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Samantha Majic
smajic@jjay.cuny.edu

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GOOD GIRLS, BAD MEN? RETHINKING SEX, VULNERABILITY, AND CONSENT

Samantha Majic*

JENNIFER ANN DROBAC, *SEXUAL EXPLOITATION OF TEENAGERS: ADOLESCENT DEVELOPMENT, DISCRIMINATION, AND CONSENT LAW* (UNIVERSITY OF CHICAGO PRESS 2016). PP. 352. HARDCOVER \$50.00.

JOSEPH J. FISCHEL, *SEX AND HARM IN THE AGE OF CONSENT* (UNIVERSITY OF MINNESOTA PRESS 2016). PP. 344. HARDCOVER \$94.50. PAPERBACK \$27.00.

In the United States, contemporary political and public discourse about adolescents¹ and sex tend towards polarization: they are cast as constantly at risk for sexual exploitation from authority figures, family members, peers, and strangers,² *and*, simultaneously, as risk-taking, irresponsible, and uninformed about sexual activity.³ In response, Jennifer Drobac's *Sexual Exploitation of Teenagers*⁴ and Joseph Fischel's *Sex and Harm in the Age of Consent*⁵ provide distinct considerations of the laws, theories, and risk factors related to adolescents' sexual exploitation.

At first glance, as the following overview indicates, these books may seem at odds: Drobac focuses primarily on adolescents as the *offended*, documenting the prevalence of their sexual exploitation and legal responses thereto, while Fischel's heavily theoretical

* Associate Professor, Department of Political Science, John Jay College-City University of New York.

1. In line with the authors, I use the terms "adolescents" and "teenagers" somewhat interchangeably. While both authors tend to focus the bulk of their discussions on those adolescents who fall within the "teen" category (i.e., those aged thirteen through nineteen), they also discuss younger children (those twelve and under) and young adults who have passed the age of majority.

2. *See, e.g.*, KRISTIN FINKLEA, CONG. RESEARCH SERV., R43677, JUVENILE VICTIMS OF DOMESTIC SEX TRAFFICKING: JUVENILE JUSTICE ISSUES (2014), <https://fas.org/sgp/crs/misc/R43677.pdf>; Nicholas Kristof, *When Emily Was Sold for Sex*, N.Y. TIMES (Feb. 12, 2014), <http://www.nytimes.com/2014/02/13/opinion/kristof-when-emily-was-sold-for-sex.html>; TAKEN (EuropaCorp 2008).

3. *See, e.g.*, Kathryn Doyle, *U.S. Teens Getting Less Formal Sex Education Since 2006*, REUTERS, Apr. 14, 2016, <http://www.reuters.com/article/us-health-sexeducation-teens-idUSKCN0XB2MM>; Sarah Stillman, *The List*, NEW YORKER (Mar. 14, 2016), <https://www.newyorker.com/magazine/2016/03/14/when-kids-are-accused-of-sex-crimes>.

4. JENNIFER ANN DROBAC, *SEXUAL EXPLOITATION OF TEENAGERS: ADOLESCENT DEVELOPMENT, DISCRIMINATION, AND CONSENT LAW* (2016).

5. JOSEPH J. FISCHEL, *SEX AND HARM IN THE AGE OF CONSENT* (2016).

work focuses more on adult *offenders*, calling into question their creation and stigmatization through law and culture. However, as my discussion intends to show, these books are quite complimentary: instead of examining adolescent sexual exploitation solely through an individualistic lens, both authors call attention to broader issues of adolescent capacity and consent, conceptualizations of risk, and social-legal responses to sexual exploitation more broadly.

