ‘protects’ ‘under 18s’ from ‘over 18s’ and taking an indecent photograph of ‘under 18s’ (previously under 16) by ‘over 18s’ is also a crime (Waites, 2005).

⁸ Kansas, Massachusetts, Michigan, New Hampshire, South Carolina, Vermont and Wisconsin (Cocca, 2006: 22, 23).

⁹ Arizona, Arkansas, California, Illinois, Indiana, Missouri, Nebraska, Nevada, New York, North Dakota, Ohio, Rhode Island, South Dakota, Texas, Virginia and Wisconsin. See: <http://sexoffenderissues.blogspot.com/2009/01/age-of-consent-chart-for-us-2009.html>.

¹⁰ Always referred to as ‘neo-conservative’ in American discourse in which the notion of ‘liberal’ makes reference to positions on the left .

American efforts to regulate young people's sexuality but as the focus has become more centred on adolescents and adolescent pregnancy even larger coalitions have become possible and providential understandings of childhood in relation to adulthood and future adulthood are important in this alliance (Cocca, 2002). During the Reagan years single mothers, who were demonized as 'welfare queens' became the target of both social conservatives interested in creating moral order through state regulation and the family and fiscal conservatives opposed to the welfare state and were particularly. However, the linkage to teenage pregnancy provided a better opportunity to regulate sexuality through statutory rape laws. A Supreme Court decision in 1981¹¹ upheld gender-specific statutory rape laws according to which only males could be perpetrators and defended the decision by stating that prosecution would be a deterrence to having sex for young males, just as pregnancy was for young females (Cocca 2002). Cocca argues that this paved the way for a resurgence in the 1990s of debates about of single mothers but this time linking statutory rape to teen pregnancy. As opposed to the 'welfare queen' image, this time the imagery was of an innocent, teenage girl sexually exploited by an older predatory man.¹² Cocca argues that feminist and family planning organizations could not counter such a powerful discourse while conservative groups welcomed the chance to gain broader political support for conservative family values, including the re-institution of parental authority. She quotes Matt Daniels of the Massachusetts Family Institute as commenting that,

[W]e are losing badly in the social debate, so we have to find ways to reframe that debate. The statutory rape issue allows us to do so. It puts us on the side of women, on the side of children. It puts the other side on the defensive (as quoted in Cocca, 2002, 67).

The symbolic meaning of protection for adolescent girls from adult male predators has a prohibitory effect on opposition and gives conservatives the advantage of political shaming; as Hawkes and Egan (2008) point out, anyone who challenges these notions is seen as an apologist for sexual exploitation of children. It is on this basis that Congress was able to pass sweeping welfare reforms¹³ that included millions of dollars in funding for state prosecution of statutory rape cases of pregnant teenagers and for abstinence-only education. However, once pregnant, teenager girls are no longer innocents to be protected but are expected to be adults under the stringent welfare provisions of self-help since taxpayers should not have to pay for teenagers

¹¹ *Michael M, v. Superior Court of Sonoma County* (450 U.S. 464 [1981])

¹² Cocca (2002) cites and analyses a Guttmacher study, *Sex and America's Teenagers* (1994) that was widely used and argues that the statistics about older men never had data more age specific than "over 20" and had a number of methodological problems, one of which was that it did not cite known national statistics that teen pregnancy was declining and another that a significant number of teenage mothers in the aggregated data were over eighteen and often married.

¹³ The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 that established block grants for to states called Temporary Assistance to Needy Families (TANF) referred to earlier in the paper by Anne Marie Smith (2002).

mistakes (Cocca, 2002).¹⁴ Such is the politics of generation. Many states have complied with considerable zeal. For example, in the 1996 State of the State address California's governor announced that the state's focus would be on teenage pregnancy which is, "a social problem considered so dangerous that it threatens every facet of life in California" (as quoted in Cocca, 2002). Although the California legislature did not get a bill through that would have explicitly made pregnancy, alone, a sufficient cause for prosecution and conviction of statutory rape (whether relations are consensual or not), the present practice in California reflects this spirit. Cocca reports that educational and health professionals are bound to report such cases and statutory rape prosecutions are ten times what they were (2002, 69). At the same time funding for abstinence only education in the 1996 Clinton national welfare reform, supplemented by faith-based funding under the Bush administration, provides direct funds to pro-family groups that use fear (of pregnancy and STDs) and shame (becoming damaged goods) as tactics and hold girls responsible for boys' behaviour since they "have far less natural desire and care about developing the emotional dimension of a relationship" (Ehrlich, 2006, 178). Not only does the legislation reproduce gender norms but it also speaks to notions of generation that grant no agency to young people and powerfully delineates very particular and narrow expectations for future adulthood enforced through the state and the family.

