

Book review *Jailbait: The Politics of Statutory Rape Laws in the United States*. By Carolyn E. Cocca. Albany: State University of New York Press. 2004.

Carolyn Cocca is Professor of Politics, Economics, and Law at the State University of New York, College at Old Westbury.

This important book investigates issues of sexuality and what Professor Carolyn Cocca calls “morality laws,” which have been ignored by political scientists. In colonial America, the language of English Common Law was used as a basis for regulating sexuality. The age of consent for sexual intercourse was set at ages 10 to 12. These laws only applied to females, who were seen as property of their father. Furthermore, they did not apply to African Americans or Indigenous Americans. White masters could and did engage in sex with their slaves, but such relationships were not defined as rape or statutory rape. Indigenous females on the frontier were often raped, which shows the racist context of American sex laws.

Beginning in the 1890s and into the early twentieth century, the Women’s Christian Temperance Union conducted a campaign to raise the age of sexual consent for girls. Each U.S. state eventually raised the age from 10 to 14, 15, or 16. Their main stated goal was to protect poor girls from male employers and managers who would pressure their young female employees to have sex.

The second wave of change in statutory rape laws occurred due primarily to feminist activists in the 1970s and 1980s. Cocca examined legislative histories in all 50 states, as well as state and federal court decisions regarding statutory rape. She also selected three states for case studies of each empirical policy arena: Georgia, California, and New Jersey. She is careful to outline and to justify her quantitative methodologies, and the book thus has the kind of appeal needed to lend legitimacy to its findings with political scientists.

As the author’s introductory discussion notes, feminist reformers were not of one mind regarding the goals for reform of statutory rape laws. Some were concerned that consensual relationships between teens close in age were being needlessly punished, and so some states provided lesser punishments when two teens of the same or approximate ages were prosecuted. Others were more concerned with making the laws apply to boys, to be “gender neutral,” and ensuring that provisions such as “promiscuity” exemptions were eliminated. She acknowledges the conflicts among feminist groups over whether, how, and when to advocate for changes in statutory rape law.

The unfortunate side effects of this “gender neutral” drive greatly expanded the number of prosecutions of gay men over age 18 having sex with gay boys under age 18, or even many gay teenagers having sex with other gay boys. Disparities in sentencing show that prison sentences involving male-male sex have been about twice as long as male-female sex, even though the protection of girls was the stated goal of increasing the age of sexual consent.

By the 1980s and 1990s, the initiatives for raising the age of sexual consent to age 18 came about primarily from conservative Evangelical Christian activists, who were distressed especially by the gradual acceptance of premarital sex, contraception, abortion, and homosexuality, and by the exploding amount of sexual data on the internet in the 1990s.

These changes reinforced the notion in the law that teenagers are helpless victims, even referring to persons up through age 17 as “children”. These changes reflected reduced autonomy, liberty and dignity for young people.

Cocca’s research on the legislative histories of these changes in laws demonstrate that next to no scientific evidence was introduced in the debates. Not even public opinion polls were consulted. Instead, legislatures responded primarily to organized pressure by conservative activists and policy entrepreneurs.

Cocca has written a thoughtful and engaging book, which begins to uncover a host of unintended consequences that have happened since the age of sexual consent has been raised to 18. The main tragedy is that many thousands of teenagers and adults have been convicted of “rape” for behaviors that were willingly engaged by all participants. They have been forced to endure long years of imprisonment, even longer years of probation, and to have a permanent record as a felon and a life-long designation as a “sex offender.” The United States is practically unique in the world in creating this class of young criminals, out of behavior that in most nations is not a matter of criminal prosecution at all. Historians will no doubt look back on this era, exacerbated by a sensationalist corporate media, as a time of mass hysteria and sex panic.

*Adolescent Sexuality: A Historical Handbook and Guide.* Edited by Carolyn Cocca.

Covering major issues in adolescent sexuality in the United States from colonial times to the present, this work provides an account of how adults, from policymakers to police and parents, have attempted to intervene in the sexual lives of adolescents, and how adolescent sexuality has been and continues to be a subject of social concern and control.

This balanced, nuanced, and data-grounded view of the past and present of adolescent sexuality provides readers with a store of valuable and reliable information. Covering major issues in adolescent sexuality in the United States from colonial times to the present, the book provides an account of ways in which adults—from policymakers to police and parents—have attempted to intervene in the sexual lives of adolescents, and

how adolescent sexuality has been, and continues to be, a subject of social concern and control.

Original essays cover juvenile sex in history, as well as trends such as statutory rape laws, teen pregnancy, media portrayals of adolescent sexuality, and sex education. The perspective is further broadened by a collection of primary documents such as a petition from the Women's Christian Temperance Union to raise the age of consent, court cases, Freud's theories on sexuality, images used in the early 20th century for sex education, and current statistics on adolescent sexuality. This important and well-informed work will prove a central resource for students, educators, parents, journalists, and those working on behalf of youth.