

INTRODUCTION

Content Note

It is difficult to have in-depth conversations about sexual consent without at least touching on issues of sexual violence, and this book is no exception. It includes in-depth discussions of rape culture and rape myths, as well as discussions (though no graphic description) of a range of ways in which consent can be violated or undermined. Please engage with this book in a way that is compassionate to yourself and others.

Living in a Rape Culture

“Me too.” Two simple words, stuck together to form a hashtag. If you were at all paying attention in late 2017

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and early 2018, you will know that they stand for the ubiquity of sexual violence in our society: sexual harassment, sexual assault, and rape, but also related crimes such as domestic violence and stalking. If you haven't experienced any of these yourself, you most definitely know multiple people who have. The problem is pervasive, systemic. In 2001, the British Crime Survey found that over their lifetime since age 16, 45 percent of women and 26 percent of men had experienced domestic violence, sexual victimization, or stalking at least once.¹ These figures do not even account for those who have experienced sexual abuse and victimization in childhood. This is not a new issue.

And yet, prior to autumn 2017, you may not have known. The victims of sexual violence continue to be stigmatized and even blamed for the violations they experience, while perpetrators are rarely held to account for their actions. Across a range of Western jurisdictions, conviction rates for rape have been hovering at somewhere between 5 and 10 percent of reported cases for years.² The majority of rape cases are actually not reported to the police, and neither are the vast majority of other kinds of sexual assault such as groping, flashing, street harassment, or workplace sexual harassment. Where victims do report their experiences to police, the criminal justice system is not only woefully inadequate in delivering justice, but it can frequently re-traumatize a victim through the invasive

nature of both investigation³ and trial—a phenomenon feminist legal scholars have dubbed “judicial rape.”⁴

When addressing the ubiquity of sexual violence and how our society deals with both perpetrators and survivors, feminist scholars and activists speak of a “rape culture.” Rape culture is the collection of ideas, practices, and structures in our society that make it easy for perpetrators to commit sexual violence and make it hard for victims to speak out or get justice. Some of these are ideas about gender and sexuality (think, for instance, about how we tend to see men as sexually active and women as sexually passive, and stigmatize as “sluts” women who don’t conform to this stereotype). Some are ideas about what rape looks like or about how “genuine” rape victims should behave (“real” rape is physically violent beyond the sexual assault itself; a “real” victim reports the incident immediately, and is emotionally traumatized—but not *too* hysterical). Others are about who we perceive a rapist to be (rapists are monsters who jump out of dark alleys, not college students, or boyfriends, or politicians, or fathers).

We ask what she was wearing, whether she was drunk, if she “led him on,” making women responsible for men’s behavior. We think of rape victims as “she” and of perpetrators as “he,” ignoring the fact that women can commit sexual violence too, that sexual violence can happen between people of the same gender, that men and non-binary people can be victims. We talk of “*rape rape*” and by

extension of “not *rape* rape.” We have more sympathy for men whose “careers have been ruined” by allegations of sexual violence (such as Supreme Court justices Clarence Thomas and Brett Kavanaugh, both of whom will continue to shape the interpretation of US law for decades to come) than with their victims (such as Dr. Anita Hill and Dr. Christine Blasey Ford, both of whom testified under oath and faced humiliating public grillings and ridicule).⁵ Perhaps above all, we approach victims’ accounts with a profound sense of distrust, preferring to think that “she made it up” for the money, or the fame, or for revenge. All of this adds up to the environment we call rape culture.

The magnitude of the problem, and the personal nature of it—how close it is to you, to every one of us—have remained obscured by both social stigma and the inadequacy of the criminal justice system. Survivors and feminist activists, however, have been talking about it for years if not decades, bubbling under the surface, attracting attention to the occasional high-profile case (think of Julian Assange, Dominique Strauss-Kahn, or Bill Cosby to name a few recent ones), until they finally reached critical mass with the avalanche of sexual harassment and assault allegations against Hollywood producer Harvey Weinstein in 2017.

Following these and a host of other allegations against celebrities, politicians, and other powerful individuals from all walks of life, the importance of consent in sexual

and interpersonal interactions has become one of the key messages of the #MeToo campaign, alongside highlighting abuses of power and the need to support victims and survivors. These are some guidelines the campaign fosters: Make sure the person you are propositioning or having sex with actually wants to do this. Don't harass women who are clearly not interested. Don't touch people who don't want to be touched. Whatever it is that you want to do, make sure the other party or parties want to do it, too. If you are in a position of power over someone, do not abuse it to coerce that person's consent. And yet, there has also been a backlash. From random men on social media and high-profile politicians alike come questions like, "What, can't I even flirt now?," and "Do I have to sign a contract every time I have sex?" These, too, are expressions of rape culture.