The legislation to raise the age of consent from fourteen to sixteen in Canada was a Conservative Party initiative but by using the frame of protection and emphasizing the innocence of children in the face of child predators, particularly internet predators, the measure achieved broad support in Parliament. The Conservative party under Steven Harper, himself a 'values' Conservative, gives a lot of credence to social conservatives, especially religious groups, yet also has strong neo-liberal policies. Both of the party's predecessors, the Reform Party and the Canadian Alliance, suffered at the polls because of socially conservative views, as did Stephen Harper as head of the new Conservative party in the 2004 election. Since then Harper has controlled the public rhetoric and many of his measures, like cuts to arts organizations and gender advocacy groups can also be viewed as cost-saving measures (Malloy, 2009). Harper uses this ambiguity in order to gain power, particularly in order to gain an eventual majority. In amending the criminal code, the Harper government avoided controversy of dealing with Section 159, which puts the age of consent for anal sex at eighteen, by omission and used the symbolism of childhood well by directing attention to the protection of *all* children from adult predators. Although social conservatives in the party and their allies would have preferred no close-in-age exemptions, the Harper government adopted them (under two years for twelve- and thirteen-year-olds and under five years for fourteen- and fifteen-year-olds) in order to get the opposition Liberal Party on board. Thus, we can observe that there is not the complete prohibition present in Canadian notions of childhood as in the other two cases. Although they had a minority government, the Harper government was confident in its secular argument of protection and one cannot rule out the shame factor in opposing the protection of children against adult sexual

¹⁴ Although teenage pregnancy was not a main issue for the sexual assault legislation in the UK, the same is true for attitudes and government policy there. Adolescent girls are considered innocent and in need of protection until they get pregnant. Then they are expected to follow programs to make them productive adults in the workforce (Monk, 2007).

predators. The Conservative Party has demonstrated well its capacity to bully through negative publicity and political advertising and, subsequent to this legislation, has done so on this issue as it tries to push through a law and order agenda (see Leblanc, 2009). Although New Democratic Party and Bloc Québécois members questioned conservative discourse in the hearings, all parties agreed to the legislation and so no formal vote was needed in the House of Commons. This demonstrates the power of the notions of generation and how useful the political manipulation of such notions is.

While Canada's move to raising the age of consent from the age of fourteen for the first time since 1890 seems more dramatic, the modernization of sexual offence laws in 1988 had already augmented regulation beyond sexual intercourse to any form of sexual activity with the new offences of 'sexual interference' and 'invitation to sexual touching' (MacKay, 2000). Also, pressured by provincial concerns about child pornography, and purportedly wishing to fulfill obligations under the optional protocol of the United Nations Convention on the Rights of the Child to prevent exploitation of children, the Liberals passed additional legislation in 2005. This amendment¹⁵ expanded definitions of child pornography to any material depicting persons under the age of eighteen for sexual purposes; audio recordings were included to respond to concerns about new technology (MacKay 2004). The law increased penalties and broadened considerably the offence of sexual exploitation of young people under the age of eighteen in authorizing judges to 'infer exploitation' based on the nature and circumstances of the relationship, including the simple criterion of age. In this legislation even the close-in-age exemption is waived if exploitation is 'inferred' and any person who permits such sexual activity or solicits it also commits an offence (MacKay, 2004). This is very similar to the "under 18s", "over 18s" designation in the UK and steps up the responsibility of surveillance by adults. Raising the age of consent from fourteen to sixteen was another step in escalating regulation of young people's sexuality in Canada.

In the proceedings the dominant discourse, presented in high rhetoric by Conservative Party members and their allies (one advocate calling Canada a "pedophile haven" in which children were being raped by foreigners, mostly Americans, every minute¹⁶), was that of protection and so opponents forced to use a language of protection that automatically assumed little agency on the part of young people. Opponents argued that raising the age of consent would deprive young people of protection as it would deter them from seeking sexual health advice and also would make it hard for professionals, who are bound to report sexual abuse, to maintain confidence with them. LGBTQ objections to Section 159 were easily silenced as it was outside the scope of the legislation and the only youth-led group taking part was effectively marginalized. Keeping to the protection framework enabled conservatives to focus attention on the harm and away from the assault on young people's agency.