I. AN OVERVIEW: UNDERSTANDING SEXUAL EXPLOITATION AND PREDATION

Drobac's *Sexual Exploitation of Teenagers* primarily examines "adult sexual predation of teenagers and the exploitation of teen naiveté and new worldliness"⁶ by asking three questions: (1) Do teens experience more sexual harassment than adults? (2) Are teens developmentally different than adults, and if so, how do these differences influence how they deal with sexual abuse by adults? (3) Is civil law, as opposed to criminal law, congruent with adult developing capacity (i.e., does sexual harassment law sufficiently protect teenagers responding to sexual advances by adults)? Overall, Drobac asserts that in certain contexts teens do experience more sexual harassment than adults, but teens are also developmentally different than adults and therefore do not necessarily "make decisions and act as the law . . . anticipates adults will."⁷ Her response to the third question is thus an emphatic no: the law does not adequately protect teenagers.

Tracking stories of teens involved in civil cases, the book proceeds to first (in Chapter Two) discuss the prevalence of teen sexual harassment (she also often refers to this as sexual abuse or sexual exploitation), which she defines as "to dominate another person physically or psychologically by annoying, frightening, demeaning, or taking unfair advantage of that person through the exploitation of human sexuality or gender stereotypes."⁸ The chapter presents statistics about the sexual abuse of adolescents by adults, and it examines sexually charged messaging and discriminatory situations that may facilitate and condone sexual harassment (even as these may not be addressed by legal remedies).

Chapters Three through Five provide background for understanding adolescent capacity and development, and the criminal and civil legal contexts for addressing sexual harassment they may experience. Chapter Three reviews the emerging science of adolescent development, arguing that teens are not "mini-adults," and then Chapters Four and Five demonstrate the "gross legal inconsistencies between criminal and civil law treatment of adolescent capacity and consent."⁹ In considering adolescent legal rights and capacities, and statutory rape laws and consent, Chapter Four indicates that criminal laws often presume a lack of capacity in juveniles, while Chapter Five shows that when civil law has responded to sexual exploitation, it sometimes assumes juveniles' *full legal capacity*. The chapter also demonstrates the numerous legal difficulties and hostilities teens face (often from judges) when they bring sexual harassment cases to court.

Chapters Six through Eight offer legal analyses of how sexual harassment laws are

6. DROBAC, *supra* note 4, at 3.

7. *Id.* at 213.

8. *Id.* at 18.

9. *Id.* at 97.

developed and how they fare in protecting minors. Chapter Six looks at the theoretical underpinnings of sexual harassment law and considers historical attitudes about sexuality and equality, showing a disconnect between the law and the actual problems minors face. Chapter Seven then turns to look at Title VII of the 1964 Civil Rights Act, which never contemplated juvenile workers (a significant and growing population), and as a result fails to address and protect this population by conflating their developmental and legal capacities, and their actual consent with their legal consent.

Chapter Eight then turns to look specifically at California—a populous state with laws that provide reasonable protections for workers and students—to consider how criminal and civil laws cover sexual abuse of minors. By reviewing various legal cases and judicial decisions to highlight the evolutionary path occurring in other states, the chapter demonstrates that from California to New York, laws fail to protect minors and treat their consent inconsistently. Chapter Nine then considers sexual harassment laws through Title IX of the Education Amendments of 1972, which specifically prohibits sex discrimination at school. Although the courts have interpreted this Act as prohibiting adults' sexual harassment of teenagers at school, judicial biases often thwart these efforts to protect teenagers.

The book concludes in Chapter Ten with a discussion of possible legal reforms, indicating that while teen sexual harassment remains a significant problem, remedies exist that are congruent with current knowledge about adolescent developing capacity. Here Drobac favors a notion of legal assent, as a new approach to adolescent consent that acknowledges that this population will engage in sex, sometimes with adults. Therefore, to protect adolescents as they explore and learn in the (adult) world, this notion of assent affords them a chance to revoke their consent when an adult behaves abusively, takes advantage of them, or breaches a duty owed. In court, once the adolescent “abrogates the assent and the court confirms the abrogation, a court must prohibit or exclude any further discussion of the original consent.”¹⁰

In contrast to Drobac's empirical focus on adolescents and the law, Fischel's *Sex and Harm in the Age of Consent* is a more theoretical work that examines how sex offenders are produced through the popular, political, and judicial spheres as predatory perverts who will recidivate if they are not checked by law. Likening this process to the historical vilification of the homosexual and his disqualification from equal treatment under the law, Fischel claims that the story of sexual harm is a story of predatory male desire and innocent victimized youth. All of this raises his book's broader guiding question: are sex offenders the new queers?

