

Law and sex

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My name is David Boulding and I am a lawyer who has worked in criminal and family law courts. I mention this because today with you I am speaking as a lawyer. I am not a parent, not a biology teacher, or a health and sex education teacher. I am not a therapist.

And I am asking you to consider this difficult material on sex here as suggestions, as proposals, and as an invitation to consider a hot topic in a different way. The ideas here about sex will be challenging and I am asking you to wait until the last page before you discard these suggestions. Hear me out, you may keep a child out of jail, or stop a sexual assault.

What follows is legal information to help you stop sex assaults. I have made an electronic copy and hard copy of this talk so your organizers can distribute copies as the material may not be easy for some to remember all of the details. And some of you may want to refer to some of the names I mention for later use.

It is a defence lawyer's job to keep clients out of jail and to prevent sex assaults.

For some years I have been interested in fetal alcohol legal issues. Law is primarily concerned with your brain; with what were you thinking when the trouble happened. People with brains affected by fetal alcohol have incomplete brains. They have an invisible permanent brain based physical disability because their mom drank alcohol while she was pregnant. Alcohol in the womb dissolves the baby's growing brain cells. Alcohol removes brain cells permanently. Alcohol also causes some developing brain cells to be connected to the wrong brains cells thus reducing cognitive abilities. Because they are missing pieces of their brains they make mistakes and often fail to learn from social cues. People with fetal alcohol are often jailed for sex assaults and some people, usually young women with fetal alcohol, are easy targets of sex assault because their brains are missing pieces.

As this is a complex and disturbing topic, if anything I say today upsets you, puzzles you, or confuses you, ask me! Put your hand up, stand up, and interrupt me and ask your question. If you have a puzzle, so do others and this is too important a topic to go home confused, or wishing you had asked a question a few days later.

And if you think I am wrong on any point: ask another lawyer, ask a science teacher, or ask your family doctor. I do not mind if you disagree with what I say. Many people have different opinions, especially about sex. My larger intention here is to get people talking about sex assaults with their children. In law a child is anyone less than 18 years old.

As a lawyer I work with facts. If you think the rules of sex as I have set out do not match your opinions of the law, perhaps find a local lawyer and have a sit down and read with her the sections 266 to 278 of the Criminal Code of Canada. I believe every parent must have a copy of the Criminal Code in the home, beside your King James Bible.

So please.....PLEASE.....

Do not ask your friends at TIM HORTONS about sex or sex assault: you will not get the facts you need. Often when you get the facts of sex wrong, you go to jail.

Lawyers speak in a language of facts. If for example you are in court in the witness box answering questions and you give an opinion, the room will go quiet for a moment and then, if you are lucky, a polite judge will tell you some version of "JUST THE FACTS....JUST THE FACTS". Judges do not like opinions.

Opinions in law are only allowed by properly qualified experts who have specific training in that narrow area of opinion. Usually you need a Ph.D., a M.D., or an advanced degree from a recognized university to give an opinion in a court room.

The reason is simple: if you are on trial for murder, and let us imagine you did not do it, you would not want some ordinary Joe Citizen spouting off his opinion:

“I know he did it, I know what kind of person he is...in my opinion he did it”

You would want Joe’s evidence restricted to facts.....What did he see?a colour or was it too dark? What did he hear? loud noises or no noise? What did he feel? ...was it colder or warmer? What did he taste?sour or sweet? What did he smell?burning or some other smell?

You would want a fair trial. I am asking you to give these ideas on sex assaults a fair trial.

And sex is a difficult topic to speak about. The only other topic as difficult as sex is money. If you want to create immediate silence when with people, ask anyone what line 150 says on their income tax form.

Many many years ago my first appearance as a lawyer was intimidating. There was fresh little me and two older gentlemen. One was an old grizzly bear of a Federal Crown tax prosecutor, and the other most senior judge of the Federal Court of Canada sitting in Vancouver. It was like meeting Satan and God in a very big empty room. The court list was concluded in about 10 minutes. I was the only person left and the judge said:

“We have time, lots of time this morning, so come up to the counsel table and we will talk. You have no case and I am sure the prosecutor will give your obviously impecunious client several years to pay this bill”.

