

## NEGOTIATING CONSENT

### **Consent Negotiation: The Basics**

Approaching sexual consent from the perspective of bodily autonomy means having respect for your own and your partners' bodily autonomy, treating your partners with the care and consideration due another person, and erring on the side of caution when you are not sure whether they are as into what you are doing as you are. Even from a purely selfish point of view, a bodily autonomy approach makes sense: if we want to be allowed to exercise our own bodily autonomy, we should respect that of others. None of which, of course, means that sex can't be fun, or even that consent negotiation can't be fun. It does, however, mean that sex is not a selfish exercise in using someone else's body for your own gratification—it is a mutual exchange, whether in casual situations or long-term relationships.

So how do we actually agree with another person that we want to have sex, and what kind of sex we want to have?

You may have seen, a few years ago, a viral blog post or video about how sex is a bit like a cup of tea.<sup>1</sup> If you offer someone a cup of tea and they say, “yes please,” then go ahead and make that cup of tea; if they’re not entirely sure, you can still make them the tea, but don’t be offended if they don’t drink it; and if they say “no, thank you,” or they’re asleep, don’t force tea down their throat.

This is a great starting point, and in the rest of this chapter we will unpack it a little bit further, considering who exactly should be doing consent negotiation, what we are negotiating, some of the things we can do with consent (such as asking for it, giving it, withholding it, or withdrawing it), as well as some potential complicating factors and frequently asked questions. In many ways, this chapter sets out what consent negotiation would look like in an ideal world, free from power relations and assumptions about what sex is, and where we all have rather fewer hang-ups about expressing our desires or saying no to each other when we feel uncomfortable with something. In chapter 4, we will look at how structural inequalities and other operations of power in society impact consent.

In both sex advice literature and popular culture (the main places where we tend to learn how sex works), the topic of consent is notable primarily for its absence.<sup>2</sup> One of the few places where it does occasionally crop up is

in content aimed at teenage audiences. It is almost as if we collectively assume that once we hit 18, we all somehow automatically know how consent works, and we no longer need to discuss it in sex advice materials or popular culture for older audiences.

Yet if the recent global wave of allegations of rape, sexual assault, and sexual harassment against high-profile individuals from all walks of life and the resulting public debate is anything to go by, many (if not most) of us have only a tenuous grasp on ideas of sexual consent. Whether that is because some people have been getting away with abusing their power and violating others' consent for a very long time, because we have very few opportunities to learn about consent and practice it in safe environments, or a mix of both, is a question for another book. Ultimately though, there are too many myths surrounding sex and consent, and learning to negotiate consent is not just for teenagers, but for all of us. Even if this is something you already do as part of your sexual practice, there is always room for reflection and improvement.

As we saw in chapter 2, legal definitions of rape tend to focus on and privilege penile-vaginal intercourse as the sexual act that “counts” in terms of consent. This both reflects and reinforces wider social attitudes about what is and is not sex, and what does and does not require consent. As a result, our discussions and understanding of consent also tend to be disproportionately focused on

sexual penetration, and even more narrowly, on penile-vaginal intercourse. From consent education to legal reform campaigns and activist blog posts like the one about the cup of tea, the emphasis tends to be on obtaining consent for penetration.

This idea is in fact so prevalent that even feminist academic researchers sometimes fall into the trap of too narrowly defining what acts exactly require consent. One series of studies, which aimed to establish how US college students negotiated consent, specifically defined the act that was being negotiated as penile-vaginal intercourse. This in turn resulted in a range of other sexual acts such as touching, kissing, and undressing being defined as “consent behaviors”—expressions of consent rather than sexual acts requiring consent in their own right.<sup>3</sup>