To answer this question, Fischel interrogates the notion of “consent” as the primary ethical metric for determining acceptable sexual behavior, indicating throughout his book that the capacity to and subjects of consent are not always clear-cut. He therefore suggests “deprioritiz[ing] . . . [consent] as a metric for permissible sex and . . . demagnetiz[ing] its cultural appeal as a slogan for good sex.”¹¹ He proposes instead that a combination of sexual autonomy (acknowledging youth as vulnerable and desiring), peremption (the way forces constrain the young subject and disqualify possibilities for more successful and less

10. *Id.* at 6.

11. FISCHEL, *supra* note 5, at 11.

damaged modes of intimacy), and vulnerability (the way young people are disproportionately prone to imposition and interference) surpass consent, predation, and innocence as conceptual guideposts for thinking about sex and relationships between young people, their peers, and adults.¹²

To explain this argument, Fischel's book proceeds to first (Chapter One) explore the "veritable discursive explosion"¹³ around children, sex, and sexual predation through the Dateline television series, *To Catch a Predator*.¹⁴ Drawing on work by Stanley Cohen, Gayle Rubin, and Gail Hawkes and R. Danielle Egan, Fischel argues that these theorists leave unaddressed certain aspects of socio-legal moralization, and therefore the law must be more explicitly theorized as a productive, anatomizing force in the creation of sexual subjects. To deflate sexual hyperbole, he calls on critical scholars to better identify the kinds of sexual harm that should concern a democratic citizenry and examine how anxieties about age and sex are often proxies for more complicated problems of gender, power, and queer sexuality.

Chapter Two proceeds to examine late twentieth and early twenty-first century sex offender registration and notification ("SORN") laws through the shifting rhetoric and judicial argument across various Supreme Court cases: *Bowers v. Hardwick*,¹⁵ *Lawrence v. Texas*,¹⁶ *Smith v. Doe*,¹⁷ and *Connecticut Department of Public Safety v. Doe*.¹⁸ His analysis demonstrates that while *Lawrence* ushered in sexual freedom for one historical outcast (the homosexual), *Smith* and *Connecticut* declared "open season" on the sex offender. The "free and consenting adult" and the "recidivist" tropes that emerged from these later cases place the young sexual subject in a paralyzing position by "overlook[ing] how gender asymmetry and queerness may inform sexual experience."¹⁹

Chapter Three turns from SORN laws to age of consent statutes, challenging the notion that these laws demark a true division between adults and youth, and, hence, consent and incapacity. Fischel identifies at least three historical junctures in these laws to indicate how their development is linked to changing conceptions of gender, (female) vulnerability, and consent. The chapter then introduces "sexual autonomy" as a principle to inform age of consent statutes, proposing four reforms to these laws: lowering ages of consent and decriminalizing sex between teenagers; continuing trends towards codifying age span provisions in ways that may eliminate coercion; regulating relations of trust and dependence that are more proximately coercive (e.g., the much more pervasive exploitative sexual relations between minors and their mother's boyfriends); and establishing an affirmative consent standard for sex between minors and for sex between minors and adults. The chapter ultimately argues that adolescents should be considered a separate class under the law, regardless of gender or sexuality, and it discusses how the law's "thou shall nots" must be decentered to better promote and protect young people's

12. *Id.* at 14.

13. *Id.* at 26.

14. *To Catch a Predator* (NBC television broadcast).

15. 478 U.S. 186 (1986).

16. 539 U.S. 558 (2003).

17. 538 U.S. 84 (2003).

18. 538 U.S. 1 (2003).

19. FISCHEL, *supra* note 5, at 17–18.

sexual autonomy.