There was my case with my days of preparation in the garbage can in about 10 seconds. The judge indicated to the court clerk all was done and she could leave until the afternoon session.

This kind judge, for some unknown reason, decided to talk to me about how to be a lawyer. Perhaps my lawyering needed a bit of something extra. The ferocious prosecutor immediately changed into a pleasant “happy to meet you” kind of guy.

These elderly fellows then spent the next two hours chatting with me as if I mattered. And ever since then I have learned the only thing that matters in a court room are facts. The rest is not worth saying....so do not say it. And this elderly judge and aging crown attorney told me all kinds of legal/life rules that I never heard while in law school. For the next two hours they went on and on and on. The rules covered my suit.....the judge did not like brown shoes with a dark blue suit (and to this day I wear

only black shoes).....and about interruptions (don't), and how to "make your three points then: SIT DOWN!" I can remember most of those rules today and to this day, as a verbal habit, I often say, "well, the rule is..... such and such" when I want to make sure listeners understand my point.

Here are the rules of sex. There are only two. Break one of these rules and you go to jail.

1. Only have sex with people the same age as you.

And

2. Only have sex when everyone involved says YES out loud before any one starts anything.

The sex rules are about consent and age.

If you are 14 or 15 and you are having sex with a 17 year person, or a person aged 27....one of you is going to jail.

If you INTENTIONALLY touch anyone for a sexual purpose without their permission....you are guilty of sex assault.....and jail is a possibility. One of the reasons I am writing this paper is because too many young men with fetal alcohol are in jail for sex assault when the problem could have been prevented by sex education from their parents. And obviously too many women are sexually assaulted every day. Many young men fail to ask permission when sexual. Most teenagers do not know the rule of age.

Of course these rules are more complex than I have written here because people lie about their age and frightened people (often young women) do not speak up when they are physically uncomfortable, especially about sex, and especially in social situations where drugs and alcohol are being consumed.

The first rule is for young people, for teenagers, and does not apply to older people who are having sex with people who are also older adults.

The sex assaults I want to talk about today are the assaults that happen when someone, usually a young woman, is not quite 16 years old or much younger. The law says you cannot give permission to have sex until you are past your 16th birthday.

As with most legal problems we need to develop the background facts before we can set out the solutions.

There are some questions we must answer.

What is sex?

Simple....sex is a physical experience in the body...sex is the creation, elevation, and discharge of sexual energy.

What is sexual energy?

Complicated...Louis Armstrong was once asked: What is Jazz Music? He said, "I dunno....but I know it when I hear it." It is the same with sex. You know it when you feel it in your body and here is the start of the problems. You may feel sex energy in your body and your partner may not feel it in her body. This difference in body feelings is the beginning of sex assault. You have feelings in your body and you assume the other person has the same sex feelings.

Big mistake. The law requires you to ask her: "Do you want to have sex?" And respect the answer.

Every sex assault case I have done could have been prevented by conversation, by listening, and by respecting the answer given. Every sex case I have done could be prevented if people talked first and the man asked for and got permission. No permission equals sex assault.

Sadly many people choose to act first and not think at all. The jails contain many of these people. Sadly many sex rule breakers are not in jail and they continue to break the rules of sex.

Law is concerned with your intentions....specifically....what were you thinking when you were being sexual?

Fortunately we can talk about sex using the graphs you studied in high school math classesyesthe “x” and “y” axis graph is an excellent way to describe sex and these graphs can pinpoint where a sex assault begins. These graphs are a visual way to depict various kinds of sex experiences and again can show the different ways people experience sex.

I would like you to draw some of these graphs because the various graphs can explain better than words.

Now here is another fact. I am not talking about brutal sex assaults with weapons, I am not talking about gang rapes, I am not talking about the kind of assaults with threats or ugly nasty behaviour that end with murder or horrible injuries.