But if we approach consent from the point of view of bodily autonomy, the limits of this almost exclusive focus on penetration and penile-vaginal intercourse become clear. While degrees of harm and individual experiences may differ and depend on a range of factors, your bodily autonomy is still violated by being kissed or touched against your will, not only by being penetrated against your will. You have not shown care, respect and consideration for your partner as a person by failing to make sure they were OK with you kissing them, just as you have not shown care by failing to make sure they were OK with you penetrating them. So, the range of acts we need to negotiate consent

for is much wider than just penile-vaginal intercourse, or even penetration. If we truly care about our own and our partners' bodily autonomy, we should be ensuring that we and they are consenting to everything we choose to do together, whether that is cuddling, kissing, intercourse, kink, or an orgy.<sup>4</sup>

One of the key implications of this approach to consent is that we have to stop assuming that we know what sex looks like, that there is only one template for how sex goes. You already know the sexual script: you share a few drinks, you kiss, you touch, you undress, a penis goes in a vagina, and the whole thing is over when the cisgender man ejaculates.

We have to open up to a whole range of possibilities normally excluded from this scenario: that the participants may not be exactly one cisgender man and one cisgender woman (they may be trans or non-binary, they may be two cis men or two cis women, there may be more than two of them, in all sorts of gender configurations); that one or more participants may be disabled (visibly or invisibly, in ways that variously impact their experience and expression of sexuality); that we can enjoy and be turned on by a whole range of things not normally part of the standard script (like watching each other masturbate or using sex toys); that, equally, we may not enjoy or be uncomfortable with some or even all of the standard script (it's OK to not like or want penetrative sex); that

it's OK for sex not to end in cisgender men orgasming (whether that is because they get bored before they get there, because sexual activities may continue after that, or because the other person withdraws consent for any reason); and that sex does not even necessarily involve more than one person (sometimes learning about bodily autonomy can start and even end with masturbation, and that too is OK).

Rather than sex being a linear process that takes us from A to B, it is a space of possibilities for mutual exploration and enjoyment. Penises don't have to go in vaginas; fingers may go in anuses; mouths and sex toys can be used in all sorts of inventive and exciting ways; your gender or your genital configuration in no way define the roles you can play or the activities you can engage in during sex; sex can be a whole-body experience. Think, then, of consent negotiation as exploring that space. Among the many things you and your partners may each find sexually enjoyable, there may be some overlap, and consent negotiation is about finding that overlap. But it is also important to realize that no overlap may exist, for a whole range of reasons. The person you're into may just not be into you. You may just not share sexual interests. Or they may like you but not want to do any of the things you want to do right now. (Or, of course, vice versa.) In each of those cases, bodily autonomy, consent, and consideration for your partners are paramount, and no means no.

## Key Concepts in Consent Negotiation

Now that we have expanded our idea of what sex is and who can do what, we can start thinking about some of the key concepts in consent negotiation, and how exactly we navigate our way through this space of possibilities with our partners while respecting each other's bodily autonomy.<sup>5</sup>

*Asking* is the first important thing we need to learn to do when it comes to consent. You may have heard people, particularly in the wake of the #MeToo movement, ask if they need to get a legal contract signed every time they have sex. This is an attempt to derail the conversation and minimize the seriousness of sexual violence in everyday situations. In a world free from rape culture, legal contracts have nothing to do with consent, as consent requires communication, care, and respect for your partners as human beings, none of which can easily be regulated by the law.

You can ask for consent in lots of different ways, both verbally and with your body. How exactly you do it will depend on what you are asking a partner to consent to, how well you know that partner, and the specific situation and context. Importantly, asking for consent for sexual acts can (and in many cases should) happen before and outside specifically sexual situations. You can talk about your fantasies over a cup of tea or a glass of wine, or exchange steamy texts. Don't wait until you're all hot and

bothered before you check if it's OK to stick a finger up your partner's bum. And whenever you ask, whatever you ask for, make sure your partners know that they can say no. Always listen to the answer and be prepared for that answer to be "no."

