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Below the age of consent: Influences on moral and legal judgments of adult-adolescent
sexual relationships

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RUNNING HEAD: BELOW THE AGE OF CONSENT

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Abstract

Sexual age of consent violations involving adolescent children (adult-adolescent relationships or AARs) are sometimes viewed with ambivalence by the media and infrequently prosecuted. Two studies conducted in Britain, where the age of consent is 16, examined influences on disapproval of minimally presented AARs between a 14 year old and a 30 year old. In Study 1, AARs involving an older man were seen as more harmful and objectionable than those involving an older woman. No heterosexuality bias was found, and AARs were disapproved of more when presented after a normal adult relationship, versus child sexual abuse of a 9 year old. A second study on a jury-eligible adult population replicated Study 1's gender effects, and also found a difference between legal knowledge and personal belief that the older person had committed a crime. This difference increased if the older person was described as being ignorant of the younger's minority, or if the people came from a different culture. Gender effects in both studies were mediated by perceived harm and emotions. The impact of these findings for the treatment of such cases in the criminal justice system are discussed.

Below the age of consent: Influences on moral and legal judgments of adult-adolescent sexual relationships

In recent years, the British media have given publicity to a string of cases in which young persons aged 13 to 15 have run away with their adult lovers, apparently of their own accord (“Dad runs off with lover, 15” “Teenage runaway found in Turkey” “Man admits indecency with 14-year-old girl he met online”). Such adolescent-adult relationships (AARs) are illegal under contemporary British age of consent laws, under which a person under 16 is legally incapable of consent to sex and therefore is the victim of a crime. Laws in Europe, the US, and other culturally related jurisdictions set the age of consent at a variety of ages ranging from 13 (e.g., Spain) to 18 (e.g., California), sometimes lowering the legal age for sex between teenagers or allowing parents to overrule consent for younger teenagers (Graupner, 2000). However, a certain ambivalence seems to surround these laws when the age of consent is set in late or middle adolescence.

In other cultures and historical eras, marriage not long after puberty has been an established custom, and even today some authors criticize age-of-consent laws for criminalizing teenagers’ sexual exploration (Levine, 2002). In 2001 only 145 cases of “unlawful sexual intercourse with a girl under 16” were brought to trial in England and Wales, despite 1237 such cases being reported to the police in that year (Home Office, 2004). Underprosecution is also noted in the US (Oliveri, 2000). Perhaps the most telling sign of public ambivalence is the relative restraint with which the British tabloid press has treated the older “lovers” of the aforementioned adolescent runaways, in contrast to the vitriol typically aimed at those “pedophiles” whose targets are pre-adolescent. It is also noteworthy that the British Sexual Offences Act 2003, which

came into effect in May 2004, draws a distinction between “sexual activity involving a child under 16” and “sexual activity involving a child under 13,” although the former offense is distinguished from the latter principally in that it allows for exoneration based on ignorance of the child’s age, and both are punishable within similar guidelines depending on the intensity of sexual contact.

This raises the question of how the general public perceives relationships between adults and youths under the age of consent, and what factors influence their perceptions. Opinions about issues such as child sexual abuse play an important part in informing research, clinical and legal practice (Davenport, Browne & Palmer, 1994; Dollar, Perry, Fromuth & Holt, 2004). For the law to be enforced effectively, it is necessary to know the public’s perception of the relationship the law is trying to control. If there is not a good degree of consensus between the law and public opinion, people will not report illegal relationships as crimes and may not be willing to give evidence in court. Similarly, the general public constitutes the juries in sexual abuse cases, so consensus between juries and the prosecution is needed in order to obtain convictions reliably. If such biases have the potential to influence juror decision making, it is important to know whether they exist and what factors are involved in producing them. This research used correlational and experimental methods among two populations to test a number of hypotheses derived from existing literatures.

Hypotheses

Hypothesis 1: AARs will be intermediate between child abuse and adult relationships in overall negativity of judgments, and in judged relative responsibility of child and adult. This prediction stems from the observations made above. Although the letter of British law, both before and after May 2004, has drawn a strict line at age 16, we expect that public judgments will concur with the practice of the law in treating

AARs as an intermediate case. Judgments of the relationship's morality and harmfulness should rest somewhere between the revulsion to be expected had the younger person been nine, and the acceptance to be expected had he or she been 22. Likewise, because older persons are likely to have more control and maturity, they will be accorded more responsibility in the relationship as an increasing function of age.

The next set of hypotheses, 2a, 2b and 2c, concern attitudes toward adult-adolescent relationships as a function of the sex of the older person, the younger person, and whether the relationship is same- or opposite-sex.

Hypothesis 2a: AARs will be judged more negatively, and the adult will be accorded more responsibility, if he is male. This prediction follows an ample body of research showing a gender-of-perpetrator double standard in judgments of child sexual abuse and related crimes. When the older person in such sexual relations is female, the crime is seen as less severe. This distinction appears in British law prior to 2004, under which a man's intercourse with an underage girl could be prosecuted as rape, whereas a woman's intercourse with an underage boy can only be prosecuted as sexual assault, which carries a lesser sentence; the Sexual Offences Act 2003 does away in effect with the double standard. Similar distinctions also have been seen until quite recently in laws governing same-sex relations. The age of consent for male homosexual relations has been 16 since 2000, but before May 2004 no law explicitly regulated lesbian relations in the United Kingdom.

This asymmetry also seems to characterize public reactions to child sexual abuse on both sides of the Atlantic. Eisenberg, Glynn-Owen and Dewey (1987) presented British nurses, health visitors and medical students with adult-child incestuous configurations involving both male and female perpetrators. All three groups of participants ranked the configurations involving female perpetrators as less serious

than configurations involving male perpetrators. Using parents and undergraduates as participants, Finkelhor (1984) as well as Broussard, Wagner, and Kazelskis (1991) found the same pattern of results. Likewise, Davenport, Browne and Palmer (1994) found that the perpetrator being male was the most consistent predictor of judged seriousness of child abuse. These studies, however, used cases of abuse of prepubescent children, not adolescents, and contained other elements conducive to harm such as incest.

Fromuth, Holt, and Parker (2001) conducted a more directly relevant experiment in which they asked college students to judge heterosexual relationships between 16 year old high school students and their teachers. The scenarios were varied according to the sex of each party and the age of the teacher (either 24 or 39 years old). It was found that there were significant main effects of the sex configuration presented; overall the male teacher/female student relationships were viewed more negatively than the female teacher/male student relationships.

Although this research demonstrates a gender double standard in AARs, it left open the question whether this was due to greater negativity attaching to an older male perpetrator, or to girls being judged as more vulnerable than boys. Maynard & Wiederman (1997) presented a detailed scenario involving a 15 year old and an adult, in which the gender of the younger and older person was varied, and found that male adults were judged more negatively than females but that the youth's gender did not matter. Our studies likewise presented both same- and different-sex pairs.

Previous research has also used descriptions in which elements of abuse were clearly present; in Fromuth et al. (2001), a teacher-student relationship existed, and in Maynard & Wiederman (1997) the seduction was described in detail and the older person told the younger to keep it secret from his or her parents. In comparison to a

minimal approach in which only sex between people of different ages is mentioned, these features may have intensified negative reactions differentially. The present studies' use of minimal scenarios allows us to draw conclusions about moral and legal judgments of such relationships without the confounding effects of other offenses such as breach of trust.

