

## CONSENT KNOWLEDGES, CONSENT ACTIVISMS

### Developing Our Understanding of Consent

Sexual consent continues to be a contested topic in our culture and society. As we have seen in previous chapters, we still live in a rape culture, where the dominant discourses and scripts of how sex *should* work shape our desires and behavior, actively obscure issues of consent, and raise doubts about how freely given consent is in many situations. Our understanding of consent, and what a culture of consent might look like, is still very much developing as we begin to create vocabularies for speaking about experiences that may fall between yes and no, and identify the multi-directional flows of power we are all subject to in our sexual practice.

We might expect the communities generating new knowledge and seeking to expand our understanding of issues of consent to be found predominantly

within academia. Feminist academics across a range of disciplines—philosophy, psychology, law, sociology, literature, cultural studies—do have a history of examining this topic and driving knowledge forward, but there are also other communities whose contribution to the area needs to be acknowledged. These communities frequently approach consent from a perspective of lived experience and day-to-day sexual practice, and they bring a range of tools to the table that are not necessarily available (or perhaps sufficiently respectable) within the confines of academia. In this chapter, therefore, we will explore where cutting-edge thought on consent comes from today. We will see that the line between knowledge creation and activism is frequently blurred, as finding the vocabulary to challenge dominant discourses is a first and necessary step toward creating lasting change.

### **Consciousness-Raising, Online and Off**

Feminist thinkers and campaigners have known for a long time that our lived experience is an invaluable source of knowledge. But that lived experience is also frequently filtered through the dominant discourses of our society. These discourses can obscure what is really going on and leave us with a feeling that something is “off” without being able to put our finger on it. Without support from a community,

this experience can leave us feeling isolated, as if something is wrong with *us* rather than with the world at large. The feminist practice of consciousness-raising aims to provide that community support and help individuals re-evaluate and make sense of their lived experience in new ways.

Consciousness-raising originated in feminist communities in the 1960s in the United States. It started in small groups that met face to face, frequently in someone's house. They would talk about the issues they experienced in their own lives, finding that they were far from alone, and rather than being personal and individual, these issues were social and systemic. This process contributed strongly to the formulation of feminist thought on issues such as reproductive rights, domestic work, and domestic violence. It is a practice that has evolved over the years, but it continues to be used today to develop knowledge and understanding of many issues, including sexual consent.

Technological change has been a key factor in how feminist consciousness-raising practice has evolved. The internet, and particularly social media, has provided a platform for feminist voices to speak out and reach a much wider audience than any face-to-face consciousness-raising group could. There are vibrant feminist communities all over the internet, producing blog posts, Twitter threads, and elaborate and in-depth conversations. Over the last ten years or so, consent has become one of the key issues taken up by these communities.

Like with traditional consciousness-raising groups, one key activity in feminist online communities is the sharing of individual lived experience. Survivors of sexual violence frequently share their stories. Some are only able to do so under the protection of online anonymity, but we are increasingly seeing individuals—both celebrities and otherwise—share their stories openly and publicly under their real names. Individual accounts like these both humanize victims and survivors and make visible the diversity of circumstances and sexual violence experiences.

In this way, they challenge common rape myths. We see that rape and sexual assault happens to people who were not wearing short skirts, were not walking alone in a deserted area at night. We see that it happens to people who were doing those things, too, which does not make it any less wrong or any more their fault. These accounts also allow other victims and survivors to see reflections of themselves in these stories, validating their own feelings and experiences. They may even help reframe one's understanding of an experience, or name something as a violation that had always felt slightly off but that the person may not have had the words for. In this way, sexual violence is no longer framed as the personal tragedy of isolated individuals but as a pervasive social problem.

This kind of online (and offline) consciousness-raising activity is in fact part of the origin of the #MeToo campaign. While the hashtag and associated campaigns gained

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widespread media attention in late 2017 and early 2018, “me too” has been a rallying cry of sexual assault survivors for over a decade. Tarana Burke, an African American feminist and civil rights activist, coined the phrase in 2006 precisely as a way of giving voice to lived experience and drawing attention to the ubiquity of sexual violence in an effort to help survivors.