Like asking for consent, *giving* consent can be done in many different ways, and will be highly context-dependent. Some psychology research looking into how college students communicate sexual consent indicates that men and women communicate and interpret consent differently. Men tend to initiate sexual contact and practice "removal behaviors" such as moving to a more private space or closing the bedroom door. Women tend to use non-verbal cues such as touching and kissing, as well as passive behaviors such as not telling their partners to stop.<sup>6</sup>

This kind of behaviorist research gives us a picture of how people behave in sexual situations in the messy world we live in, but it struggles to account for *why* we behave in these ways, and it fails to challenge the problematic social structures that these behaviors are both built on and reproduce. And while in some situations this kind of consent communication may be enough, in an ideal world for most of us it probably is not. As well as being highly gendered and heteronormative, it relies on too many assumptions about what sex is, how it works, and who does what. Crucially, it does not take into account two very important factors about consent: first, that consent can be



conditional; and second, that for consent to be valid, it has to be continuous.

Saying that consent can be *conditional* means that you can say “yes, I want to do this with you, but only on these conditions.” Perhaps the most common examples of conditions attached to consent are those related to safer sex practices. Consent to penetration can be conditional on condom use, consent to oral sex can be conditional on the use of dental dams, and consent to having an open relationship or multiple partners can be conditional on regular STI testing. But there are also other situations where conditional consent applies. For sex workers, for instance, consent is conditional on being paid for their work. (Note also that even if payment is offered, sex workers are free to reject it and withhold their consent. Payment in this case is a necessary but not sufficient condition.)

Conditions we attach to our consent are generally related to our exercise of bodily autonomy. Outside of very specific kink situations, they should not be factors beyond that, such as “I will have sex with you if you do the washing-up,” nor the reverse, “If I buy you a drink, you should have sex with me.” These would take us back into the territory of the contractual model of consent<sup>7</sup>—the idea that certain unrelated actions by one partner generate an obligation for another partner to engage in sexual activity. While this idea is pervasive in our culture, it is incompatible with the principle of bodily autonomy.

For consent to be valid, it also needs to be continuous. In other words, you are allowed to change your mind about what you are doing at any point during a sexual situation, for any reason, and *withdraw* your consent, and have the right for your bodily autonomy to be respected. It's OK to say to your partner, "Hey, I don't want to do this anymore." You can, if you want, follow this up with, "Let's do something else that's fun for both of us" or you can just ask for the sexual situation to end entirely, and your partner should respect this. Equally, it's OK for your partner to withdraw consent and you should respect this. Your partner's consent withdrawal does not reflect on you as a person or your skills in bed, and may not be about you at all. They may be bored, have a headache, or just not be into the particular activity you are doing. It may not be fun to stop doing something you are really enjoying, but not doing so infringes on others' bodily autonomy and really does reflect on you as a person.

Ensuring your partners' continuous consent does not just mean stop when they say so. If we want to truly respect others' bodily autonomy and share mutually pleasurable sexual experiences with them rather than just using someone else's body for our own gratification, we need to be attuned to both our own and our partners' needs throughout a sexual encounter. This means regularly checking in with them to make sure they are happy, enjoying what you are doing, and continuing to consent.

The final and perhaps most important thing you can do with regards to consent is *withhold* it. You can just say “no,” at any time, for any reason whatsoever, and you don’t even have to give a reason. Saying “no,” however, can be trickier than it sounds. Especially in the kind of rape culture that we live in, where victims of sexual violence are often blamed while those perpetrating it are excused, there are many mixed messages about saying no “properly.”

There is a history of rape prevention campaigns aimed at women, teaching them to “just say no” more forcefully, more clearly, or differently. Even in recent high-profile allegations of rape and sexual violence, one of the first responses has frequently been, “Did she say no clearly enough?” Yet research on how we generally decline and refuse things does not back up the idea that women, or victims of sexual violence of any gender, are not expressing themselves clearly enough.<sup>8</sup> Saying no, whether it is to a cup of tea, to going to the pub with friends, or to sex, is a socially tricky act—it is conversationally “dispreferred.” We worry about hurting others’ feelings and so we tend to soften and couch our “no” in other terms. We tend to give reasons (“I can’t go out for a beer tonight, I’m playing football.”), thank the person for their offer (“Oh thank you, I would love to, but ...”), or even partially accept (“Not right now, thanks, but maybe later.”).