Hypothesis 2b: The gender of the adolescent, when varied independently of the adult's gender, will not affect negative judgments. Maynard and Wiederman (1997) did not find any effect of variation of the gender of the adolescent on negative judgments of the relationship. The present study sought to replicate these findings with an even more minimal scenario.

Hypothesis 2c: Same-sex relationships will be judged more negatively than opposite-sex relationships. A number of studies have found that regardless of the age of the child or adolescent, opposite sex interactions are perceived as being less abusive relative to same sex interactions (Dollar et al, 2004, Maynard & Wiederman, 1997; Shakeshaft & Cohan, 1995). This finding has been interpreted as suggesting that judgments are influenced by the hetero or homosexual nature of the interaction. It has been argued this replicates generally more negative attitudes towards homosexuals than heterosexuals in society. We expected to replicate these findings.

Hypothesis 3: Men will judge AARs less negatively than women. A consistent finding in research in this area is that male participants view AAR's as less objectionable than females (Broussard et al, 1991, Dollar et al, 2004, Fromuth et al, 2001). This respondent gender difference, however, was not generally found in the aforementioned studies of reactions to sexual abuse of prepubescent children or in Maynard and Wiederman (1997), and may in fact have been due to gender differences in judging the propriety of the teacher-student relationship, rather than the mere fact of

sexual activity. Because the 14-year-old case in our study is both chronologically and developmentally close to Fromuth et al.'s 16-year-old case, we expected our findings to shed light on this issue.

Hypothesis 4: AARs will be judged less negatively when preceded by examples of preadolescent sexual abuse, but more negatively when preceded by examples of adult relationships. In the public eye, AARs seem to attract neither the instantaneous condemnation that attaches to prepubescent child sex abuse, nor the implicit approval that attaches to adult-adult relationships. Instead, AARs are problematized, generate much discussion and debate, and may be subject to differing moral judgments depending on the context in which they are presented. Our first study gave an opportunity to examine the effects of context on judgments of AARs, varying order of presentation such that the AAR was presented either just after a description of a clear-cut child abuse case involving an adult and a nine-year-old, or just after a description of a relationship involving two adults.

Theory and research in social cognition indicates that context is most likely to affect judgments of information that is ambiguous (e.g., Chaiken & Chen, 1999; Mussweiler, 2003; Tversky & Kahneman, 1979). Furthermore, examples relevant to judgment can either have an assimilation effect that moves judgment in the direction of the context, or a contrast effect that moves judgment away from the context. Recent social cognitive research and theory in the area of context effects indicates that previously presented examples will produce assimilation effects to the extent that they are judged as similar in kind to the target, and contrast effects to the extent that they are judged as dissimilar in kind to the target (Mussweiler, 2003). The finding of an assimilation effect would therefore provide indirect evidence that participants saw the AAR as fundamentally similar in kind to the clearly abusive and clearly normal

relationships, existing as a point on a continuum. However, we believe that participants are more likely to see the ambiguous AAR as existing in a different class from either of the other two relationships, arguing for the likelihood of contrast effects. Such findings would also have application to the framing of prosecution and defense arguments in cases involving an AAR.

Mediation effects

Currently it is not clear from research what factors are involved in disapproval of an AAR. Concern about harm to the minor, negative emotional reactions, and perceptions of the relative responsibility of the minor and adult can all form bases for disapproval of AARs. The assumption that sexual contact with adults is harmful to minors has both been criticized (e.g., Kilpatrick, 1987; Levine, 2002; Rind, Bauserman, & Tromovich, 1999) and defended (Dallam, Gleaves, Capeda-Benito, Silberg, Kraemer & Spegal, 2001; Ondersma, Chaffin, Berliner, Cordon, Goodman & Barnett, 2001) in recent years. In particular, the assumption of psychological harm to adolescents engaging in sex appears to be underexamined, given the varying definitions of what age constitutes a “child” in studies of child sexual abuse (Finkelhor, 1979, Fromuth, 1986; Rind, Tromovitch & Bauserman, 1998; Wurr & Partridge, 1996). Some studies of child sexual abuse do not actually define what age constitutes a “child.” (e.g., Davenport, Browne & Palmer, 1994). Regardless of its veracity, though, the presumption that AARs are likely to harm the adolescent psychologically could plausibly mediate disapproval of such relationships. Relative responsibility for the relationship could likewise mediate judgments of the older person’s role in the relationship as wrong. The more responsibility attributed the older person for this negatively regarded act, the more negatively his or her role in it will be judged (e.g., Weiner, 1993).

Additionally, Weiner's attribution model (Weiner, Graham, & Chandler, 1982) specifies that emotions of moral outrage, including anger, will arise when an act is seen as both having negative consequences and under the control of the actor. These emotions are particularly interesting to study in the light of contemporary debate in jurisprudence and rhetorical studies on the propriety of emotionally driven judgment (e.g., Pillsbury, 1989; Walton, 1992). In this study, we were interested in assessing whether or not factors such as the age of the younger person and the gender of the older person influenced anger and disgust directly, or indirectly via harm and responsibility -- that is, whether outrage had a rational basis based on principles of culpability, or was based on only prejudicial judgments about the age of the people involved. Likewise, we were also interested in whether judgments of harm influenced moral judgments directly, or via emotions of outrage.

To test these possibilities of mediation, path analyses were carried out including moral outrage emotions, harm judgments, and relative responsibility judgments as mediators between the age of the younger person and disapproval. For these analyses, we were most interested in what differentiated judgments of adolescent vs. adult partners, so we used only the 22 year old condition as a comparison group to the 14 year old one. Additional path analyses focused only on the 14 year old cases were also planned, to test whether gender double standards, and any other effects found consistently across studies, would be mediated by these factors as well.

We conducted two studies; study 1 used university students in the UK and study 2 used members of the public eligible for jury duty in the UK. Both studies used scenarios containing minimal details about sexual relationships. In both studies the age of the older person was always 30. In study 1 the age of the younger person was varied (9, 14 and 22) within participants while the order in which the ages were presented, and

the gender of the parties in the relationships, were varied between. Study 2 only presented the adult-adolescent relationship (AAR) in a between-participants design varying gender, but added a number of questions more relevant to criminal justice concerns.

Method

Design

The design of our first study was 2 (participant gender) x 2 (gender of the older person in the scenario: male or female) x 2 (gender of the younger person in the scenario: male or female) x 3 (age of the younger person in the scenario: 9, 14, 22). All factors were between participants except for age of younger person, which was within. Hypotheses were tested with a series of focused a priori tests.

Participants

The sample was made up of 224 adults recruited via e-mail and posters around the University of Kent campus in March and April 2003. The sample was made up of 112 males and 112 females. Participants' ages ranged from 18 to 62 with a mean of 22.77 years ($SD = 7.28$), and participants were largely students at the University. Those participants who were undergraduate psychology students were given research participation credit (a course requirement) for taking part and completed the questionnaire in a laboratory.

Materials and Procedure

Each questionnaire contained descriptions of three relationships in the format shown below, varying only the names and ages:

Rupert, aged 30 and Helena, aged 9 had a sexual relationship for one month. They met every weekend until the relationship ended. Neither one was physically harmed in the relationship.