The kind of sex assault I am discussing here is often called “date rape”.....or the sex assault that is never reported because....usually the woman...is embarrassed afterwards. In these assaults everyone is known to each other...friends or social acquaintances. I am talking about a slice of sex assault spectrum. I believe this type of “date rape” sex assault is the most common.....and usually not reported....and often involves young people beginning their sex life.

The next information is from research done around 1920. Today this is not new research or controversial. Some people may find this information difficult to absorb. This is basic sex science. Today kids are sexual at a much younger age than their parents became sexual. And to most parents this young sex is troubling.

However, I have seen many children under the age of 12 who have been sexually assaulted and I have had to interview or question young children in the witness box. This is difficult legal work. I

have had many clients who have assaulted children and today I am not talking about those people, those cases.

Let us go to graphs, the picture of sex that you can draw.

On one axis, the vertical axis, the "X" axis, we have a measurement of the intensity of good feelings in the body.

Zero to 10 units

Ok?

On the horizontal axis, the "Y" axis, we have time

Zero to ten units. (Ten minutes)

I am not blind to the many teenage jokes concealed in the last few sentences.

Let us move on.

Research says most North American sex is less than 10 minutes long. Do I have to tell you that porn on the internet is not real...it is faked like WWF wrestling.

Sex on this graph begins as a curve that gently slopes upwards to a point opposite the number 10 then abruptly turns down in a vertical fashion to somewhere around 6 or 7 or 8 minutes. This is called the orgasm curve. This is a general picture of what might be called textbook perfect sex. And not everyone follows this pattern. Remember this curve and remember this curve is the pattern for one person. Your partner's curve may be different as we shall see.

If you are having sex with a partner the paths of the two curves may be the same or maybe not even close. If you draw in your mind or on the paper given to you can imagine various different curves for various different sex experiences.

Now some brain science...and you thought this was going to be boring law. Remember this: we are our brains and few of us have identical brains. When I compare myself to my four sisters, to my friends, to my father and mother, to people I meet this fact....that we all have different brains...is a lesson I learn every day. I make horrible mistakes when I assume the person I am talking to has the same brain.

The bad news is that law assumes we all have the same brains and that causes many people with fetal alcohol to go to jail when other criminal justice solutions like probation orders make more sense. Many people with fetal alcohol are in jail simply because their brains are missing pieces and they truly did not understand what happened or they "got it" too late.

So...to brains....and this is basic brain 101...not intended to be a lecture in a medical school...although I would love to do this talk in a medical school because there are sex assaults in hospitals and medical schools.

On the top of your spine is a bump. It has a fancy name...RAS (reticular activating system)...call it the snake brain, the reptile brain. This is the brain of digestion, excretion, heart and lungs respiration, and the automatic parts of the body. You do not have to tell your liver to start working! You may know this brain as the FIGHT OR FLIGHT brain. This is the brain of instinctual responses. And sex is an instinctual response. Brain researchers talk about the four instinctual functions: called the four "F"s...fight, flight, freeze, and f.....as in sex. The reptile brain is the brain of sex. On the graph, the reptile brain kicks in after a short period of time, perhaps after only a minute. The snake brain is driving your sex behaviour once you start.

The snake brain is about keeping you alive. This is the brain that has you screaming at danger and has you running when you hear a sudden noise as you walk by a graveyard. It is not a sophisticated brain...it is a reptile like creature...think alligator, think dinosaur.

The research will tell you that sex assaults are not about sex. Assaults are about power over someone. Sex assaults are when someone wants their way and the other person does not matter. I

like to tell people that in a sex assault you are dealing with a dinosaur not a rational thinking person who is using all their human brain. This is an explanation not an excuse for assault. The best read on this on “power over someone” aspect of sex assaults is Susan Brownmiller’s *AGAINST OUR WILL*. First published in 1975 by Ballantine Books and available in every used bookstore or from the internet. Again, this is a book parents must have and perhaps required reading for all the teenagers in your family. It is a book that should be leaning against your King James Bible. I suggest all men read this before they are 18 years old.....perhaps two or three times.

In law we say: “You made a decision”; “You made choices”. What then causes has people, mostly men, to act like snakes or dinosaurs during sex assaults? Let us leave that discussion for another day and here focus on prevention of sex assaults. If you are interested, Susan Brownmiller surveys human history and has some suggestions, some answers about this perplexing question.