These are commonly accepted, polite ways of refusing offers, regardless what those offers relate to, and most of

us understand them as clear refusals, especially outside sexual situations. There is, therefore, no reason why similar ways of doing refusals should be interpreted differently in sexual situations. (Some neuroatypical people, for instance autistic people, report that they struggle with indirect communication like this. There are, however, ways of working around this. You can, for example, talk to your partners before and outside sexual situations about the best ways to communicate with each other.)

There are also reasons why women in heterosexual situations in particular may communicate refusals less directly. Direct communication, and especially a direct refusal, is seen as masculine, and women are frequently socially penalized for unfeminine behaviors. In some situations, women also genuinely fear for their safety if they upset their partner, and therefore will try to soften refusals as much as possible in order to protect themselves. Respect for others' bodily autonomy requires us to listen to our partners and take ambivalence or polite refusals as seriously as an outright "no."

### **Consent Negotiation: FAQs**

Discussions of consent frequently prompt a whole host of questions. Some of these can be derailing tactics, such as the seemingly ubiquitous inquiry about legal contracts.

Others are genuine attempts to tease out the details of what is a complex issue. Many are rooted in the fact that we are immersed in rape culture and unlearning that takes conscious effort. Here, then, we will address some of these questions, including, first, a look at the contextual factors that can shape how consent negotiation unfolds and, second, issues around personal boundaries and seduction.

As already hinted above, consent negotiation is highly dependent on context. How you approach it will vary based on how long you have known the person or people involved, whether you have had other sexual encounters with them, how confident you are about being able to openly communicate with them and read them, as well as external factors that may influence your or their ability to meaningfully consent.

Perhaps the most obvious contextual factor in consent negotiation is the nature of your relationship with your partners. Is this a hook-up with a stranger after a night out? Netflix and chill between friends with benefits? A kink party? Or sex with someone you've been together with for years or are married to? These things make a difference, though maybe not always in the ways we expect.

It may be tempting to think that familiarity with partners may make consent negotiation easier, or even provide shortcuts, but that is not a safe assumption to make, as it is based on the misconception that past consent implies future consent. One particularly harmful version

of this misconception is the idea that marriage constitutes automatic and perpetual consent. This idea is harmful particularly to women in different-gender marriages and to people in same-gender marriages, as it combines with other ideas—for instance about femininity, masculinity, appropriate gender roles, and what marriage is—to put individuals under significant pressure to consent to sex they may not want.

To some, the idea of automatic consent upon marriage may sound outrageous, or at least outdated, but it took thirty years of campaigning before marital rape was recognized as an offense in England and Wales in 1991,<sup>9</sup> and Germany did not outlaw marital rape until 1997. The fact is that for most of us regardless of jurisdiction, marital rape has been legal for at least part of our lives, and many have internalized the social attitudes that underpin this legal situation. So, for the avoidance of doubt, while in saying “I do” you promise to do quite a lot of things, letting your spouse use your body for their sexual gratification whenever they want to is not one of them. A disparity in sexual desire in long-term relationships is fairly common, but managing it should always involve respect for your partner’s bodily autonomy.

It may also be tempting to think that if you have done a particular sexual act with a long-term partner once, or even many times, they will be up for it again. This, too, is a misconception. It may be that they are not in the mood for

this particular thing right now, or that they did not enjoy it and never want to do it again. The principle of bodily autonomy continues to apply, and consent negotiation and open communication continue to be vital in marriages and other long-term relationships.

Knowing partners well, however, can have other advantages in consent negotiation. Knowing how your partners communicate, and being able to read their body language as well as their verbal cues, becomes easier over time. If you have established trust, if you are confident that you can say no and it will be respected, and that your partner is comfortable saying no to you—then you have an excellent foundation for day-to-day consent negotiation in a long-term relationship.

On the other extreme, hook-ups and other kinds of sex with people we don't know very well also present their own challenges in consent negotiation. Particularly in a culture that has a very dominant default sexual script centered on penile-vaginal intercourse, there is a lot of pressure to just follow that script, regardless of your own actual desires or those of your partners. Taking a minute to breathe and think about how to go off script with someone you don't know very well can be hard. Yet if we respect our own and others' bodily autonomy, it is vital that we start dismantling that default script in all our sexual interactions, even if that can be awkward or disappointing at times.