Chapter Four then turns to examine how, if we are to understand and ethically respond to sexual relations across age differences, we must also consider how gender socialization, queer identification, and the coerciveness of heterosexuality “play out in the process of growing up.”²⁰ To illustrate, the chapter considers three films—*Doubt*, *Thirteen*, and *Superbad*²¹—to show how peremption is a pervasive feature of adolescence, even as it is gender asymmetrical and variously relieved and furthered by different social axes of inequality.

In the concluding chapter, Fischel summarizes the book’s key contributions and speculates how these may inform gay rights and anti-sexual violence campaigns and legal theory (namely critiques of autonomy and queer theoretic critiques of “the child”), considering along the way “other” sex scandals and not-yet-scandalous sex.

II. WHAT IS “ADOLESCENCE”?

Even as Drobac’s and Fischel’s books have distinct topical focuses and arguments, both works raise broader questions about the notion of “adolescence.” While we may have certain ideas about what this term implies, particularly regarding capacities for sexual knowledge, risk, and consent, Drobac and Fischel indicate the vagaries of what it means to be an “adolescent.”

This definitional challenge is apparent in how these authors variously conceptualize this category, indicating a debate about whether adolescence is a distinct developmental phase or a social construction. On the one hand, Fischel places “very little emphasis on discovering a neurological moment when young people fully understand sex, their sexual choices, and the ramifications of sex acts” because sociological research indicates that such a moment is illusory and shaped more by a constellation of factors such as resources, gender, and family dynamics.²² On the other hand, Drobac acknowledges these factors but extensively reviews and relies on emerging neurological and psychological research to show that, while there may be no firm biological markers of the beginning and ending of adolescence, this period is one denoted by many physical, cognitive, sexual, and psychological developments that extend to about age twenty-five. During this time, individuals are often (but not always) more self-absorbed, impulsive, and uninhibited, and the extent to which they act this way is often context-dependent (e.g., shaped by exposure to stress, peers, abuse, etc.). Taken together and applied to sexual choice and vulnerability, Drobac asserts that “[e]ven if scientists cannot yet make firm conclusions regarding adolescent developing capacity and judgmental maturity, adults should at least avoid confusing . . . psychological maturity when assigning legal rights and duties.”²³

Although these authors may differ in their reliance on psychological and neurological research for shaping their arguments, and although neither author offers an exact age when adolescents become sexually mature, they both indicate that adolescence

20. *Id.* at 18.

21. *DOUBT* (Godspeed Productions 2008); *THIRTEEN* (Fox Searchlight Pictures 2003); *SUPERBAD* (Columbia Pictures 2007).

22. FISCHEL, *supra* note 5, at 103.

23. DROBAC, *supra* note 4, at 45.

(at least in the U.S. context) is an “in between” stage. Drobac and Fischel both emphasize and agree that teens may be entering the adult world, but they do not yet have a wide range of experiences and frames of reference. Therefore, they need to experiment and learn but also have recourse and protections in the process, especially in cases like work and school where, as Drobac’s book indicates, they may be particularly vulnerable to abuse. Altogether, these authors indicate that there is something particular (and contested) about adolescents, particularly regarding their capacity to consent to sexual activity (especially with older people), and thus it is challenging to develop related laws and policies to protect and empower them.

III. RETHINKING VULNERABILITY AND RISK

If we accept that adolescence is an “in between” stage, it stands to reason that adolescents are vulnerable—sexually or otherwise—in their relations with their peers and adults. And certainly, as Fischel writes, “the emergence of popular shows like *To Catch a Predator*, not to mention images of abducted children and predatory men regularly broadcast . . . in nightly news programs”²⁴ emphasize that young people are constantly at risk for sexual exploitation. Furthermore, this risk—or conceptions thereof—appears highly gendered: adult males seem to pose the greatest risk to adolescents, while girls have long been viewed as more sexually innocent/vulnerable than boys; however, girls also are seen as more sexually dangerous, particularly to the adult men they may ensnare and accuse of abuse (what Drobac refers to as “sirens”).