In all the relationships the older person was 30 years old, but they were varied according to the age of the younger person in the relationship: one relationship between adults in which the younger person was 22; one where the younger person was just below the 16 year old age of consent for the UK (14 years old); and one where the younger person was clearly still a child (9 years old). The relationships were presented either in the order 9-14-22 or 22-14-9. The descriptions of the relationships also varied the sex of the people in the relationships in all four possible combinations between participants; each participant was asked about the same combination across all three ages. Participants responded to six items which were presented in two different orders (1,2,3,4,5,6 or 5,6,1,2,3,4). All of the above factors were fully crossed producing 16 versions of the questionnaire. Approximately equal numbers of males and females completed each gender constellation of the questionnaire.

After each relationship was presented, six items then assessed participants' judgments of that scenario. The items measured disapproval of the relationship (wrongness), as well as the proposed mediating factors of emotions, harm judgments and responsibility. Items 1 and 2 asked people to rate their emotional responses: how angry and disgusted they felt about the relationship. Items 3 and 4 asked for judgments about how wrong the behavior of the older and younger person in the relationships was. Item 5 asked whether participants believed the relationship was psychologically harmful for the younger person. These items were measured on a 9 point Likert-type scale, where 1 represented "not at all" and 9 represented "extremely." Item 6 was a measure of responsibility; it asked participants who they thought was responsible for the relationship. This was measured on a 9 point scale measuring bipolar responsibility. A "1" meant it was entirely the responsibility of the older person and a "9" meant it was entirely the responsibility of the younger person, with a "5" being equal responsibility.

Results

Across all three relationships anger and disgust scores were highly correlated; 9 year old, $r(344) = .64$, $p < .001$, 14 year old, $r(343) = .74$, $p < .001$; 22 year old, $r(343) = .63$, $p < .001$. Scores on these two emotions were averaged to produce a measure of overall negative emotion experienced.

Hypotheses Tested

Hypothesis 1: AARs will be intermediate between child abuse and adult relationships in overall negativity of judgments and in judged relative responsibility of the adult and child. To test hypothesis 1, data for all relationships were analyzed using a within-participants ANOVA comparing the 9-, 14- and 22-year-old cases on each of the five dependent variables. Providing support for hypothesis 1, there were main effects of the age of the younger person in the predicted direction for all variables (see Table 1). For each of the dependent variables, two a priori t-tests compared 9 and 14 year old scenarios, and 14 and 22 scenarios. The results were all significant at $p < .001$, except that no significant difference was found between the 14 and 9 year old cases in judgments of the wrongness of the younger person's behavior.

Hypothesis 2a, b, c: Effect of genders of the two participants on negative judgments

Using the data for the AAR relationships (14 year old only), a focused 2 x 2 ANOVA crossing the older and younger person's gender was performed for each of the five dependent variables. In line with hypothesis 2, there were consistently main effects of the gender of the older person in the relationship on the negative judgment measures, but not the measure of relative responsibility. Means (Table 2) show that participants felt more negative emotion and felt the older person's behavior was more wrong and more harmful when the older person in the relationship was male. There were no significant effects of the gender of the younger person in the relationship, all F

< 1.10, $p > .30$. There were also no significant interactions between the gender of the older and younger person in the relationships, all $F < 1.81$, $p > .17$, suggesting that heterosexual and homosexual relationships were judged equally.

Hypothesis 3: Men will be more lenient in judging AARs than women. Among the 14 year old cases, for each of the dependent variables, two-sample t-tests comparing male and female participants were performed. In line with hypothesis 3, male participants judged AARs to be less harmful and felt less negative emotion than female participants (Table 3). They also judged the older person's behavior to be less wrong than female participants.

Hypothesis 4: AARs will be judged more leniently when preceded by examples of preadolescent sexual abuse, but less leniently when preceded by examples of adult relationships. A t-test comparing the two orders of presentation (9-14-22, 22-14-9) was performed for each of the five dependent variables, again restricting ourselves to the AAR data. Table 4 shows that when preceded by the 22 year old example, the AAR examples were judged as ~~more wrong~~, more harmful, ~~and~~ involving more responsibility of the older person and the older persons behavior was more wrong than when preceded by the 9 year old example. This shows a contrast rather than assimilation effect. Judgments of the wrongness of the younger person's behavior, however, were not affected by context, nor were negative emotions.

Mediation Analyses

Path analyses using multiple regression (Cohen, Cohen, West, & Aiken, 2003) were carried out to examine mediational relationships among the variables. We used a model in which factors such as age of younger person or older person's gender could influence judgments of harm and responsibility. These in turn could influence emotional responses. Then, all factors could influence moral judgment of the older

person's behavior. Sobel z tests (Baron & Kenny, 1986) were carried out to test the significance of individual mediating paths within the model.

To analyze the within-participants effects of age of the younger person (14 vs. 22 year old), a data set was created containing three cases for each participant, corresponding to the three different ages received. The mean score of the dependent variable in each regression analysis was calculated and entered as a covariate, in order to eliminate between-participants variance from this within-participants analysis. The contrast-coded effect of 14 vs. 22 year old status (-1 for 14, 1 for 22, 0 for the 9 year old case) could then be examined.

There was a direct independent effect of the age of the younger person on the perceived wrongness of the older person's behavior (Figure 1). However, harm and emotion also showed significant mediating roles. In particular, the path from age to wrongness via harm showed significant mediation (Sobel $z = -2.17$, $p < .05$), as did the paths from age to emotions via harm ($z = -7.58$, $p < .001$), and from age to wrongness via emotions ($z = -7.57$, $p < .001$). This indicates that both harm and emotions mediated between age and wrongness, but that additionally, harm mediated the age-emotion relationship. Perceptions of lower responsibility for the younger person also mediated between age and negative emotion ($z = 2.64$, $p < .01$), but responsibility did not directly mediate between age and wrongness, because responsibility had no effect on wrongness judgments.

The second path analysis was conducted on all data for the heterosexual relationships between 14 and 30 year olds, to discover whether the effect of the older person's sex upon judgments of the wrongness of the older person's behavior was mediated by harm, negative emotion or responsibility for the relationship (Figure 2). There was no direct effect of the gender of the people in the relationship on judgments

of the wrongness of the older person's behavior. Instead the double standard effect on emotions was fully mediated by judgments of harm ($z = -3.91, p < .001$), while the effect of harm on moral judgment was partially mediated by negative emotions ($z = 6.75, p < .001$).

Discussion

As expected, we found that minimally described adult-adolescent relationships involving 14 year olds were disapproved of less strongly than ones involving preadolescents, but more strongly than ones involving two adults. In fact, the presumptions of harm and wrongness in AARs were somewhat higher than the scale midpoints. This suggests that, while AARs are controversial, there was a good deal of disapproval toward them. The adolescent status of the younger person was shown in path analyses to have an effect on moral judgment partially mediated by presumptions of harm and by moral emotions of anger and disgust, as well as a tendency to judge such relationships as wrong independently of the presumption of harm or anger/disgust emotions. Perceived harm in turn mediated the effects of age on emotional reactions.