Consciousness-raising allows not only for experiences to be shared and validated, but also for insights and theory to be generated from them. When a person shares a story about feeling under pressure to have sex, for instance, and others validate it, we can begin to speculate about the precise nature and origins of those pressures. The three discourses of (hetero)sex discussed in chapter 4 (the male sexual drive, have/hold, and permissive discourse) were elaborated as a result of precisely such consciousness-raising groups.<sup>1</sup> They have been crucial in developing our understanding of the social pressures we can sometimes feel that impact and limit our agency in sexual situations. More recently, discussions on feminist blogs and social media have enabled us to challenge the “no means no” model of consent and propose more positive and active models such as enthusiastic consent, or sex-critical models that take social pressures and power differentials into account.

The idea of compulsory sexuality that we touched on in chapter 4 was also largely proposed and elaborated through consciousness-raising activities by the growing

online asexual community. Asexual people found online spaces where they could gather and share their experiences of the social pressures they felt to be sexual, or to have sex, even if they did not want it. They discussed the effect those pressures had on them: for instance, in pushing them toward having or even initiating unwanted sex with partners who assumed that any romantic relationship also had to be sexual. They also highlighted the social costs of resisting those pressures, such as consistently having their identity invalidated and dismissed, being dehumanized, and struggling to establish the kinds of relationships they wanted. These shared experiences allowed the community to build on the existing feminist concept of compulsory heterosexuality and to articulate the idea of compulsory sexuality. And as we have seen, compulsory sexuality, a concept developed largely through consciousness-raising, is very useful in thinking about issues of consent and the effect of power relations and social pressures on our desires and behavior.

Another important function of consciousness-raising is the teaching of practical skills. Face-to-face groups and workshops, feminist zines, and online spaces frequently dedicate time and space to this. Participants learn from each other, in a non-hierarchical way, with everyone contributing their own experiences and insights to an open discussion. In this way, they can develop skills around understanding their own boundaries and desires, asking

for consent, respecting others' boundaries, as well as giving, withholding, or withdrawing consent. This can help challenge and counteract deeply internalized attitudes and myths. People coming across these spaces for the first time frequently speak of the transformational effect they can have on their understanding of themselves and their sexual history and agency.<sup>2</sup>

Both online and offline, this kind of experience sharing, learning, and knowledge development happens in conversation. Individuals add their own stories, validate each other's feelings and experiences, express sympathy, and give advice. In this way, feminist communities create and spread knowledge about consent collaboratively, building on each other's contributions. This process ensures that knowledge is never complete—we can always improve our understanding, develop concepts further, and peel back more and more layers of rape culture. We can also, in a caring and compassionate way, help new members of feminist communities go through a learning process and make their own contributions.

The knowledges of consent that online and offline feminist communities create through consciousness-raising and similar activities are rooted in individuals' own lived experiences. Understanding, questioning, and theorizing our lived experience of sexuality, consent, and the operations of power that impact us in these areas is a key tool for both knowledge creation and activism. Doing so



in a supportive and compassionate community setting is invaluable, as it validates our feelings and allows us to see the bigger picture of social and systemic issues, not just our own personal, individualized problems.

### **Practical Steps toward Decentering the Law**

We know from crime statistics that the criminal justice system is woefully inadequate in addressing sexual violence, with studies showing that in countries such as the United Kingdom, Canada, the United States, and Australia, less than 10 percent of rapes reported to the police result in a conviction.<sup>3</sup> Taking into account the fact that the majority of cases of sexual violence continue to go unreported, this means that only a tiny percentage of all cases results in any kind of consequences for the perpetrator. As we saw in chapter 2, as well as not being effective in delivering justice, the legal system frequently re-traumatizes victims, and legislation does not actually appear to value human sexuality, agency, autonomy, and integrity. There is, as a result of all these factors, a strand within feminist legal theory and activism that advocates not legal reform, but decentering and sidestepping the law entirely in our attempts to address issues of sexual violence.<sup>4</sup>

There are also other reasons why we might want to avoid getting the state involved in cases of sexual violence

and consent violation. For many victims, including sex workers, migrants, trans people (especially trans women), other queer people, and people of color, turning to the police may not be safe. And that fact alone, as well as other social and structural factors that marginalize these groups, means that they are disproportionately affected by sexual violence.