Both authors engage with and question notions of (gendered) risk and vulnerability, but from very different perspectives. While Drobac admits that “researchers cannot tell exactly how prevalent sexual harassment is,”²⁵ her review of existing research casts teen sexual harassment as pervasive in society (especially for girls). And it is more pervasive where power imbalances exist between adults and teens, such as at work and in schools, but also in other contexts, such as athletics, church, the military, juvenile detention centers, and in public spaces such as malls and in cyberspace. In the bulk of the cases she reviews throughout the book, the harassers are male and the victims are female.

In contrast, while Fischel firmly believes that sexual exploitation is real and occurs most often where power imbalances exist between adults and youth (especially when one accounts for their gender, class, and sexual orientation, among other factors), he challenges the concept of the “sex offender.” Specifically, his work contrasts the impression one may get from Drobac’s work that (mostly male) sexual predators are everywhere at all times. In fact, his work situates and contextualizes Drobac’s concerns with sexual exploitation amidst broader political contests between politicians seeking to look tough on crime, “trigger-happy district attorneys” looking for prosecutions,²⁶ and liberals who bemoan a puritanical culture that makes it difficult for teens to experiment. Within this context, Fischel indicates that sex offenders are not, in fact, easily identifiable, and this classification often encompasses persons who may not fit the stereotype or be that far apart in age. Furthermore, while panic about sex offenders may have emerged alongside the

24. FISCHEL, *supra* note 5, at 8.

25. DROBAC, *supra* note 4, at 15.

26. FISCHEL, *supra* note 5, at 9.

“legitimization” of the homosexual, it has resulted in legal practices and cultural characterizations that are harmful to many. For example, those accused of sexual offenses are often barred under some SORN laws from entering or living in entire municipalities, which makes it difficult for them to find housing or work for many years after they have finished their sentences.²⁷

This contrast between Fischel and Drobac is not meant to imply that concerns about adolescents’ sexual exploitation are misplaced or wrong, or that sex offenders should not be held responsible and punished for their actions. Instead, Fischel indicates that “national anxieties over youth and sex should not be disqualified but instead recalibrated.”²⁸ When we think about young people’s risk for sexual exploitation, both authors indicate that while this may come from “bad” individuals (who are most often family members), we should be more concerned about broader structural factors that shape young people’s risks and vulnerabilities. In short, it is not “stranger danger” but gender, race, and poverty (among others) that render some youth far more susceptible to sexual abuse than others.

IV. RESPONDING TO VULNERABILITY AND MITIGATING RISK

If we agree that teens are vulnerable to sexual exploitation, and that the perpetrators of this are not only (or always) bad individuals, we can go beyond focusing solely on legally-oriented solutions. Yet since both authors examine laws, legal cases, and socio-legal theory, one may assume that they prefer the legal system for addressing teen sexual exploitation; however, this is not the case.

In Drobac’s analysis of the criminal and civil law systems, she finds that these have been slow to acknowledge and accommodate teens’ unique vulnerabilities. Oftentimes, she indicates, adults are not convicted for their crimes or held civilly liable because judges tend to hold teens to adult standards. Furthermore, judges often assume that victims—predominantly girls—were in some way culpable or provoked the abuse.²⁹ As Drobac shows how the legal system disadvantages victims of sexual exploitation, Fischel indicates how it also may harm those *accused* of sexual offenses. In addition to showing how SORN laws may discriminate against many people, he discusses a number of cases where judges relied on recidivist tropes of sex offenders to make their decisions in many cases, even as sex offenders have some of the lowest recidivism rates among criminals.

So, are laws and the legal system capable of addressing adolescent sexual exploitation? For both authors, the answer is not in their current form. In response, they advance a number of practical and conceptual reforms—a notion of assent that can be applied to teens (Drobac); changing age of consent laws to protect both young people and the wrongly accused (Drobac and Fischel); and increasing the capacity for young people to file and win civil suits (Drobac), among others. And although neither author discusses this extensively, their work also suggests that judicial education around both adolescents’ developmental capacities *and* the limits of recidivist tropes would also likely improve outcomes in the courts. Altogether, these proposals aim to provide young people with the space to experiment sexually but also attain more protections and redress from coercion

27. See generally *id.* at 60.

28. *Id.* at 85.