Replicating earlier work, we found that across a number of measures including disapproval and, perception of harm, ~~and responsibility~~, AARs involving older men were seen more negatively than those involving older women. Path analyses of heterosexual relationships indicated that the gender effect on moral judgment was primarily mediated by considerations of harm which in turn was mediated by the emotional reactions of anger and disgust. That is, while AARs with older men were seen as more harmful than those with older women, the effects of harm on judgment could entirely be accounted for by emotion. At the same time, emotions appeared to be connected to perceptions of harm rather than directly to gender, suggesting a reasonable

basis for such emotions in a presumption of harm, rather than a direct effect of the older person's gender on moral outrage.

Our prediction that males would be more lenient in judging AARs than females was also supported. In judging harm, male respondents presumed less harm from the AAR than female respondents did, showed less intense emotions of outrage and made more lenient moral judgments of the older person.

The findings of a context effect, such that judgments of the 14 year old case were contrasted away from those of the cases immediately preceding them, are interesting in their own right. In the light of research and theory on context effects, this suggests that the 14 year old case was seen as not only ambiguous, but qualitatively different from either preadolescent child sexual abuse or a normal relationship between adults. In persuading jurors or the public, then, making easy analogies to either child sexual abuse or "young love" may therefore backfire, as the differences between the AAR and the comparison standard become clear.

Study 2

Although Study 1 provided persuasive evidence regarding several of our hypotheses, we thought that a second study would increase the applied value of these results. First, the sample in Study 1 consisted mainly of students at a university, not representative jury members in the United Kingdom. To be able to generalize these findings to a criminal justice context, we thought it essential to obtain a more representative sample.

This second study also increased the research's relevance to criminal justice by examining recommended punishment as an outcome distinct from moral disapproval and social exclusion. We wanted to know whether a jury-eligible sample views a

minimally described AAR as not just morally wrong but as a punishable crime, and if so, what punishment they deem appropriate.

The applied interest of these findings was further increased by a number of questions presenting mitigating and aggravating circumstances surrounding the relationship, examining how much each circumstance could shift opinions on the relationship's criminality. Some of these circumstances were chosen as directly relevant to issues surrounding age of consent law in Anglo-American jurisprudence, including the Sexual Offences Act 2003. In line with the inclusion of ignorance of age as a defense in that law and in many US laws, we added a circumstance in which the older person did not believe the younger to be under age. That legislation also establishes an offense of “abuse of position of trust” (e.g., teacher-student sexual activity) which applies to individuals up to age 18. Although this legal point was not directly relevant to our 14 year old case, we saw the more general issue of abuse of trust as relevant to many actual cases, and so included a relevant question. Circumstances in which the adolescent was already sexually active were also added, primarily because in the history of age of consent laws based on notions of chastity, prior sexual activity of the younger person has sometimes been used as a mitigating defense (Oberman, 1994). Finally, we added questions reflecting three other plausible mitigating factors: considerations of a culture in which adolescent marriage is normal; subjective psychological maturity of the younger person, as shown by initiation of the relationship and a sense of control; and the relationship being kept secret as opposed to openly violating social norms.

This study focused specifically on adult-adolescent relationships without presenting other types. This design allowed us to attempt to replicate the findings concerning Study 1's Hypotheses 2 (effects of older and younger person's gender) and 3

(male respondents more lenient than female). Path analyses similar to Study 1's were conducted to examine the mediation of gender effects on moral judgment, as well as on our new measures of punishment and avoidance tendencies. On the basis of research and theory implicating perceived blame (i.e., responsibility plus harm) and anger in punishment reactions (Darley & Pittman, 2003; Weiner, 1993), we expected to see punishment determined by both harm and responsibility and mediated by negative emotions. [In Study 2 we also explored the avoidance of the older person.](#) Our expectation for avoidant responses was less definite, but we thought it plausible that if harm was presumed, there would be avoidance of the older person in the relationship regardless of responsibility, due to the socially stigmatized nature of the contact.

Method

Design

The basic design of the study was 2 (participant gender) x 2 (gender of the older person in the scenario: male or female) x 2 (gender of the younger person in the scenario: male or female). All factors were between participants.

Participants

The sample was made up of 96 members of the general public eligible for jury service, 59 females and 37 males. Under the Criminal Justice Act 2003, all registered electors in England and Wales aged between 18 and 70, except people with a mental illness and those convicted of a criminal offense, are eligible for jury service; participants had to fit these criteria. Participants were recruited at ten different workplaces (mainly offices) in southern England in March and April 2004. The participants' ages ranged from 18 to 64 and the mean age was 33.72 ($SD = 13.04$).

Materials

Minimal scenarios involving the 14 and 30 year olds were once again used in all possible gender combinations. To counteract any order effects for the questions about emotions, harm and wrongness, there were four possible question orders. All of the above factors were fully crossed which produced 16 versions of the questionnaire. Items were assessed using nine-point Likert-type scales, where 1 represented “not at all” and 9 represented “extremely,” unless otherwise specified. There were 30 items in total.

Three items asked participants to rate their emotional responses (anger, disgust and contempt) about the relationship. Three more items on similar scales asked for judgments about how wrong the behavior of the older and younger person in the relationships was and whether participants believed that the relationship was psychologically harmful for the younger person.

Two items asked separately for judgments of how responsible the older and younger person were for the relationship.

Participants were asked from their knowledge of the law in the United Kingdom who if anyone in the relationship had committed a crime. Participants were given the choice of four responses: the older person, the younger person, both of them or neither of them. Participants were then asked whether they thought the older person should be charged with a crime with "yes," "no" and "don't know" as the possible responses. If participants answered that they did not know or did not think the older person should be punished, they were asked to skip the following questions which asked participants how they thought the older ~~or younger~~ person should be punished: no punishment, probation, or prison terms of three months, six months, one year, three years, five years, ten years or over ten years. Additional questions asked for their certainty in these

judgments about whether the older person should be charged with a crime and what punishment they should receive and whether the older person should be placed on the sex offender's register. All these questions were then repeated with reference to the younger person.

Two questions asked participants how much they would want to avoid contact with the older or younger person.

A number of questions were devised to measure how other factors about the relationship may have made participants change their earlier judgments on whether the people in the relationship should be charged with a crime. Participants were presented with a piece of information (e.g. if the older person believed the younger person was 16) and then asked to circle the names of the person(s) they now think should be charged with a crime, or not to circle any if they didn't think either had committed a crime. Possible responses were the older person, the younger person, or both of them. Table 6 presents these factors in more detail.

Participants were then asked to fill in from their knowledge of the law in the United Kingdom what they thought the age of consent for heterosexual and homosexual intercourse was. Finally, participants provided demographic information about themselves including their age and sex.

Results

Anger, disgust, and contempt words were highly intercorrelated ($r_s = .67$ to $.74$; Cronbach alpha = $.87$) and thus will be treated again as a single emotion factor. A variable representing severity of punishment was coded from the participant's preferred prison sentence as follows: no crime/no sentence was coded as 0, probation was coded as 1, and the remaining categories were coded in a linear fashion through "More than 10 years in prison," which was coded as 6.

Knowledge of age of consent

Virtually all participants (97%) knew that the heterosexual age of consent was 16. However, knowledge of the homosexual age of consent (which had changed from 18 to 16 in 2000) was much less widespread (20%). Of those who were wrong, 4% gave no answer, 67% still thought it was 18, 11% thought it was 21, and 2% gave other answers below 18. No participant gave answers below 15 for either question.