Authorities frequently dismiss sex workers' complaints of sexual violence, and sex workers may end up themselves being criminalized, incarcerated, or losing their livelihood if they attempt to report sexual violence to the police. Migrants, regardless of whether documented or not, may find themselves the targets of immigration enforcement. Trans women may be misgendered and seen as men by law enforcement, which in turn may lead to them being disbelieved, especially if their attackers are cisgender women. Trans women who are also sex workers risk being criminalized and incarcerated in men's prisons. Queer people may be disbelieved, especially if their attackers are the same gender as them.

Finally, communities of color are systematically over-policed and over-incarcerated in many Western countries. For many black men in the United States, contact with the police may be lethal, as we have seen in countless news stories over the last five years. In fact, there is a long history of allegations of black men's sexual violence against white women being used as a pretext for terrorizing

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black communities through the practice of lynching (whereas white men's violence against both black and white women continues to go unchallenged).<sup>5</sup> It is understandable, therefore, that these communities would not want to invite the police into their lives, both because of the risk to them as victims but also because of the disproportionate risk to perpetrators.

Some communities, particularly intersectional feminists, prison abolitionists, and anarchists, have therefore started thinking about how sexual violence and consent violations can be addressed without getting the law involved, and putting into practice processes rooted in ideas of transformative justice. Transformative justice is an evolving framework that seeks to repair any harm caused by a transgression rather than punish a perpetrator. It does this through voluntary processes that foster dialogue and understanding while providing support for all parties involved. Some approaches within this tradition also pay attention to and seek to redress the structural causes of issues as well as prevent recurrence of the same issues.<sup>6</sup>

In transformative justice, an accountability process replaces the criminal justice trial. Accountability processes may vary, but in many, a complainant who makes an allegation is provided with a support team from among the community. The perpetrator is also provided with a support group and asked to agree to participate in the process. Participation is voluntary. The process may give both

parties the opportunity to air their concerns, or focus on working with perpetrators to help them understand the harm they have caused and take steps to change their behavior. Outcomes of this process may include perpetrators accepting that they have caused harm and apologizing for it, and committing to take specific actions to reduce the likelihood of future harm, such as attending consent workshops, learning about rape culture, or disclosing their history of boundary violation to future partners.

Such disclosure is one of the most challenging ideas coming from transformative justice approaches to sexual violence. Some groups have even created materials to help individuals do this.<sup>7</sup> The idea of such public and ongoing accountability may seem daunting, but it does emphasize that learning about consent and shedding rape culture is a lifelong endeavor for all of us, and that we all have the potential to change and improve our consent practice.

Transformative justice approaches have several advantages over the criminal justice system. The stakes and possible consequences for the accused are much less severe, while also having the potential to be genuinely transformational and help them change their attitudes and behavior. Perpetrators may still be defensive and reject the process, but equally they may be helped by other community members to take accountability for their actions. Transformative justice is much less adversarial

than criminal justice, instead encouraging dialogue and understanding. It does not seek to determine one version of truth, instead focusing on individuals' lived experience and the harm caused. As a result of this, it is in a much better position to deliver not only justice but also healing to survivors of sexual assault. Offenders remain integrated in the community throughout, rather than being isolated and then having to be "rehabilitated," as happens in the criminal justice system. Finally, because transformative justice seeks to address systemic issues as well as specific harm, it is much more likely to contribute toward a culture of consent than the criminal justice system, which frequently reproduces rape culture.

Nevertheless, there are a number of problems with transformative justice. The biggest is perhaps that it is disproportionately resource-intensive and time-consuming for the small communities that practice it, and it is currently uncertain how transformative justice would scale beyond those communities. It may also be unclear what success actually looks like, and communities may lack the skills to conduct the process as well as the ways to ensure compliance with the outcomes that result from it. And of course because we are all steeped in a society with an adversarial criminal justice system, it is impossible for transformative justice processes to not be tainted by the attitudes and problems that come with that.

Yet communities practicing transformative justice are making significant contributions to our understanding of consent issues and, crucially, to developing non-adversarial, non-punitive alternative frameworks for dealing with those who violate others' boundaries and bodily autonomy.