The next brain you and I have is on top of the snake brain and has another fancy name. Skip the fancy name. Call it the dog brain. This is the type of brain you find in your pet dog. This dog brain is a considerable improvement over your snake brain. Remember we are our brains. And in the dog brain we have more abilities, more talents, and more possibilities. This is the feeling brain, the brain of emotions, of relationships, of connection. The science says this brain contains the limbic system. Ask yourself what is the reason dogs like to be petted and what is the reason we like to pet dogs....the answer comes from this part of the brain. There is something important about our feelings and about connection to others. The limbic system, the brain of feeling, helps us know we matter, at least to someone, even if it is only to your pet dog.

You know this “I matter” fact because dogs love to be stroked petted or cared for...and research shows that bringing dogs onto hospital beds so sick people can pet dogs helps those sick people heal. There is something life giving about touching with care and kindness. Hospitals now have programs called Healing Touch where sick people get massages and, yes, they feel better. On the graph of the orgasm curve this “feeling good” is the beginning of the graph, near the zero/zero coordinates. We often call this part romance, warm fuzzy feelings, or opening up to another. In consensual sex this is the beginning of vulnerability. In sex assault it is the beginning of body shut down. People who have been sexually assaulted talk about going into total body freeze; they become rigid in this part. They retreat for safety into their snake brain.

I mention to teenagers that if they are having sex in the dark they are doing it wrong because they need to see the face and understand the physical body information from their partner. Often teenagers use their cell phones to send nasty text messages and do not see the face of the person

who receives the nasty text. They see none of the facial effect, the face information given in response to their hurtful words. I try to explain to the kids if you send lots of nasty text messages you might not learn that the human face gives you lots of information about consent in sex.

On top of the dog brain is the chimpanzee brain. This brain is in two parts...left and right hemispheres. And as you know chimps are smart...smarter than dogs. This brain is not involved in sex.

The next brain has various names...frontal cortex...angel lobes...human brain. To find it put your fingers in your eyes sockets and grab your forehead. This is the brain of music, of poetry; of the engineering that can put someone on the moon and bring them back alive...this is the brain of executive function, of making fine distinctions, the brain of morality, of law. This is the brain most affected by fetal alcohol. This is the part of the brain where many of the parts are missing. When your brain is missing pieces the consequences show up in your behaviour, you make mistakes. Missing pieces in your brain almost guarantees you will make mistakes and some of those mistakes will land you in jail.

These two upper aspects of the brain, the chimp brain and the frontal lobe of the human brain are usually not involved in sex. Some people will disagree. My experience is with people who have been sexually assaulted or with people who do sex assaults. My experience is that in sex assaults there is very little of what we call higher brain functions.

For instance I am referring here to the sophisticated ability to pause and reflect and consider what is going on for the other person as you act. There is a basic snake like dinosaur level brain in action during sex and it is even more basic thinking in sex assaults....especially if people are drinking or using mind altering drugs. Add to this the idea that sex assaults.....not happy consensual sex.....is about power over.....getting your way without considering the other. Sex assaults are like snakes reacting, not thinking with a complete human brain.

The problem is that when in a law court you must use your whole complete human brain, mostly the frontal lobes, because the law expects you to answer the question: What were you thinking? The snake brain is not a thinking brain. Do not ask a rattlesnake for help with your math homework, or your taxes.

The human frontal lobes and the executive function aspects are involved when we speak of legal consequences....this is the brain you use when the judge asks: "What was he thinking?" "What was she intending when she did or said that...?"

Sex assaults begin by refusing or failing to get consent, or ignoring the age rule.

Sex assaults continue because people...usually men...are stuck in their snake brains. This being stuck in your snake brain is not a legal excuse for assault. Many men say "let boys be boys" or make similar arguments in court. And as judges are better informed less and less of these arguments are successful.

We are judged by our behaviour, not our brains.