Hypotheses Tested

Hypothesis 2: AARs will be seen as more harmful and objectionable and the adult will be seen as more responsible if the adult is male. Again, 2 x 2 ANOVAs tested the effects of the older person's gender and the younger person's gender on the moral disapproval and responsibility variables. In line with hypothesis 2 and the findings of study 1, the means and analyses in Table 5 show that participants felt more negative emotion, felt the relationship was more wrong and more harmful, and thought the older person deserved a more severe punishment, when the older person in the relationship was male. Means for these variables were again generally above the midpoint of 5 on the nine-point scales used, showing a tendency to disapprove of AARs and to presume them to be psychologically harmful to the adolescent. There were no differences for participants' desire to avoid the older and younger person or their perceptions of responsibility of the older and younger person (desire to punish the younger person was excluded because no participants wished to do so).

~~Unlike As in~~ Study 1, ~~however, marginally~~no significant effects of the younger person's gender were found on ~~some-any~~ measures. ~~However, these~~Those effects ~~that were near significant (harmfulness and avoid older person)~~ were in fact opposite to what would have been expected if, in previous research, perceived vulnerability of female adolescents ~~had stood behind~~had explained greater disapproval of heterosexual

older-male relationships. In ~~general~~these effects, the more negative evaluation occurred when the younger person was male. Finally, significant interactions between the genders of the two people was found on moral disapproval and negative emotions variables, but these also ran counter to the notion that same-sex relationships would be disapproved of. Post-hoc Fisher LSD tests among the four cell means showed that female-female same-sex relationships were judged as significantly less wrong for both parties than each other pairing, and aroused significantly less negative emotion.

Hypothesis 3: Male respondents will be more lenient in judging AARs than female ones. Contradicting Hypothesis 3 and the findings of Study 1, none of the variables showed significant main effects of respondent gender, all $F < 1.29$. In this case, the sample may have been too small to test the existence of the small to medium sized respondent gender effects ($d = .26-.30$, where $.20$ is conventionally "small" by Cohen, 1982) that were significant in Study 1. A power analysis showed that Study 2 had low power ($.40$) to capture effects of that size, though it was of adequate power ($.78$) to capture medium sized effects of $d = .50$.

Who has committed a crime and how should they be punished?

On the basis of their knowledge of the law, 75% of the participants correctly answered that only the 30 year old had committed a crime. Although no participants thought that only the 14 year old had committed a crime, 13.5% thought that both of the people had committed a crime and 11.5% thought that neither of them had. This indicates that close to 90% understood the UK law that if an adult has sex with someone under the age of consent he or she has committed a crime.

When asked whether either person should be charged with a crime, however, 56% said the older person should be charged, 20% said he or she should not, and 24% did not know. This represents a drop of 32.5% from the 88.5% who thought the older

person had committed a crime in the eyes of the law. Only 1% said the younger person should be charged, 82% said he or she should not and 17% did not know.

For the punishment question, nobody thought the younger person should be punished, whereas 46% thought the older person should not be punished, 25% thought the older person should be put on probation, and 19% endorsed a prison term. Those who recommended prison endorsed a median term of one year.

Mitigating and Exacerbating Factors

Chi square analyses were conducted for each factor altering judgments of criminality, using the 56% base rate of judgment that the older person should be charged with a crime as the expected value, and the rate of judgment under that particular factor as the observed value (Table 6). The only factor that led significantly more participants to suggest that the older person had committed a crime was "if there was a professional relationship between the people." There were marginal exacerbating effects from the relationship being public knowledge and, surprisingly, from the young person having had previous sexual experience, which we had expected if anything to mitigate judgments instead. Two mitigating factors, that the older person thought the younger person to be of legal age, and that they both were from a country where girls typically get married at 13, had strong and significant effects on participants' judgments. Both reduced the proportion of people who thought the older person had committed a crime to less than a third.

Mediation Analyses

Our path analyses considered potential mediators of the effects of the older person's sex on three judgments: wrongness of the older person's action, punishment for the older person (as determined by the numerical coding of recommended prison time), and avoidance of the older person. As in Study 1, the mediators considered were

harmfulness to the younger person, emotions (mean of verbal measures of anger, disgust and contempt, to remain in parallel with Study 1's analyses), and responsibility (calculated as the responsibility of the older person minus that of the younger). Figure 3 shows the results of these three path analyses.

The "double standard" effect of the older person's gender on emotion was partially mediated by harm judgment, Sobel $z = 2.43$, $p < .05$, and the effects of harm judgment on moral judgment was itself partially mediated by emotions, Sobel $z = 2.86$, $p < .01$, in addition to having a direct effect. Also, for both punishment (Sobel $z = 2.18$, $p < .05$) and avoidance (Sobel $z = 2.25$, $p < .05$), the effects of harm judgments were mediated fully by emotions, with no direct effect. Responsibility, as before, did not mediate double standard effects; it did ~~independently~~ influence punishment and moral judgment outcomes independently, but not avoidance. This is in line with our prediction that there would be avoidance of the older person in the relationship regardless of responsibility.

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Discussion

Replicating earlier research and the results of Study 1 in our jury-eligible sample, AARs involving older men were overall seen more negatively than those involving older women across a number of measures (negative emotion, wrongness, harm and punishment). Path analyses indicated that, similar to Study 1's findings, the gender effect on moral judgment was partially mediated by harm judgments; likewise, the effects of harm judgment on moral judgment were partially mediated by emotions. Responsibility had a mediating role on punishment and moral judgment but not avoidance. ~~Apparently~~ As expected, perceived ~~lack of~~ responsibility for ~~such a stigmatized~~ the relationship does did not ~~exonerate the older person from~~ affect avoidance responses to the older person, but ~~does did~~ influence judgments of his or her

morality and whether he or she should be punished. In this study, unlike the student population in Study 1, our general population did show categorical effects of the older person's sex on moral outrage unmediated by harm or responsibility, but these effects, although significant, were small in size as defined by Cohen (1982). Providing support for the findings of study 1 and further contradicting hypothesis 4, that there would be a bias against same-sex acts, none was found. In fact, a significant interaction in the opposite direction indicated that female-female relationships were seen as the most acceptable kind of relationships.

Contradicting the findings of Study 1, none of the variables in study 2 showed that men were more lenient in judging AARs than women. As already mentioned, it may have been that Study 2's relatively lower power to detect smaller sized effects let these gender effects escape detection.

Other results gave added insight into attitudes toward AARs as they pertain to the law in the UK. Almost all participants knew the heterosexual age of consent, but knowledge of the homosexual age of consent was much less widespread. This may reflect the numerous changes in legislation in the UK in recent years. No participants gave answers below 15 for either age of consent, however, showing that all participants knew that the relationship presented fell below the age of consent. Also, the majority of participants were aware of the UK law that if an adult has sex with someone under the age of consent they have committed a crime. However, this did not translate into a belief that the adult should actually be charged with a crime. In fact only just over half of the participants, faced with a minimally described scenario, thought the adult should be charged with a crime. Of those who did think the adult should be charged with a crime, most recommended probation, with those who did recommend prison only recommending a very short term. These results suggest that while a slim majority of the

public agrees with the law that AARs are a crime, they are not willing to punish adults very severely just for committing it.