### The Margins of Normality

One of the key insights from research on sex advice and consent is that in the rare instances when mainstream sex advice does cover consent, it is almost exclusively in the context of BDSM practices.<sup>8</sup> One effect this has is to mark out the boundaries between “normal sex” and “abnormal sex.” In this way “normal sex”—penile-vaginal intercourse between a non-disabled cisgender man and a non-disabled cisgender woman, maybe accompanied by some activities labeled “foreplay”—is constructed as something that does not require explicit consent negotiation. The assumption is that we all know how to follow the default sexual script, we can all just easily say yes or no, and hear and respect consent or non-consent when it comes to “normal sex.”

On the other hand, “abnormal sex”—such as BDSM, which in this context frequently stands in for any practices diverging from the default script—is constructed as

needing special precautions, most commonly in the form of safewords. What mainstream sex advice does not mention is that safewords are only one among many consent practices common in BDSM communities, that those practices apply to “normal sex” just as much as they do to “abnormal sex,” or that consent (in BDSM and otherwise) is not just a straightforward transaction between rational individuals but is shaped by our social circumstances and power relations. So what can sex constructed as abnormal teach us about consent?

BDSM communities have been undergoing significant changes in outlook and understanding of consent issues over the last ten years.<sup>9</sup> Because BDSM play is commonly constructed as “abnormal sex,” practitioners within BDSM communities have historically been aware that what they do can be seen by outsiders as abusive, and this is one of the reasons why consent has been a focus in these communities for a long time. Because BDSM practices are socially stigmatized, the communities that have grown around them have also adopted a “sex-positive” approach, which includes the underlying assumption of individual freedom and agency. Consent, then, has largely been understood as negotiated between rational individuals unencumbered by power relations. Little thought or time has historically been devoted to the social structures and conditions within communities that might limit individuals’ ability to meaningfully and freely negotiate consent.



A certain kind of defensive attitude toward external accusations of abuse has led some BDSM communities in the past to deny that abuse was possible within them, and to emphasize consent negotiation and practices such as safewording when discussing their practices outside the scene.

This has changed over the last ten years, with many community members speaking out about abuses they have experienced and witnessed.<sup>10</sup> Conversations in on-line spaces dedicated to BDSM have turned toward understanding and challenging the structural issues and operations of power within BDSM scenes that may enable and protect abusers and silence victims. BDSM communities are steeped in the same rape culture as the rest of us, so it is perhaps not surprising that they experience the same problems in this regard as society at large. Because of dominant discourses around personal responsibility and consent as an individualized negotiation, for instance, abuse victims frequently feel like what they experienced was their fault, down to their own failure to clearly communicate non-consent. But there are also problems that are specific to BDSM communities. Individuals may feel that not consenting to a particular practice may mark them out as not cut out for BDSM. Help outside the community can be hard to access due to a combination of social stigma and the difficulty of explaining the complexities of consenting to some practices but not others to those not versed in

consent issues. At the same time the community itself can close ranks around the abuser to protect its own reputation and self-image.

As a result, some BDSM communities have developed nuanced understandings of issues of power, community structures, and behavioral norms in consent. Discussions of consent have moved from the notion of individualized negotiation to putting responsibility for consent and safety on the wider community. Communities as a whole have been working on removing pressures on individuals to consent to acts they are uncomfortable with and on creating structures and norms that make it easier to withhold or withdraw consent. They have also tried to put in place ways of ensuring consent decisions are respected, victims of abuse are believed and supported, and those who violate boundaries face consequences.

For example, individuals new to the community are made aware not only of the possible ways in which ability to consent may be impacted by community norms but also of ways to ensure they respect others' boundaries and bodily autonomy. Including explicit, specific, and audience-visible consent negotiation in demonstrations and classes on BDSM practices is another way to normalize consent practices within the scene.<sup>11</sup> In these ways, BDSM communities, while far from perfect, are seeking to create the conditions in which someone can say no, which in turn make any yes freely given and meaningful.

This awareness of power relations and social structures and their effect on individual agency, along with practical ways to mitigate that effect, has been a key contribution of BDSM communities to recent developments in our understanding of consent. With that in mind, it is perhaps ironic that BDSM practices and communities gained media attention following the publication of EL James's *Fifty Shades* series of novels and subsequent film adaptations.