Let us go back to the "X" and "Y" graphs....so again sex starts off at the zero/zero point where the "X" and "Y" coordinates are at zero. Sex starts with some thinking about connection, some thoughts of shared participation. Sex starts in the dog brain. Sexual behaviour is complex with many unwritten social rules and with many social cues that many misinterpret, especially people with brains that are missing pieces. If you add in social consumption of alcohol or a combination of alcohol and drugs it is not surprising complete brained people make sex mistakes.

Now we might draw several types of graphs.

Try this experiment.

Draw on one set of "X" and "Y" coordinates one line in red and another line in blue...one red for you and one for another person in blue.

Try these examples.

1. Someone not interested at all in having sex with you at this moment.
2. Someone who is very fast, faster than you.

3. Someone who is very slow, slower than you.
4. Someone who cannot get past a certain point and freezes
5. Someone who says YES to you and then changes their mind to NO.

You can imagine various experiences of sex. Try to graph it to see the differences kinds of experience for each partner. I suggest you try a few different graphs to see if you can stretch your mind and consider other kinds of sex experiences than what you consider normal for you.

I ask teenagers to make a graph, again with one line in red and one line in blue, of their parents having sex. Yes, they are disgusted and groan when I mention their parents having sex. I make the point that teenagers are here today ONLY because their parents had sex. I secretly hope this graphing their parents having sex will lead teenagers to ask their parents some questions about sex. And maybe, just maybe, some parents will talk to their kids realistically about sex.

When I do this exercise with teenage kids I ask them to draw the graphs of sex with a Hollywood movie star. Everyone smiles and promptly draws something. I tell them the graphs are private and I need not see them.

I mention these various graphs and ask teenagers to draw some different graphs because legal trouble and sex assaults begin when we assume we are all the same. What you are thinking and feeling is almost never what the other is thinking or feeling. I suggest you take a minute when at home and try to picture various people you know and draw a graph of your version of them having sex. You might learn how to talk about sex!

In our sex behaviours are the patterns of the world. Dr. Bennet Wong, a famous psychiatrist for adolescents, had a saying: as you do your sex, you do your life.

He means if you think you are entitled to have sex without consent, there will be other areas in your life where you think you are entitled to break social rules. He means you will break other social and legal rules requiring consent in other areas of your life. The expert doctor is suggesting that because you are the same person whether having sex or driving your car in busy traffic, the mistakes you make in one area of your life will show up again in other areas.

To me this means we must teach our children about sex rules because if they fail to follow sex rules they will break other rules.

Here are common examples of sex mistakes:

1. She must want sex, look how she is dressed,
(In a recent session one young man asked “if she is wearing a red bra and matching red panties is that consent?”)
2. Of course she wants sex with me we are drinking and having a good time,
3. Yes, I know she wants sex because we are alone now.
4. “Well, she changed her mind, how was I to know?”

You will note that these mistakes are all one sided thinking. There is no conversation, no asking about what the other is thinking, there is no seeking consent, there is not a single question about age. If you have children or loved ones with fetal alcohol you might recognize this type of one sided impulse driven thinking.

And as you know the brain becomes an even duller tool when you are drinking alcohol or taking drugs.

Let us talk about consent. The legal issues are simple.

1. There is no consent if she is drunk.
2. There is no consent if she is asleep, or unconscious.
3. There is no consent just because she agreed to have sex with you last week.
4. There is no consent just because earlier that night she had sex with your friend.
5. There is no consent if she is silent.
6. There is no consent if she says "I don't know".
7. There is no consent if she says "I am sick" or "I am scared".
8. There is no consent because she agreed to have sex with your friend last week.
9. There is no consent because her best friend said it was "ok".
10. There is no consent because you heard someone say "she likes you."
11. There is no consent if she says YES and then changes her mind and says NO.
12. There is no consent if you hear "NO" or any negative information.
13. There is no consent if she is suddenly silent, or freezes, or cries.

In this list I have used the word “she”. Obviously we can replace “she” with “he”.