As expected, the existence of a professional relationship between the couple increased the likelihood that participants would think that the older person had committed a crime, presumably due to issues of betrayal of trust. Of special interest, too, are results for two mitigating factors that reflect historically prevalent defenses to charges of statutory rape in British and U.S. common law: the "mistake of fact" defense in which the accused argued ignorance of the minor's age, and the "promiscuity" defense in which the minor's prior sexual experience exculpated the adult (Oberman, 1994). These results show that in accordance with British law, which provides a "reasonable belief" exemption to age of consent offenses involving children over age 12, the mistake of fact defense is still effective, if not absolutely so, in reducing judgments of an AAR's criminality. However, the promiscuity defense did not have this effect on our sample.

Our participants were also unlikely to be influenced by evidence that the adolescent initiated or felt in control of the relationship. The remaining effective mitigating factor perhaps reflects an awareness of the cultural and historical instability of age of consent traditions; participants were much less likely to call the relationship criminal if both parties came from a country where such relationships were normal. These findings bear obvious relevance to the defense and prosecution of age of consent violations.

General Discussion

There are a number of implications of the present studies for the criminal justice system and those working within it at all levels. These studies have highlighted that, while there is general moral disapproval of AARs, there is also an evident discrepancy

between public opinion and the letter (if not practice) of the law regarding AARs. The detail provided by these studies about influences on such opinions, in our opinion, is useful in informing practice when dealing with the reporting and prosecution of AARs.

It is apparent from this research that the two samples used – university students and older jury-eligible adults – all showed considerable emotional and moral disapproval of a minimally described sexual relationships between adults and adolescents. Moreover, they showed a presumption of harm, as Ondersma et al. (2001) suggested would be the case, even without presenting such elements as incest or abuse of position. But importantly, the finding of a context effect in Study 1 and the effects of mitigating factors in Study 2 suggest that attitudes towards AARs are fairly ambivalent and open to change depending on the information provided.

The findings of both present studies show that this moral disapproval of AARs was based on presumed harm and emotional reactions. It is nonetheless noteworthy that this disapproval does not translate into desire for strong punishment of perpetrators, especially when there are possible mitigating factors (e.g. cultural background). Surprisingly, 23% of respondents still said the adult should not be charged with a crime if there was a professional relationship between the two. This has implications for prosecutors presenting a case because it suggests that while jurors' emotional reactions and presumption of harm will work against the defendant, some jurors may experience a lack of desire to punish the perpetrator. Although in the UK judges decide sentencing, and thus this conflict should not directly impact on the sentencing, it may still influence jurors' decisions to convict and public reactions to sentencing, considering that the statutory maximum sentence for age of consent violations tried by a British jury is currently 14 years.

Prosecutors and lawyers could also be informed by these results when deciding whether it is viable to pursue a case, and in judging the biasing effects of how the case is presented to the court. For example, describing a relationship between two adults first and then describing the AAR is more likely to produce negative emotions than first describing a case of adult child abuse, then describing the AAR. The impact of the mitigating and exacerbating factors is also directly applicable; for example, information about an underage person's promiscuity is not likely to exculpate the defendant.

Also relevant to legal issues is our finding that when an older woman has sexual relations with an adolescent minor, she is judged less negatively than a man would be principally because she is presumed to cause less harm, not because the mere fact of a male perpetrator arouses irrational emotions or assumptions about who was responsible for the relationship. At the most obvious level, this may mean that sexual abuses of minors committed by women are being overlooked (Davenport et al., 1994). Furthermore, in the context of AARs themselves, it might indicate prosecution and conviction biases against men, founded on a presumption of harm; suggestively, in 2001 in England and Wales, no women, but over 100 men, were prosecuted for age of consent violations (Home Office, 2004). The role of presumed harm and emotions would thus be important to keep in mind when preparing both prosecution and defense cases, especially under legislation that gives equal status to female-initiated sexual misconduct. The findings in an older, jury-eligible sample of special lenience shown to female-female relationships of this kind are also especially noteworthy.

These findings also bear relevance to issues discussed by Oberman (1994) in a review of the purpose of age of consent and statutory rape laws. Oberman traces the historical development of such laws with the intent to protect the chastity of adolescent females, and their evolution (only partially, in some jurisdictions) toward the less sexist

goal of protecting all young people from abusive sexual relationships. In Oberman's analysis, hallmarks of the "chastity" view include allowing the victim's promiscuity to stand as a defense, and a bias toward protecting girls rather than boys. Our results in this context suggest that most jury-eligible British participants reject the chastity view of statutory rape. Prior sexual activity by the younger person and descriptions of his or her active role in the relationship did not count in favor of the older person; if anything, they tended to count against him or her. Also, our complete design showed that previous findings of a double standard favoring female offenders in opposite-sex cases were due to the gender of the older person, not the younger. Girls were not seen as more vulnerable than boys, and in Study 2, the opposite tendency was weakly shown; female-female relationships in particular being seen as most innocuous.

Consideration of the limitations of the present studies is necessary, particularly given the possible social implications of the findings. While the use of the minimal scenario provides a useful tool for investigating perceptions of AARs, it is also limited. Cases presented in court would of course contain more detail, so that the findings of this research can be said to apply primarily to initial attitudes and preconceptions toward the letter of the law, rather than to more involved decision making. Further these studies asked individuals for their perceptions of cases while juries make decisions in groups, so the present study is limited by only having asked individuals for their decisions. Future research should ask for both individual and group opinions.

It is suggested that future research should conduct similar studies cross-culturally, specifically comparing British populations to jurisdictions with different social norms such as the US, where punishment of age of consent violations and sexual norms in general tend to be more restrictive, or other European countries, where sexual norms are more permissive. This would further give evidence as to whether variation

in ages of consent reflects current popular opinion about what the age should be. In particular, a direct comparison of the apparent lack of heterosexuality bias found in our sample to the consistent heterosexuality bias found in US-based research would be useful. Another reason for using populations in other countries for future research is that, for example, many US states still enshrine the promiscuity defense in law for adults accused of violating the age of consent (Oberman, 1994). It would be useful to discover if the jury-eligible public's views are in line with the laws being enforced in such areas, and if these populations also reject the chastity view of AARs.

A further program of research might present relationships including all gender combinations, some of which were between adults and children and some not, and to ask participants to say which adults they considered to be "pedophiles" and which they did not. Perhaps, in line with the findings of the current study, there is also a double standard in how the public defines "pedophilia," and differences in impact on judgment predicted by the individual's acceptance of this stigmatizing label in this definition might themselves explain some effects we found, such as gender bias. Research could also examine the impact of this popular, if technically inaccurate label ("pedophilia" describes a paraphilic orientation rather than an act) upon judgments of these ambiguous crimes. The mitigating label of "young love" may, conversely, be used spontaneously by others to justify their lenient responses.

In considering public and legal ambivalence in the difficult area of age of consent laws, two goals stand out: to allow sexual freedom to young, physically mature people, and to protect young, psychologically immature people from harm and exploitation (see Graupner & Bullough, 2004). The conflict between these goals, and the varied ages at which youths attain physical and psychological maturity, mean that subjective judgments will necessarily play a large role in public and legal reactions to

such cases. This exploratory research has highlighted a number of issues deserving of more thorough examination, in order to ensure that enough is being done to protect children whilst also allowing them the freedom to engage in self-determined sexual relationships.