Harboured within the discourse of protection from sexual predators was another discourse of protection and that centred on protection of the family and it is in this discourse that

¹⁵ Bill C-2 (Protection of Children and Other Vulnerable Persons)

¹⁶ Carrie Kohan, Mad Mothers Against Pedophiles, Hearings, House of zCOMmons Standing Committee on Justice and Human Rights, Bill C-22. March 22, 2007.

providential notions of generation arise. Anecdotal evidence introduced spoke to a particular preoccupation with the protection of girls who, in consenting, “does not truly understand what she has done”¹⁷ and with protecting proper heterosexual relations, which did not include young women and older men. The expectation that the legislation would serve to control adolescent girls’ sexual activity was articulated in the most explicit terms by Angela Costigan, a criminal lawyer and a representative of R.E.A.L. Women of Canada, who, commenting on the benefit of the law for young women, stated that, “if sexual activity is illegal until the age of 16, she is alleviated from the very pressure her peers might put upon her while she is growing, from age 14 to 16”¹⁸. R.E.A.L. Women also supported raising the age of consent to eighteen as did the spokesman for the Salvation Army.¹⁹ A spokesman for the Evangelical Fellowship of Canada articulated well providential notions of proper sexualization in stating that “sexual expression is most fully and properly experienced within the security of a lifelong marriage relationship”²⁰ Along with this was the assumption of parental responsibility for enforcing the suggested prohibitions but with “the protection of the Criminal Code for their parenting”.²¹ Thus, conservative moral assumptions of prohibition and proper expression of adult sexuality adhere easily to the more acceptable discourse of protection of children from sexual predators, reproducing gender inequality and providential notions of children and future adulthood.

Conclusion

We can learn much about moral regulation in contemporary liberal democracies by understanding symbolic meanings and paying attention to how they operate in the political process. Notions of generation, the relationship of childhood to adulthood, and, more specifically, providential understandings of childhood as it relates to future adulthood, both inform and enable such regulation. As the opportunities for direct regulation of adult sexuality become more limited, these notions make young people vulnerable to becoming a target population for regulation but this regulation extends far beyond that of young people’s sexuality. While political mobilization of social conservatives is often cited as the cause of this resurgence

¹⁷ MP Myron Thompson (CPC), House of Commons Debate at Third Reading for Bill C-22, May 3, 2007.

¹⁸ Hearings, Senate Standing Committee on Legal and Constitutional Affairs, Bill C-2, Morning, February 22, 2008.

¹⁹ Major Grant Effer, Federal Government Relations Liaison, Salvation Army, Hearings, Senate Standing Committee on Legal and Constitutional Affairs, Bill C-2, Afternoon, February 22, 2008.

²⁰ Dr. Hutchinson, Acting Director, Law and Public Policy, Evangelical Fellowship of Canada, Hearings, Senate Standing Committee on Legal and Constitutional Affairs, Bill C-2, Afternoon, February 22, 2008.

²¹ Liberal Senator Anne C. Cools, Senate Debate at Second Reading of Bill C-22, June 20, 2007.

of moral regulation, when we pay attention to the basis of symbolic notions of generation and providential understandings of childhood, we can locate a much broader and robust foundation in utilitarian concerns of the state, academic concerns of the disciplines as well as the moral concerns of social conservatives. Moreover, this robust foundation provides the powerful symbolic material to which the moral political goals of conservative groups may adhere, providing a broader base of political support. As evidence from the UK, US and Canada demonstrates, not only is regulation of young people's sexuality intensified but also hegemonic norms of gender, generation and heterosexuality are reproduced. In this politics of generation notions of generation, and specifically providential notions of childhood are manipulated for various political purposes. In the process the integrity, agency and efficacy of children and young people are precluded and their actual experiences repudiated. The notion of self-regulation is

In recognizing the robust foundation for notions of generation in the Anglophone West we may rightfully be daunted in trying to bring about change. Separated as they are from childhood symbolically, it is easy for adults to fall back on paternalistic solutions. Separated as *they* are from adulthood, it is difficult for children and young people to demand a voice. The evidence demonstrates how stubborn and persistent these notions are and how they affect not only childhood but also adulthood. However, it also demonstrates how powerful they are and how difficult to challenge politically. Nevertheless, complacency about the political vulnerability of children and young people and the manipulation of their symbolic meanings for political purposes is unacceptable. As demonstrated in this paper there is a limit to the rights frameworks for adults falling outside the narrow conceptions of proper conduct, let alone children. In addition, the formal rule of law also has its limits as feminists understand when trying to address unequal relations of power in the regulation of sexuality. The attempt to create an alternative discourse on children and youth has already begun. How that might construct new notions that include respect for the integrity and agency of children and youth and how that might play out politically is interesting; given the evidence here, any change will have an effect on the whole of society. The task for the present is to continue to identify and demonstrate that understanding symbolic meanings and paying attention to their use in the political process can improve our understanding of how regulation of sexuality persists and even intensifies in new ways.

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