If you think clearly after hearing or reading this list you now know the general landscape of consent. If you are thinking clearly you can tell when there is no consent. And when we are in our snake brains we are not thinking clearly – we are reacting like a rattlesnake. And we are judged in a court of law by our human brains and by the expectations of our frontal lobes. We are expected to make the necessary fine distinctions about consent. Being in your snake brain is no defence to sex assault.

And yet these are the common excuses we hear in court or read in police reports.

And one of the reasons we hear these feeble and wrongheaded excuses is because parents are frightened or embarrassed to talk about sex and especially consent with their children. Children need to know the rules of sex as they need to know traffic rules. We teach children how to use crosswalks, yet parents refuse to teach the age and consent rules. Sex assaults happen because parents refuse to talk about sex with their children. If parents discussed sex like they taught traffic rules, there would be fewer sex assaults.

Parents and brave teachers are the first line of change in preventing sex assaults. What makes this sex talk difficult is simple: teenagers are not good listeners and parents get embarrassed about sex around their children. And teenagers take stupid risks. And parents fail at giving teenagers the rules of sex.

Parents do not want to know that their children aged 12 to 17 are having sex. As a criminal lawyer I have the news you do not want to hear. Our children live in a highly sexualized world and are acting sexually in a world that normalizes this open sex behaviour.

Some parents are embarrassed. Some parents have religious, moral, or philosophical objections to schools teaching sex rules. This means most schools do not touch this topic because they fear parents will complain to the school board. And no teacher is going to risk their job to teach sex rules.

Ignoring the problem of sex assault is not reducing the problem. Global warming, financial inequity, aboriginal injustice, and any other social problem will not be changed by silence. And sex assault prevention begins at home.

There are fine books available for parents. I mention two here.

1. The Pink Book. The Rules of sex: for those who have never been told

By Nora Baladarian: nora@disability-abuse.com

#204 – 2100 Sawtelle Boulevard, Los Angeles California (90025) USA. Nora is a famous sex therapist in Los Angeles, California.

And

2. Books, films, CBC radio talks, and lectures by Meg Hickling Registered Nurse from British Columbia.

A good starter book is:

- a) Talk Sex Today.....what kids need to know and how adults can teach them
Woodlake Publishing. Kelowna BC. Canada. 2016. Phone : 250- 766 – 2778
Webpage: www.woodlake.com

Co – author with Meg is Saleema Noon (Master’s degree from University of British Columbia Human Sexuality)

- b) Speaking of Sex: what your children need to know and when they need to know it: sex spelled out for parents
- c) Boys, Girls and Body Science (2002)

B) and C) are published by Harbour Publishing, Madera Park, British Columbia.

On the internet there is an excellent resource by Meg Hickling R.N. at: www.onfnfb.gc.ca/ag.100428.pdf

Buy the books, read them, use them, and let your kids read them and use them.

I have some specific legal advice for parents. Some will find this legal advice difficult to absorb.

And yes....first there is a story.

Many, many years ago a friend of mine was arguing at the Supreme Court of Canada (SCC) in one of the pornography cases....I forget which one. It does not matter. As you might guess at the Supreme Court of Canada there is a question and answer flow from the bench of judges to the lawyers arguing their point of view on what the lawyers think the law is. My friend tells the story of one of the judges paraphrasing a lawyer's argument in favour of porn.

Went something like this:

Judge: So let me get this rightok....you are saying if there was porn like this available there would be fewer sex assaults.....I mean the argument makes sense like blowing off steam or reducing anxiety....I want to make sure that is what you are saying?

Lawyer: Yes, my lord that is one of my arguments.

Judge: Ok, ok, I just wanted to be sure I understood you.

To non - lawyers this interchange between a judge and a lawyer from the early 1990's seems to be nothing. And as experts will tell you this safety valve theory is years old and not controversial today. The judge is repeating a theory that masturbation reduces sex assaults by reducing anxiety. If you disagree that is fine. Perhaps, though, consider this idea for a moment. Might there be something here that might prevent sex assaults? I am not telling parents to force their kids to watch porn.

Sex has many functions: create children, express love, feel good, and many other reasons. Psychologists and psychiatrists will tell you that one of the main functions of sex and of masturbation is to reduce anxiety.