The books, labeled by media and critics as “mommy porn,” were a publishing sensation, topping bestseller lists and generating countless column inches of commentary about the popularity of sexually explicit content with women readers. They follow ingénue and virgin Anastasia Steele as she meets and develops a relationship with millionaire Christian Grey. Christian introduces Ana to the world of BDSM, demanding that she become his submissive, with their erotic exploits and developing romance taking up 1,500 pages over three novels, with additional novels recounting the same events from Christian's point of view. The popularity of the books propelled BDSM practices and communities into the public consciousness, something many actual BDSM practitioners have been less than happy about.

The handling of consent in the *Fifty Shades* series has been the key target of criticism, from feminist activists both within and outside BDSM communities. They have

pointed out a number of abusive behaviors that are portrayed in the book as normal and romantic. Christian has Ana sign a consent contract and non-disclosure agreement of their relationship, isolating her from friends and other potential sources of support should anything go wrong in their relationship. He demands (and in many cases gains) control of her reproductive choices, her exercise regime and diet, and other details of her day-to-day life. Christian consistently overrides Ana's consent decisions, both sexual and non-sexual, to the point where he punishes her for using her safeword. Ana and Christian's relationship is a much better representation of a toxic, abusive situation than of a BDSM arrangement.

BDSM communities have made considerable efforts to distance themselves from the books and educate the wider public about the problems with the novels, and about consent practices within the community.<sup>12</sup> This has been a key vehicle for ideas about consent developed in BDSM circles permeating into other activist communities, though arguably it has been less successful in reaching the general public. Yet with consent issues becoming more prominent in public discourse, we are beginning to see some of these ideas reflected in more mainstream discussions, showing how valuable knowledges about consent created at the margins of "normal" sex can, at least slowly and partially, reach a wider audience.

## Exploring Consent through Fiction

We saw in chapter 5 that some kinds of pornography can and do engage with issues of ethics in both production and audience engagement, and that as a result they can help shed light on issues of consent. This can happen, for instance, through representations of genders and sexualities outside the cisgender, heterosexual norm, or through showcasing diverse body types that are commonly either desexualized or hypersexualized. In this way, sexually explicit material can create a space for challenging dominant ideas about what sex is and how it should work. But commercial pornography (whether mainstream or independent) is not the only type of sexually explicit material that can be used to explore issues of consent.

One community that produces written pornographic stories and has a long history of using them to think about sexual consent is the fanfiction community. Fanfiction stories are written by amateur writers and based on existing cultural products such as TV series, books, video games, or films. These writers enjoy their favorite fictional characters and settings so much that they create new stories for them. Depending on who you ask, fanfiction either originated with stories based on the original series of *Star Trek* in the 1960s and 1970s, or it has been around since, at the very least, the classical canon, with Virgil's *Aeneid*

being fanfiction of Homer's *Iliad*, the Arthurian legend being fanfiction of the *Aeneid*, and so on. Contemporary fanfiction is written mostly by women and non-binary people, the majority of whom identify as queer in some way.<sup>13</sup> It is circulated non-commercially, generally online. For a variety of reasons, a large percentage of this kind of fiction is erotic or sexually explicit, and a significant proportion of it deals with same-gender relationships.<sup>14</sup>

Like BDSM practices, the fanfiction community started attracting public attention with the publication of James's *Fifty Shades of Grey* series, which originated as a piece of fanfiction for Stephanie Meyers's *Twilight* series. But the community is considerably older than that, and has a history of shunning the limelight, for two reasons. First, the status of fanfiction in relation to copyright law has long been regarded as legally murky at best, and many rights holders of the originary works that have inspired fanfiction stories have historically objected to the practice, sending cease-and-desist letters to authors and hosting websites and threatening lawsuits.<sup>15</sup> Second, the fact that fanfiction is often an expression of women's and queer sexualities, which in turn are socially stigmatized, pathologized, dismissed, and ridiculed by mainstream culture, has made most readers and writers in this community wary of public attention. Thus, we have a community largely hidden away from public scrutiny, consisting mostly of queer women and non-binary people, producing millions

of words about sex for each other, without the pressures that commercial cultural production is under. How, then, does this community approach issues of sexual consent?