So, if we have learned one thing from the #MeToo campaign, apart from just how pervasive sexual violence is, it is that we as a society do not have a clear, uncontested idea of what sexual consent looks like, and that we do not all universally and equally value it.

This book, then, tries to fill some of this gap by presenting a range of feminist ideas about sexual consent. It is, by necessity, a book of a particular time and a particular place—or at least with a particular cultural outlook. Its focus is predominantly on cultures we think of as "Western"—North America, Western Europe, and to a

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lesser extent Australia and New Zealand—and it seeks to cover a variety of perspectives, experiences, and knowledges from within these cultures.

We will look at how ideas about consent have historically evolved, the practicalities of negotiating consent, and issues of power. We will examine the role that popular culture plays in our understanding of consent. We will look at how knowledges about consent are developing and evolving further right now, and who is producing them. And we will try to imagine where we might go from here. While this book is designed to give you a good grounding in feminist ideas of consent and current debates, as well as some practical skills, it offers neither sex advice nor legal advice. It will, however, point you to a range of further resources that you might find helpful if you would like to improve your own practice of consent.

The Radical Potential of Consent

There is a strand of thought within feminism that says we should do away with the concept of consent altogether, or at least move beyond it, because it plays into ideas of one party (in heterosexual situations generally the man) being the initiator of sex while the other (generally the woman) is cast as the gatekeeper. This reproduces, the argument goes, some of the worst parts of rape culture by making

women responsible for men's behavior. It does not view sexuality as based on mutuality and respect between equal human beings. And it may even function as a fig leaf to cover up abuses and violations because "she consented"—even when consent was extracted under duress, or when the absence of resistance was read as consent, or when, for whatever other reason, saying no simply was not an option.⁶

Heteronormative gender roles and preconceptions about who does what in a sexual encounter are indeed problematic in precisely these ways. Why, then, a book on consent? One of the key arguments of this book is that the concept of consent itself is not quite as enmeshed in this framing as it might at first glance appear to be. Rather, we are increasingly seeing the emergence of competing ideas, definitions, and derivations of consent in feminist thought, and it is important to acknowledge and explore these to understand what they have to offer to the fight against sexual violence.

Focusing on consent rather than trying to completely reframe the discussion on sexual violence also makes sense because consent is an existing and reasonably well-known concept, albeit one that is contested and frequently misunderstood. There is a significant body of feminist literature on consent, as well as a vibrant ongoing discussion around consent that has gained prominence in the wake of the #MeToo campaign. Our understanding of

consent is constantly developing, becoming deeper and more nuanced as these conversations go on. It is becoming an increasingly useful tool not just for the transactional management of our sexual practice but also for interrogating all the ways in which our culture supports and enables sexual violence.

These developing ideas of consent reveal a radical potential to it. The feminist theorist Carole Pateman argued in the 1980s that consent theorists (both in the more general political sense and in the sexual consent sense) have been doing their best to paper over the radical implications of the idea taken to its logical conclusion.⁷ Because once you really start thinking about what consent means, some tricky questions arise. Is an absence of “no” consent? Is a “yes” extracted under threat, or through pleas, or nagging, consent? How about a “yes” when “no” is, for whatever reason, more difficult to say? A “yes” when we didn’t know that “no” was an option? A “yes” when we thought this was something we *should* want, or *should* say yes to, or that everyone else does?

When we move away from looking at consent as something that happens between individuals in a specific situation and start looking at it as something enmeshed in social structures, cultural practices, and complex operations of power, the radical potential of the idea of consent becomes really clear. This version of consent allows us to ask much bigger questions than who said yes and who said

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no. It allows us to start exploring the social and cultural forces that shape the options we have, how we see ourselves, how we are seen by others, right down to our very desires. It allows us to ask what the conditions are that we need to create for consent to be truly free, and truly meaningful. It allows us to start dismantling rape culture in favor of a culture of consent.

This is a section of [doi:10.7551/mitpress/12108.001.0001](https://doi.org/10.7551/mitpress/12108.001.0001)

Sexual Consent

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Citation:

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DOI: 10.7551/mitpress/12108.001.0001

ISBN (electronic): 9780262353595

Publisher: The MIT Press

Published: 2019



The MIT Press

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This book was set in Chaparral Pro by Toppan Best-set Premedia Limited. Printed and bound in the United States of America.

Library of Congress Cataloging-in-Publication Data is available.

ISBN: 978-0-262-53732-2

10 9 8 7 6 5 4 3 2 1