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Tables

Table 1: Main effects of the age of the younger person in the relationship: Study 1.

Measures	F	Age of the younger person in the relationship					
		9		14		22	
		M	SD	M	SD	M	SD
Wrongness: older person's behavior	1641.78***	8.59	1.05	6.92	1.05	1.55	1.05
Wrongness: younger person's behavior	211.88***	4.37	1.58	4.65	1.58	1.45	1.58
Negative emotion	990.88***	7.63	1.26	5.38	1.26	2.93	1.26
Harmfulness	1170.80***	8.08	1.16	5.86	1.16	1.91	1.16
Responsibility	540.03***	1.71	0.84	2.94	0.84	4.59	0.84

Note: *** = $p < .001$ ** = $p < .01$ * $p < .05$ m = $p < .10$ ns = not significant. All df are (2, 444). All responses were made on nine-point scales. For responsibility, high numbers indicate greater responsibility of the younger person.

Table 2: Means for the gender of the older and younger person in the relationship:

Measures	F (1,220) for older person's gender effect	Older person male		Older person female	
		Younger person male	Younger person female	Younger person male	Younger person female
		M (SD)	M (SD)	M (SD)	M (SD)
Wrongness: older person's behavior	5.31*	7.29 (1.88)	7.18 (1.96)	6.59 (2.22)	6.62 (2.04)
Wrongness: younger person's behavior	5.26*	4.66 (2.35)	5.32 (2.45)	4.33 (2.11)	4.29 (1.96)
Negative emotion	6.19*	5.84 (2.54)	5.71 (2.26)	5.17 (2.46)	4.80 (2.23)
Responsibility	0.00 ns	3.07 (1.59)	2.80 (0.94)	2.84 (1.22)	3.05 (1.51)
Harmfulness	17.19***	6.52 (1.90)	6.30 (1.75)	5.09 (2.27)	5.54 (1.98)

Study 1 Note: *** = $p < .001$ ** = $p < .01$ * $p < .05$ m = $p < .10$ ns = not significant. All df are (1).

Table 3: Effect of the gender of the participant: Study 1

Measures	Gender of the participant				
	t(222)	Male		Female	
		M	SD	M	SD
Wrongness older person	2.66**	6.56	2.19	7.28	1.82
Wrongness younger person	1.18ns	4.47	2.32	4.83	2.18
Negative emotion	2.21*	5.03	2.57	5.73	2.17
Responsibility	-1.55 ns	3.08	1.45	2.80	1.21
Harmfulness	2.20*	5.56	2.19	6.16	1.87

Note: *** = $p < .001$ ** = $p < .01$ * $p < .05$ m = $p < .10$ ns = not significant.

Table 4: Effect of the order the relationships were presented in: Study 1

Measures	Order the relationships are presented in				
	t(207222)	9-14-22		22-14-9	
		M	SD	M	SD
Wrongness older person	2.52*	6.58	1.90	7.27	1.89
Wrongness younger person	1.84m	4.38	2.22	4.93	2.21
Negative emotion	0.71ns	5.27	2.34	5.49	2.32
Responsibility	4.20***	3.30	1.27	2.56	1.26
Harmful	2.07*	5.58	1.90	6.14	1.89

Note: *** = $p < .001$ ** = $p < .01$ * $p < .05$ m = $p < .10$ ns = not significant.

Table 5: [Effect of the Gender of the older and younger person in the relationship: Study 2](#)

Measures					Older person male		Older person female	
					Younger person male	Younger person female	Younger person male	Younger person female
	F (1,22092): Older person's gender	F (1,22092): Younger person's gender	F (1,22092): Interaction	M (SD)	M (SD)	M (SD)	M (SD)	
Wrongness: older	4.88*	2.64	15.79***	7.13 (1.96)	8.00 (1.41)	7.78 (1.41)	5.70 (2.25)	
Wrongness: younger	9.31**	2.70	15.08***	4.67 (2.18)	5.57 (2.06)	5.00 (2.17)	2.78 (1.09)	
Negative emotion	9.04**	2.55	5.69*	4.51 (2.32)	4.86 (2.33)	4.24 (2.12)	2.48 (1.66)	
Harmfulness	7.01*	2.82m	0.30	6.29 (2.05)	5.78 (2.07)	5.35 (2.35)	4.35 (2.19)	
Responsible older	0.20	0.83	0.28	7.21 (1.89)	7.17 (1.37)	7.35 (2.35)	6.70 (1.49)	
Responsible younger	1.30	0.21	0.14	4.04 (1.52)	3.74 (1.39)	3.57 (1.31)	3.57 (1.23)	
Punish older person	6.11*	1.21	0.14	2.13 (2.51)	1.83 (2.48)	1.26 (1.42)	0.65 (1.11)	
Avoid older person	1.94	3.46m	0.22	5.17 (2.87)	4.39 (2.48)	4.65 (2.85)	3.35 (2.55)	

Below the age of consent 42

Note: *** = $p < .001$ ** = $p < .01$ * $p < .05$ m = $p < .10$ ns = not significant . All df (1,8692).

Table 6: Results of chi square analysis for mitigating and exacerbating factors in Study 2.

Factor	%	χ^2
Base rate "older person should be charged with a crime"	56	
There was a professional relationship between them	77	16.93***
The relationship was public knowledge	66	3.43 _m
The younger person started the relationship	63	1.52 _{ns}
The older person believed the younger person was 16	28	29.89***
The younger person had been sexually active with other people their age prior to this relationship	66	3.43 _m
They both came from a country where girls typically get married at 13	31	22.62***
The younger person felt in control of the relationship	61	1.32 _{ns}