One interesting feature of fanfiction in this regard is that, because so much of it focuses on same-gender relationships, it cannot build on the default cis- and heteronormative sexual script. As we have seen in chapters 4 and 5, when there is not exactly one penis and exactly one vagina attached to a cisgender man and a cisgender woman, respectively, there is less of a linear path to follow from drinks to kissing to touching to a particular sexual act that is defined as the only one that counts. And while alternative sexual scripts do exist in queer cultures, the characters in these stories have more latitude to openly and explicitly negotiate what they want to do. Fanfiction readers and writers report that this allows them to notice and challenge the operation of dominant sexual scripts in their own lives, as well as actively rewrite those scripts in ways that offer room for consent negotiation and exploration, and for expanding their understanding of intimacy and sex.

Another very common element of erotic fanfiction stories is the focus on relationships with significant power differentials between the characters. These relationships may play out as romance tropes like marriages of convenience, where one partner is socially and financially dependent on the other, or relationships between superiors

and subordinates in a work context, or they might take place in elaborately crafted, shared science-fictional universes with completely different genders and social structures to the ones we are familiar with.

These settings allow fanfiction readers and writers to explore the role of power in intimate relationships and consent negotiation. For instance, can a character completely financially dependent on a partner really say no? And if not, then to what extent is any consent given, even if it is a genuine yes, truly meaningful? What would need to be true for such a relationship to become a level playing field? And whose responsibility is it to create the conditions where “no” can both be said and heard? These are some of the questions these stories pose and try to answer. They show characters negotiating the disjunctures between dominant sexual scripts and their own desires, and they show partners with more power in a relationship taking responsibility for and putting work into making sure that any consent given is indeed given freely.<sup>16</sup>

The fanfiction community has even come up with a word for all of those situations where consent is not a clear-cut yes or no: *dubcon*, short for “dubious consent.” Dubcon as a concept helps make visible the fact that there isn’t always a sharp dividing line between “rape” and “consent.” There is, as we have seen in chapter 4, a vast grey area in between, where the multi-directional flows of power in our culture and society can make individual decisions less



than clear-cut. There are situations where sex may be genuinely wanted and yet a person may not be in a position to freely give consent. In others, sex may not be wanted for itself and yet consent may still be freely given for other reasons. Fanfiction uses “dubcon” as an umbrella term to explore all of these and more. It pays attention to characters’ internal feelings and experiences, and looks at situations from multiple angles, in ways that emphasize the emotional messiness and lived reality of human sexuality.

One final important aspect of how the fanfiction community explores issues of sexual consent is the way members present their texts and talk about them. A fanfiction text does not stand on its own; rather, it is woven into a fabric of other texts: the work it is based on, for example, or other fanfiction stories, common genre tropes, and conversations between readers and writers. It is created, circulated, and interpreted within a community, and that community has developed a set of shared practices around consent. Community members use the technical tools (such as tags) intended to make stories searchable and discoverable on archive websites in innovative ways to continue the discussion on consent around the text. By using tags, stories that explore the emotional impact of rape, or those that deal with dubious consent, can also be flagged as such so that readers know what they are getting into; this gives them the opportunity to consent (or not) to engaging with the material. In this way, the community not

only further develops its own understanding of consent issues but also transforms it into action: a kind of praxis of consent, a living and practicing of the knowledges developed, that permeates the community's technical infrastructure and behavioral norms.

Fanfiction, then, can be used as a tool to think through consent issues in ways that put an emphasis on the internal, emotional experience of sexuality. The sexual fantasy becomes a way of exploring options, making visible social structures and default scripts, and offering potential alternatives that would allow us to build a culture of consent. It is similar to the other forms of knowledge production and activism discussed in this chapter, in that they all use tools to think about issues of consent that are not available, or not sufficiently respectable, to those in academia. Feminist and queer consciousness-raising activities build on lived experience, transformative justice approaches reject and find ways of sidestepping the law, and BDSM communities use their position at the margins of normality to question dominant discourses and make visible things that otherwise we take for granted. These communities are actively extending our collective understanding of what consent means, how rape culture affects our agency and autonomy, and what a true culture of consent might look like.

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