The sex educators Meg-John Barker and Justin Hancock suggest approaching potential hook-up situations without the expectation that they will end in sex of any kind.<sup>10</sup> Remembering not only that sex is not a linear path from A to B—that there are other possibilities we can explore together—but also that other kinds of connections and relationships can be valid and pleasurable is a good start. You may have the best sex (in whatever form) of your life, or you may make a new friend, or have a couple of drinks with a stranger and part ways. All of these can be rewarding experiences in their own right, and we need not put ourselves (or others) under pressure to achieve one particular, narrowly defined outcome.

Another common challenge to consent negotiation is impairment to communication and decision-making abilities, for instance through drugs or alcohol. Feminist campaigners have observed with a certain amount of sarcasm that drunkenness is often used to excuse the actions of a person who sexually assaults someone, particularly if he is a man, while at the same time it is used to blame victims, particularly women. Compare and contrast “He was drunk, he didn’t know what he was doing” with “She was drunk, what did she think would happen?” Rape prevention campaigns have long told women not to get drunk, or warned them to watch drinks being made (thus guaranteeing they have not been spiked). Yet the equivalent campaigns telling men not to spike drinks and not to have sex with



You may have the best sex (in whatever form) of your life, or you may make a new friend, or have a couple of drinks with a stranger and part ways. All of these can be rewarding experiences in their own right, and we need not put ourselves (or others) under pressure to achieve one particular, narrowly defined outcome.

someone while drunk to avoid potentially misinterpreting consent communication do not seem to exist outside of parodies in online feminist circles.

If someone is clearly too out of it to consent, then helping that person find a safe place to sleep it off or recover is your best bet, but in less extreme situations there are no hard and fast rules on drugs or alcohol and consent. Noting and challenging the double standards in heterosexual relationships and hook-ups, however, is a good starting point. Keeping the principle of bodily autonomy in mind can also help here: knowing yourself and your own response to alcohol or drugs, asking yourself whether you are in a position to respect another person's boundaries when you are under the influence.

It is also worth remembering that different communities have different standards when it comes to drugs and alcohol. Many kink and BDSM practitioners strongly advise against consuming *any* drugs or alcohol prior to or during a scene. This is partly because some BDSM activities (a variety of eroticism or roleplaying including bondage and discipline, submission and dominance, or sadomasochism) can be genuinely dangerous, leading to serious injury or even death if practiced carelessly. Partly, however, these attitudes are also rooted in a concern for informed consent and a desire to ensure all parties are fully present and able to communicate, to ask for, give, receive, withhold or withdraw consent at any point.

Other communities have a long history of drug use and sex. Practices such as Party and Play (P&P) or chemsex, which involve using specific drugs to enhance sexual pleasure and are common among some gay and bisexual men in urban areas, have gained mainstream media attention in recent years, partly because of their association with several high-profile murder cases. This has led to a spate of “something must be done” articles (including an editorial in the *British Medical Journal*) and statements from the UK government in particular. Yet many commentators tend to ignore the social and historical context of these practices, which are rooted in the oppression and marginalization of queer communities throughout the twentieth century, the emergence and subsequent closure of a range of gay social venues between the 1990s and 2000s, the emergence of hook-up apps such as Grindr, and the development of technologies and cultures around psychoactive drugs.

There is limited academic research on chemsex and related practices, but what there is tends to indicate that chemsex is deeply tied to the issues of marginalization and pressures to assimilate that face contemporary queer cultures, as well as to questions of masculinity and a search for intimacy. Key concerns expressed around chemsex tend to focus on sexual health and particularly HIV and hepatitis C transmission; issues of consent have emerged only more recently, primarily driven by community charities rather than academic researchers or public health practitioners.