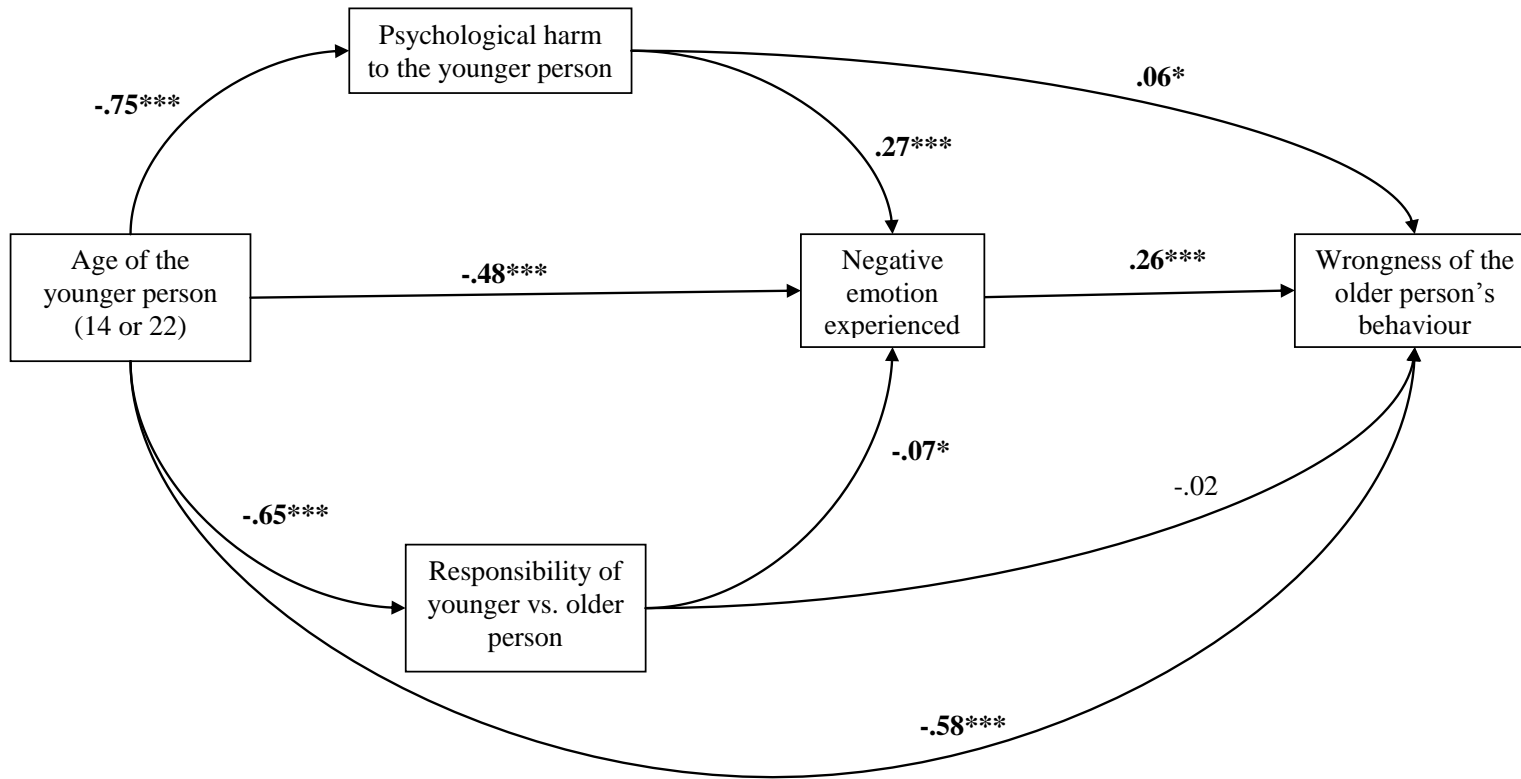
Note: *** = $p < .001$ ** = $p < .01$ * $p < .05$ m = $p < .10$ ns = not significant. Chi square tests the difference between judgments that the adult had committed a crime given that factor, and the base rate.

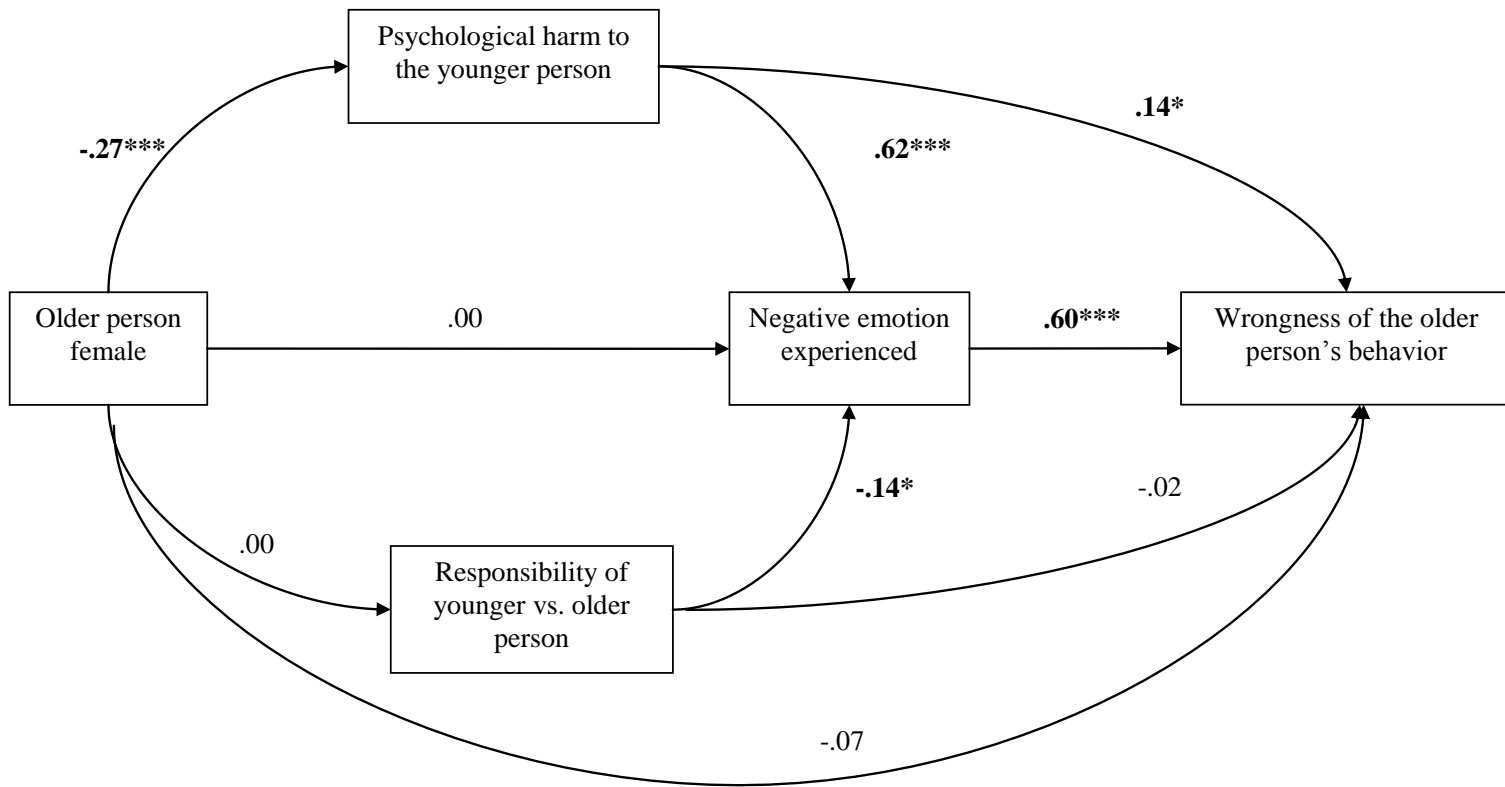
Figures

Figure 1: Path analysis of the effect of the age of the younger person in the relationship on judgements of the older persons behavior, Study 1. Significant paths are shown in bold; * = $p < .05$, ** = $p < .01$, *** = $p < .001$.

Figure 2: Path analysis of the effect of the sex of the older person on judgments *of the older person's behavior, Study 1. Significant paths are shown in bold; * = $p < .05$, ** = $p < .01$, *** = $p < .001$.*

Figure 3: Path analysis of the effect of the gender of the people in the relationship on moral judgments, punishment recommendation, and avoidance tendencies, Study 2. Significant paths are shown in bold; * = $p < .05$, ** = $p < .01$, *** = $p < .001$





Below the age of consent 47