29. See DROBAC, *supra* note 4, at 204–08.

and exploitation.

But legal solutions have their limits. For sex offenders, as Fischel indicates, the dangerous recidivist is a popular trope that is not likely to recede in the minds of the public or political leaders any time soon. And for young people, the court systems are already over-burdened, and access to high-quality legal services is limited, especially for those with little means. Indeed, many lawyers who do civil lawsuits work on a contingency fee basis, but how likely are sexually exploited youth to find these lawyers, especially without assistance from their parents or guardians (who, as Drobac's research indicates, teens are not likely to talk to about their sexual activities in the first place)?

Certainly, I am not dismissing the authors' proposed legal reforms; instead, I indicate some of their limits to highlight other areas for intervention: namely the family and the welfare state. Regarding the former, both authors present somewhat conflicting accounts of the family's potential for mitigating risks for sexual exploitation. On the one hand, Fischel indicates that the family is one of the most "proximately coercive" sites of sexual offense for young people. Particularly for girls, their mother's boyfriends, fathers, brothers, cousins, and uncles are more likely sexual offenders than lurking strangers or peers. But on the other hand, while Drobac acknowledges these familial dangers, she repeatedly references the role parents (and other adults) can play as teens' guardians, educators, and confidants as they begin to take risks and otherwise navigate entry into adulthood.

What, then, do we make of the family? In a perfect world, adults in the family would be protectors and guides, not predators, but this is not always the case. Like adolescents, adults also, often, act impulsively, make stupid decisions, and think only of themselves. Furthermore—and this is discussed less by either author—there is a class element to parenting and parent-child relationships. While Fischel does not consider this in his book, Drobac's book often implies a middle-class parenting standard—her references to "common parenting wisdom,"³⁰ and the need for parents to converse and engage with their children about various aspects of their lives presumes parents have the time, energy, knowledge, and interest in this level of engagement. As research and popular commentary indicates, "parenting wisdom" may not be entirely common—often, parents with higher socioeconomic status engage in more reciprocal, conversationally-oriented parenting.³¹ Furthermore, many parents' religious and/or cultural orientations limit their capacity for discussing sex and sexuality with their children.

Family structures also intersect with economics to place some teens at higher risk for sexual and other exploitation. For example, Drobac discusses the growing number of teens who work in paid jobs—an excellent learning experience and income opportunity for any adolescent. Yet she shows that these jobs are often in the low-wage service sector, where teens may be subject to sexual harassment from bosses, co-workers, customers, and others. Furthermore, when they are unaware of the law and/or dependent on the income for their family, teens may not feel empowered to tell anyone about or protect themselves

30. *Id.* at 221.

31. *See, e.g.*, Edith Chen & Louise Berdan, *Socioeconomic Status and Patterns of Parent-Adolescent Interactions*, 16 J. RES. ADOLESCENCE 19 (2006); Margaret Talbot, *The Talking Cure*, NEW YORKER (Jan. 12, 2015), <https://www.newyorker.com/magazine/2015/01/12/talking-cure>.

from abuse. Yet not all adolescents engage in remunerative service work: many middle and upper middle-class teens instead spend their free time and summers at camps, working with tutors, and traveling, among other enriching activities.³² Indeed, teens may also be vulnerable to sexual exploitation in these other places, but from Drobac's review of the research, these vulnerabilities seem more pronounced in low-wage service work.

In stating all of this, I am not suggesting that we abandon the family or discourage teens from paid employment to address adolescent sexual exploitation; instead, we need to situate the family within broader socioeconomic structures and opportunities. As both authors indicate, teens are vulnerable to sexual exploitation from not only predatory individuals, but because of gender biases, poverty, racism, homophobia, and unstable living situations (to name just some sources). And to address and potentially mitigate such socioeconomic vulnerabilities, both authors offer ways to mitigate these forces and expand possibilities for youth protection, development, and experimentation, whether through better sex education, workplace reforms, improving media content, etc.