Ultimately the principle of bodily autonomy remains valid, even in environments where drug use prior to and during sex is normalized: you continue to have the right to withhold or withdraw your consent, you continue to have an obligation to respect other people's consent decisions.<sup>11</sup>

Drugs and alcohol are not the only factors that may impair communication. In an increasingly globalized world it is easy to assume that we all share the same cultural references and underpinnings, but partners from different cultural backgrounds may well find themselves struggling with culture shock in both their day-to-day relationship and when it comes to sex and consent. Our upbringing and cultural background has a significant impact on how we think about sex. The languages we speak give us access to different ways of thinking about it. And the default scripts we fall back on may be different. Consciously unpacking the assumptions you are making about sex—whether in a casual hook-up or in a long-term relationship—takes work but can help bridge some of these communication gaps.

Another question commonly raised in discussions of consent concerns the place of seduction in a culture that places value on consent. It is worth briefly examining seduction as a concept, as it can tell us quite a bit about how we think about issues of consent and interpersonal relationships. Seduction, in the way it is used in these conversations, generally implies persuading someone to have sex with you when that person has expressed unwillingness to

do so. A host of cultural tropes here play on a constructed disconnect between mind and body, between what is socially appropriate and what we may desire.

Like our dominant sexual scripts, these tropes are highly gendered and heteronormative. They are built on ideas of how men and women *should* feel and act when it comes to sex. They assume men who are active initiators of sex, and women who are passive gatekeepers, frequently less driven by their own sexual desire than by considerations of social standing. These tropes are inextricably intertwined with the “token resistance to sex” myth: the idea that women will refuse sex even if they secretly want it, for a range of possible reasons. The concept of seduction, then, is premised on the notion that “no” does not always mean “no,” that women in particular cannot be trusted to clearly communicate their consent or non-consent, and that it is acceptable to push boundaries until “no” becomes “yes.”

Boundaries are a useful concept when thinking about what seduction actually means and how it relates to consent. Boundaries are the line between what is and is not OK for us. They can relate to sexual situations, but also to a variety of other things, such as social situations and casual interactions with others. Preferring to be addressed by a nickname rather than your full name may be a boundary. Being comfortable in small groups but not in large gatherings may be a boundary. Not liking certain foods

or preferring handshakes over hugs are also examples of non-sexual boundaries we may set for ourselves. Similarly, in sexual situations, we may be comfortable with some kinds of touch or sexual acts but not others, or we may not want sex right now or with a particular person at all.

Knowing where our boundaries are, both in sexual and non-sexual situations, can sometimes be tricky. It can take time to work out what we like, what we don't like, and where the line is. Communicating our boundaries to others can also be a balancing act between exercising our autonomy and respecting social conventions. We frequently have to rely on others to ask us where our boundaries are, but they may not be in the habit of doing so. If you go to a dinner party and your host has not checked what foods you do and do not like, for instance, do you discreetly pick the mushrooms out of your dish, only eat the parts of the meal you can, or possibly even risk an allergic reaction? Communication of boundaries is very much a two-way process, and can break down completely if one party does not do their part.

A big issue when it comes to consent and boundaries is that those who have no interest in respecting our boundaries can exploit the social awkwardness we feel in communicating them. Many of the more aggressive sales techniques involve exactly that kind of exploitation: putting someone in a position where saying no would be seen as impolite,

or even cause a scene, in order to push them toward saying yes. We can also see this in social interactions—for instance, when someone demands to be greeted with a hug or cheek kisses and relies on the other person’s reluctance to be openly confrontational. Questioning others’ stated boundaries, demanding justifications for them, or nagging them once they have expressed a boundary are also behaviors that exploit social conventions in order to push or outright ignore those boundaries.

Seduction attempts more often than not are attempts to push boundaries, stated or implied. People sometimes do give in to them, but frequently that is not out of genuine desire but out of fear of worse consequences. In reality, even if “no” does become “yes,” it does so under pressure and coercion, and rarely in a way that is respectful of someone’s bodily autonomy.