If you measured all the sex in the world by some marvellous measuring machine, most of it would be masturbation. The proof is the 14 billion dollar porn industry on the internet. Kids consume tons of porn. And you cannot ignore this fact of how much porn your kids see. Reducing anxiety is the product porn sells. Is anxiety is an issue for your child? Is anxiety an issue for every teenager?

My legal advice is to teach masturbation. While masturbation is only 1% of the solution, it is a start.

And there are materials available to help you teach masturbation. There is a booklet and DVD by Dave Hingsburger called HANDMADE LOVE. It costs \$83.62 and the only supplier I can find is CAVERSHAM bookstore at: 98 Harbord Street, Toronto (www.cavershambooksellers.com). Caversham Books is next door to the University of Toronto. Caversham is the “go to” store for therapists of all kinds. It is a mental health superstore. I was told about these Hingsburger materials by a social worker from Hamilton a few years ago after she heard an earlier version of this talk. She says her government run office uses the booklet and DVD regularly. She is an expert. You will make your own choices. You will do best for your kid, if you know your child’s brain.

If you have children or loved ones with fetal alcohol you know their lives are full of frustration, failure, and anxiety. I tell parents there are only two rules of masturbation: 1. Lock the bedroom/bathroom door, and 2. Use lube.

In 2000 Meg Hickling R. N. was awarded the Order of Canada for her pioneering work in Sexual Health. At the time Meg remarked that this award could only happen in Canada.

If you know history you will remember that President Bill Clinton fired Jocelyn Elders M.D. for suggesting in 1991 that we teach masturbation to our children. Jocelyn Elders was a senior pediatrician and was appointed by the President to be the Surgeon General of the USA. Politics required she be fired because she suggested we talk about masturbation. Has anything changed?

Now briefly look at the various graphs again. Look at what we call the orgasm curve. The brain science tells us that the brain cannot distinguish between sex with a partner and solo sex we call masturbation. In both situations we tell our brain a story about sex and we get excited and often we experience the good feelings of release. The steep drop in the graph is the feel good part of sex, the relax. This is the part of sex which reduces anxiety. The steep drop, the relax feeling, the reduction in anxiety is the reason why most of the sex in the world is masturbation.

I tell parents to teach the rules of masturbation to reduce anxiety and to overcome shame. Developing a healthy sex positive attitude is crucial to becoming a successful person. Parents must do the teaching.

Teaching sex positive education topics is beyond this talk and they are crucial lessons. If you want to keep your child out of jail, go read Meg Hickling's books.

Let us now talk about teaching age and consent. Teaching age and consent is 99% of the solution to prevention of sex assaults.

I must say my focus here is on persons with fetal alcohol because often they are arrested and convicted of these assaults and these assaults can be easily prevented. And again many young women with fetal alcohol are sexually assaulted and we must try to stop these assaults.

Here is the legal advice:

I tell parents to identify the ages of all their children's friends and chart their ages: find out the birth dates! Find ways to explain to your child the age rule and find ways to tell your teenager who is off limits for sex. Then as part of a family sex education talk and teach asking this question:

How old are you?

And if answer is not the same age of your child, the reply is "I cannot have sex with you."

Clearly this age question asking process must be repeated over and over again. And the repetitions must be with heart and loving connection. You might explain this question will keep your child out of jail.

Teaching Consent takes work and lots of planning. Start young.....younger than you first might think.

Build a question and answer tree...using yes or no questions...use simple clear concrete words.

1. May I hold your hand?

Yes or no

2. May I kiss you?

Yes or no

3. May I touch here?

Yes or no

4. May I continue?..... and build up to where you are asking permission for sex...and specify the sex act!

5. Obtaining permission to do "A" and then doing "B" instead is sex assault.

Sometimes parents say this question and answer process, this checklist approach is not romantic. Allow me to say here that visiting your child in jail is not romantic. Being on the sex offender's registry is not romantic.

