



Universiteit
Leiden
The Netherlands

Een overheid op drift: de strafrechtelijke beheersing van seks en jongeren

Gooren, J.C.W.

Citation

Gooren, J. C. W. (2016, February 16). *Een overheid op drift: de strafrechtelijke beheersing van seks en jongeren. Meijers-reeks*. Retrieved from <https://hdl.handle.net/1887/37813>

Version: Corrected Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/37813>

Note: To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



The handle <http://hdl.handle.net/1887/37813> holds various files of this Leiden University dissertation

Author: Gooren, Juul

Title: Een overheid op drift : de strafrechtelijke beheersing van seks en jongeren

Issue Date: 2016-02-16

Een overheid op drift

De strafrechtelijke beheersing van seks en jongeren

Een overheid op drift

*De strafrechtelijke beheersing
van seks en jongeren*

PROEFSCHRIFT

ter verkrijging van
de graad van Doctor aan de Universiteit Leiden,
op gezag van Rector Magnificus prof. mr. C.J.J.M. Stolker,
volgens besluit van het College voor Promoties
te verdedigen op dinsdag 16 februari 2016
klokke 16.15

door

Juul Cornelis Willem Gooren

geboren te Venlo

in 1984

Promotoren: prof. dr. mr. L.M. Moerings
prof. dr. R. Van Swaaningen (Erasmus Universiteit Rotterdam)

Promotiecommissie: prof. mr. dr. C.P.M. Cleiren
dr. G. Hekma (Universiteit van Amsterdam)
prof. dr. J.P. van der Leun
mr. dr. M.B. Schuilenburg (Vrije Universiteit Amsterdam)

Lay-out: AlphaZet prepress, Waddinxveen
Printwerk: Wöhrmann Prints-service

ISBN 978-94-6203-973-5

© 2016 J.C.W. Gooren

Behoudens de in of krachtens de Auteurswet van 1912 gestelde uitzonderingen mag niets uit deze uitgave worden vervoelvoudigd, opgeslagen in een geautomatiseerd gegevensbestand of openbaar gemaakt, in enige vorm of op enige wijze, hetzij elektronisch, mechanisch, door fotokopieën, opnamen of enige andere manier, zonder voorafgaande schriftelijke toestemming van de uitgever.

Het reprorecht wordt niet uitgeoefend.

No part of this publication may be reproduced, stored in a retrieval system, made available or communicated to the public, in any form or by any means, without the prior permission in writing of the publisher, unless this is expressly permitted by law.

Citaat/motto

“Youth was the time for happiness, its only season; young people, leading a lazy, carefree life, partially occupied by scarcely absorbing studies, were able to devote themselves unlimitedly to the liberated exultation of their bodies. They could play, dance, love, and multiply their pleasures. They could leave a party, in the early hours of the morning, in the company of sexual partners they had chosen, and contemplate the dreary line of employees going to work. They were the salt of the earth, and everything was given to them, everything was permitted for them, everything was possible. Later on, having started a family, having entered the adult world, they would be introduced to worry, work, responsibility, and the difficulties of existence; they would have to pay taxes, submit themselves to administrative formalities while ceaselessly bearing witness--powerless and shame-filled--to the irreversible degradation of their own bodies, which would be slow at first, then increasingly rapid; above all, they would have to look after children, mortal enemies, in their own homes, they would have to pamper them, feed them, worry about their illnesses, provide the means for their education and their pleasure, and unlike in the world of animals, this would last not just for a season, they would remain slaves of their offspring always, the time of joy was well and truly over for them, they would have to continue to suffer until the end, in pain and with increasing health problems, until they were no longer good for anything and were definitively thrown into the rubbish heap, cumbersome and useless. In return, their children would not be at all grateful, on the contrary their efforts, however strenuous, would never be considered enough, they would, until the bitter end, be considered guilty because of the simple fact of being *parents*. From this sad life, marked by shame, all joy would be pitilessly banished. When they wanted to draw near to young people's bodies, they would be chased away, rejected, ridiculed, insulted, and, more and more often nowadays, imprisoned. The physical bodies of young people, the only desirable possession the world has ever produced, were reserved for the exclusive use of the young, and the fate of the old was to work and to suffer. This was the true meaning of *solidarity between generations*; it was a pure and simple holocaust of each generation in favor of the one that replaced it, a cruel, prolonged holocaust that brought with it no consolation, no comfort, nor any material or emotional compensation.”

Michel Houellebecq, *The Possibility of an Island*

Voorwoord

Dit proefschrift was er nooit gekomen zonder mijn promotoren Martin en René. Hun geloof in mijn 'ongedisciplineerde' manier van denken en schrijven waardeer ik zeer. Mijn dank is groot. Daarnaast gaat mijn dank uit naar collega's en studenten op de Haagse Hogeschool die mij tijdens (de voorbereiding van) vakken en projecten scherp houden. Als docent van de opleiding Safety & Security Management Studies heb ik aan de wieg gestaan van de huidige opleiding. Ik ben trots op wat we hebben bereikt en nog gaan bereiken. Mijn vader en moeder dank ik voor de ruimte om mij te kunnen ontwikkelen als individu buiten het gezin. Mijn eigen gezin zorgt voor de noodzakelijke relativering. Ik draag dit proefschrift op aan Chabeli, Tomás, Sara en Lisa. Ook in dit geval ben ik trots op wat we hebben bereikt en nog gaan bereiken...

Juul Gooren
Februari 2016

Inhoudsopgave

CITAAT/MOTTO	5
PROLOOG	11
ARTIKELEN	27
DECIPHERING THE AMBIGUOUS MENACE OF SEXUALITY FOR THE INNOCENCE OF CHILDHOOD	29
CONTAINING THE SEXUAL TEENAGER IN AN ERA OF SEXUAL CONSUMPTION	47
‘PRE-ADULTS’ HAVING ‘CASUAL’ SEX WITH NO STRINGS ATTACHED? TEENAGE SEXUAL ACTIVITY AND DUTCH CRIMINAL LAW	67
DE STRAFRECHTELIJKE BESCHERMING VAN JONGEREN TEGEN SEKSUELE CONTACTLEGGING	91
ONGELIJKWAARDIGE SEKS. ENKELE REFLECTIES OP DE STRAFRECHTELIJKE HANDHAVING VAN ONTUCHT MET JONGEREN	111
AFSLUITEND HOOFDSTUK	129
CONCLUSIE: HET ASEKSUELE KIND EN DE SEKSUELE RELATIE	131
SAMENVATTING	147
SUMMARY	155
BIJLAGE	161