### **Technology to the Rescue?**

In the wake of the #MeToo campaign, there has been a renewed focus on addressing sexual violence in a range of ways. Mobile phone apps are one recent development ostensibly designed to improve consent negotiation and provide a clear record of consent. These apps claim to do several things: provide a way to communicate boundaries, clearly record explicit consent or help you communicate

non-consent, and, depending on the app, help you record a violation and pursue it through the courts as a civil case based on contract law. From a feminist point of view grounded in respect for bodily autonomy, it should become clear fairly quickly why this approach is highly problematic.

While providing prompts for individuals to discuss what they may or may not like and consent to may be a good start, at least one of the apps currently on the market treats boundaries not as a discussion but rather as an automated checklist, framing this as a way of removing the awkwardness of communicating about consent. Yet while talking about our sexual desires and boundaries can be difficult and awkward, what is removed here is not the awkwardness but the actual communication. Nuance, emotion, and humanity are lost in toggle switches labeled, for instance, “condom use” and “BDSM.”

Another app allows the user to play a video of a policeman forcefully saying no, with the developers claiming that showing this video to someone pressuring you for sex makes your refusal clearer. This too is problematic, as it is grounded in rape culture myths about unclear communication and token resistance. Ultimately, we should not need videos of policemen telling us “no” to respect our partners’ bodily autonomy.

Rather than having these apps become a factor in the protection of potential victims, a concern arises here that



Ultimately, we should  
not need videos of  
policemen telling us “no”  
to respect our partners’  
bodily autonomy.

perpetrators of sexual violence will use them to “prove” consent was given, as the electronic record of consent may be seen as overriding any subsequent verbal communication. App developers have sought to reassure users in their marketing materials that consent can be revoked verbally at any time, but for that to be true there would have to be a widespread cultural and legal acceptance of the idea of consent withdrawal as legitimate. This is currently not the case, as rape myths, such as the token resistance to sex myth, are still both culturally pervasive and extensively leveraged by defense lawyers in the criminal justice system. The framing of sex as a contractual transaction that consent apps encourage is not conducive to open and honest communication, to listening and checking in with partners, or to feeling confident that consent withdrawal would be respected.

It may be tempting to see apps like these as a pragmatic stopgap while we work on the wider project of dismantling rape culture, but they are highly likely to cause more harm than good. They actively reproduce the dominant attitudes and assumptions of rape culture, dominant sexual scripts and gender roles, and myths about how we communicate about sex. They are not likely to actually prevent sexual assault, as in one case consent withdrawal relies on having access to your phone and in another it remains as difficult to prove in a court of law as it is without using the app. And while in a very limited number of

cases they may provide recourse to justice either through recording evidence of an assault or through contract law, they are unlikely to actually address the structural issues the criminal justice system has with dealing with sexual violence.

Consent negotiation, then, remains a messy, sometimes awkward activity between human beings, not a legal or contractual matter. Guided by a respect for bodily autonomy, our challenge is to dismantle the dominant sexual script that tells us that sex has to take one particular form, to ensure we are asking for consent not just to penetration but to other sexual activities too, that we are prepared to hear the answer, and that we continue to check in with our partners and make sure their consent is continuous. And that is only the beginning. In the next chapter, we will explore how social structures and inequalities of power shape our thinking and behavior when it comes to sex and consent, and what we can do about it.



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

# Sexual Consent

By: Milena Popova

## Citation:

*Sexual Consent*

By: Milena Popova

DOI: 10.7551/mitpress/12108.001.0001

ISBN (electronic): 9780262353595

Publisher: The MIT Press

Published: 2019



The MIT Press

© 2019 Massachusetts Institute of Technology

This work is licensed under the Creative Commons licenses noted below. To view a copy of these licenses, visit [creativecommons.org](http://creativecommons.org). Other than as provided by these licenses, no part of this book may be reproduced, transmitted, or displayed by any electronic or mechanical means without permission from the publisher or as permitted by law.

Effective June, 2020, this book will be subject to a CC-BY-NC-ND license.



All rights reserved. No part of this book may be reproduced in any form by any electronic or mechanical means (including photocopying, recording, or information storage and retrieval) without permission in writing from the publisher.

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