Those who have brains that are missing pieces miss social cues, have memory problems, poor attention strengths, and act impulsively. Some people with fetal alcohol are 27 or 32 years old with a brain age of 14. These persons are best suited to learning about consent by many repetitions of this checklist approach. As I have said the key to learning with fetal alcohol persons is repetition with heart. And the repetition may be in the thousands of times. Expect failure. We know that people, generally, are drawn to have sex with those the same brain age, the same emotional age. Please note the age question seems to be the area of the most mistakes that put people with fetal alcohol in jail.

I ask parents to put reminders of the sex checklist on bedroom doors, on bathroom mirrors, and even on the inside of the family front door. Find what works in your house! The fridge door! The rec room wall? Inside a wallet on a lawyer's business card? On the back of a cellphone? You know your child best.

Everyone wants their children to have a permanent loving relationship with a person who respects them, who is their best friend forever. Every parent wants their children to have great sex in the context of a long term loving relationship. Talking about sex, and consequences, are part of a parent's job. One problem that troubles parents when I talk to about sex is that parents often think that sexual

experiences are only OK in the context of a loving long term relationship. I have friends, good friends, who believe sex is only permitted after marriage. Sometimes sex for young people is a few minutes on Saturday night after too many beers. Sometimes it is great. Sometimes it is sex assault. Often parents demonize and make bad all sex before marriage. Kids ain't stupid: they can spot bullshit.

There is another paper on my website (www.davidboulding.com) called THE RULES OF SEX which contains some specific suggestions for having these difficult discussions. I believe if you model loving relationships, your kids will learn loving relationships. Everything begins with a quiet conversation....everything! Volume rarely solves problems. Ask your teenager if volume changes behaviour. Volume driven lectures did not work for me when I was 15. Did being screamed at work for you when you were 15?

Here is the final legal advice. When you talk to your kids about sex use the following words:

Age,
consent,
condoms,
relationship,
loving,
friends,
fun,
true love,
practice,
permission,
respect,
and listening.

And you may add your own words. A bit of advice: withhold judgment. Speak in a parent's voice. You are the adult, accept that role and responsibility.

This conversation about sex with your children will take many attempts and will have painful moments for parents and children. If you want your kid to stay out of jail, you will find a way to use all these words and more. If you want to do your part in reducing sex assault in your community you will talk about sex with the passion you have for traffic rules. Because no parent wants their kid run over by a truck..... just because your kid forgot to look both ways before crossing the road.

We teach people to drive, to scuba dive, and to fly airplanes using a checklist approach. I suggest parents use this sex checklist approach because we know it works in other areas of learning and living. I believe you can create positive outcomes when you tackle this sex topic. These will be difficult conversations and over time, perhaps over a long time, you will find ways to talk about other hard topics like money with your friends and your child. This asking permission approach will enrich and enliven your relationship with your child.

The second benefit is your child will not be in jail.

Third and this may be the biggest benefit: your child will have a wonderful healthy sex life.

Here is the promised last piece. I want to end with a note about loving. We have not mentioned loving, the action of unconditional positive regard as Carl Rogers named it because we have had a focus on the brain and staying out of jail. Loving makes us human. Everyone wants to matter at least to someone. Everyone wants personal connection from others, to belong and to be seen as a member of a social group. I believe a loving life within a long term monogamous relationship where both partners practise clear communication, vulnerability, expressing feelings, and taking personal risks to express and listen to feelings is central to being a human being. Sex within this framework is beautiful and demonstrates the best of human potential.

And sometimes sex is simply a way to relieve anxiety. Sometimes sex behaviour is trying out new behaviours, exploring possibilities and learning about sex boundaries. For some people with brains that are missing pieces, these brief moments of sex are often the only close person to person connection they get. For many reasons some people will never be in a fulfilling romantic long term monogamous relationship.

Sometimes some people find rare joy in rare moments of sex.

For parents and caregivers of people with fetal alcohol to insist, or require that only sex their children have is sex within a long term monogamous relationship is not realistic, not helpful. And is not a way to keep them out of jail. Think that the brain before you is missing pieces! Think about their failures, frustrations, the mistakes, the social misreads, and the failures of communication you have seen so far. As Diane Malbin says: Start trying differently.

David Boulding November 2016