Therefore, in both books, it would have been interesting to hear more about how other nations approach adolescent sexual development and mitigate risks for exploitation. An extensive body of research indicates that stronger social safety nets, comprehensive sexual health education, and commitments to gender equality (particularly regarding ending violence against women) variously help foster better outcomes for teenagers in terms of lower levels of unplanned pregnancy and higher levels of sexual health.³³ Imagine, then, that instead of mainly mobilizing the carceral state to address adolescent sexual exploitation, the United States had more comprehensive sexual education, anti-poverty measures, stronger labor laws, and other such protections. These may do more in the long run to not only mitigate adolescents' risks but also support families in discussing, preventing, and dealing with their children's sexual risks and vulnerabilities.

I also wished, in reading both books, that the authors included more explicit and detailed considerations of how race and racism play into conceptualizations of sexuality, sexual exploitation, and sex offenders. Indeed, these topics are not race neutral: for example, adults tend to view black girls as less innocent and more adult-like than their white peers, and thus assume black girls "know more about sex" and "need less protection" than white girls.³⁴ And even as sex offenders vary significantly in terms of race and ethnicity (as well as by age and social class), and most sex offenders are white men in their thirties,³⁵ sex offender registration laws (and their attendant restrictions on individuals)

32. Rachel Goldfarb, *Summer Vacation Is Feeding the Achievement Gap*, NEXT NEW DEAL (June 27, 2014), <http://rooseveltinstitute.org/summer-vacation-feeding-achievement-gap>.

33. See, e.g., Nicole Haberland & Deborah Rogow, *Sexuality Education: Emerging Trends in Evidence and Practice*, 56 J. ADOLESCENT HEALTH 56 (2015); *Violence Against Women*, ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT, <http://data.oecd.org/inequality/violence-against-women.htm> (last visited Oct. 11, 2017); WHEN CHILDREN BECOME PARENTS: WELFARE STATE RESPONSES TO TEENAGE PREGNANCY (Anne Dagherre & Corinne Nativel eds., 2006); Steph Auteri, *The Evolving State of Sexuality Education Around the World*, AASECT NEWSL. (Am. Ass'n of Sexuality Educators, Counselors and Therapists, Chi., Ill.), Aug. 2015, <https://www.aasect.org/evolving-state-sexuality-education-around-world>; KAROLINA BEAUMONT & MARCIA MAGUIRE, POLICIES FOR SEXUALITY EDUCATION IN THE EUROPEAN UNION (2013).

34. REBECCA EPSTEIN, JAMILIA J. BLAKE & THALIA GONZALEZ, GEO. CTR. ON POVERTY & INEQUALITY, GIRL INTERRUPTED: THE ERASURE OF BLACK GIRLS' CHILDHOOD 1 (2017).

35. *Learn About SARTs*, OFFICE OF JUSTICE PROGRAMS, <https://ovc.ncjrs.gov/sartkit/about/about-sa-so.html> (last visited Oct. 22, 2017).

disproportionately affect black men.³⁶ Certainly, both authors acknowledge race (with Fischel discussing race most explicitly in Chapter Four, when he analyzes the films), and they note that racism increases adolescents' vulnerability to sexual exploitation and adults' likelihood of being accused of sex offenses. However, a more explicit consideration of the ways in which the long, racialized history of how sexuality—and women's and girls' sexuality in particular—is conceived of, policed, and punished in the United States would have enhanced their discussions of how we understand sexual exploitation and sex offenders more broadly.

Altogether, these fascinating and brave books provide interesting theoretical and empirical discussions of sex, harm, and the law. By unpacking and complicating notions of youth, sexuality, and vulnerability, while also challenging notions of sexual predation and exploitation, they encourage us to re-think the rigid sexual and gender norms that often guide the creation of laws and policies that, too often, do more harm than good.

36. TREVOR HOPPE, *Punishing Sex: Sex Offenders and the Missing Punitive Turn in Sexuality Studies*, 41 L. & SOC. INQUIRY 573 (2016).