

Can a Child Consent to Having Sex With an Adult?

Can a child consent to having sex with an adult? At first glance, this question seems ridiculous. Apparently society doesn't agree. A front-page article about the recovery of Utah teenager Elizabeth Smart, for example, opened with the following questions:

"Why didn't she run away? Why didn't she readily admit she was Elizabeth Smart when police found her with the couple who had allegedly held her captive for nine months? How could she walk by all those posters with her picture on them and not say anything?"

These questions imply that this 14-year-old girl, who was apparently taken from her home in the middle of the night at knifepoint, was responsible for not saving herself from her abductors—that she consented to the abduction or, at the very least, did not object to being held hostage.

Questioning the child's inability to resist or failure to escape holds children to "idealistic and superhuman standards of behavior." A child's willingness to cooperate with their abuser—or their failure to aggressively resist—has no bearing on whether they are the victims of sexual abuse by an adult or older child. Whether the child said "no," objected, tried to escape, or physically resisted is not the criteria for determining whether abuse or a crime occurred. A child is, as retired FBI expert Kenneth V. Lanning says, "no match for a 50-year-old man with an organized plan."

In the relationship between a child and an adult, the adult always has the power and control. Many factors in this relationship become "barriers" to the child disclosing the abuse. For example, as a result of the grooming process, the victim may have mixed feelings about the offender. In other circumstances, victims are ashamed, confused, and fearful that no one will believe him or her or that someone will blame him or her (the victim) for what happened. Or, as in the case of Elizabeth Smart, she became dependent on her captors or had genuine feelings for her captors.

A child who does not object to a hug may feel that he or she has no right to object to future touches from *that* adult. In addition, the child who does not actively resist or who does not tell anyone after the first incident may—with the encouragement of the offender—be convinced that these failures are a form of consent.

Prepubescent children can never consent, and they are particularly vulnerable to exploitation by offenders. We teach children to "say no, run away, and tell someone." Even that message can leave victims with a sense of guilt when they are unable to take those actions because of fear or because of the grooming process. After such grooming, the child is confused and unable to say "no," run away, or tell anyone else.

The problem is that adults often see this *failure to tell* or the *inability to resist* as complicity on the part of the child. They forget that just because a child's reaction to the sexual conduct indicates that the acts were not necessarily unwanted or forced does not mean that there was no abuse or that no crime was committed.

Adults who do not want to be part of society's re-victimization of the child must remember that no child can legally consent to sexual contact with an adult or older child. In fact, the crime of child sexual abuse presumes that *consent is not possible* in this situation. The older person *is* responsible. The older person is the one with all the power and control.

Can a child consent to having sex with an adult? The answer is an emphatic "NO!" Even if the child is confused, adults must remember that children *cannot consent* to sexual activity with an adult or an older child. Consent is a relevant consideration only in sexual contact between adults.

Remember—offenders may really believe that they *love* the children they molest and, in many cases, they do not see or understand the terrible torment they are causing. But, blaming the child lets the adult perpetrator—the person with the power and control in the situation—off the hook, and reinforces the offender's distorted view of the relationship.

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