

MORE THAN MERE CONSENT: A NOVEL THEORY OF SEXUAL PERMISSION

M.A. Thesis – S. Northey; McMaster University – Philosophy.

MORE THAN MERE CONSENT: A NOVEL THEORY OF SEXUAL PERMISSION

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Requirements for the Degree Master of Arts

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Lays Abstract

The question of sexual consent has received a lot of attention as of late, with many expressing confusions surrounding the term. This confusion varies from questions about obtaining consent in an acceptable way to complaints about the seemingly ambiguous nature of the term. Recently, consent has been deemed the gold standard for participation in morally acceptable sex. I will argue that sexual consent is not as useful a tool as it is given credit for since it fails to consider morally relevant relationships, it oversimplifies and attempts to be objective, it is not properly learned or taught, and it focuses on a normative approach to consent—where sexual consent aims to be applicable to all scenarios, no matter the differences in said scenarios. I will argue throughout this thesis that sexual interactions should be more than merely permissible and rather should fall under the definition of good sex.

Abstract

Sexual consent is something that is receiving more widespread attention in the face of the #MeToo movement. However, sexual consent as the gold standard of sex is misguided and emphasized to the extent that all other relevant areas of consideration in terms of sex are all but eliminated. In this thesis, I begin by focusing on the flaws of sexual consent. I argue sexual consent is flawed in theory as it conforms to the masculinist tradition of philosophy, it oversimplifies sex, and it attempts to be objective in the face of sex. Further, there is a misguided attempt to fit sex into one-size-fits-all normative ethical approaches. I then argue that any sexual education surrounding consent is ineffective and overruled by the pervasive and poor representations of sex in mainstream media and mainstream pornography. I will then resolve these flaws by arguing for more emphasis placed upon non-mainstream theories of sex, namely theories put forward by Ann Cahill and Quill Kukla. I will then argue for the consent-forward approach to be replaced by a care-forward approach, following care ethics and Joan Tronto's four qualities of care. Finally, I will argue for an improvement of sexual education and sexual normalization, by fixing sexual education and improving representations of sex in mainstream pornography and mainstream media. In doing so, I will formulate an approach to sex that is more conducive to good sex than the consent-forward model.

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List of Abbreviations

Campaign Life Coalition (CLC)
Consensual Non-Consent (CNC)
Non-Consensual Intimate Imagery (NCII)
Image-Based Sexual Abuse (IBSA)

Declaration of Academic Achievement

I, Sydney Northey, declare this thesis to be my own work. I am the sole author of this document. No Part of this work has been published or submitted for publication or for a higher degree at another institution.

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My supervisor, Dr. Allauren Forbes, and second reader, Dr. Violetta Igneski, have provided guidance and support at all stages of this project. I completed all the research work.

Introduction

The question of sexual consent is one that has received a lot of attention as of late, with many expressing confusions surrounding the term. These confusions vary from questions regarding how to obtain consent in a noncoercive way to complaints about the seemingly ambiguous nature of consent. Recently, consent in sexual scenarios has been deemed the gold standard of participation in morally permissible sex. As argued by many who work in the area of consent, consent is obtained to make what would ordinarily be impermissible, permissible, and thus consent has become an invaluable tool in the realm of sexual ethics as it has been assigned the task of distinguishing sex from sexual violation. Consent is deemed an important normative tool that seems to be a form of “moral magic” as coined by Heidi Hurd. Consent has been the focus of not only sexual ethics in academia, but also in the practical realm, where enthusiastic and affirmative consent is taught on college campuses, in the news, and more. Sexual consent has also been focused upon negatively in the media with the rise of the #MeToo movement and the growing number of people coming out as survivors of sexual assault and sexual violence. However, this reliance on consent in its current state has potential to be detrimental to the realization of good sex and thus requires reworking.

Clearly, something is not working with the way sexual consent is currently understood. Now more than ever, the lines are being blurred between sex and sexual violation and consent is no longer a helpful tool in determining the difference. Often, sexual consent is detrimental to survivors’ understanding of their assault. In many cases,

consent was present in interactions that are still considered violations. For example, scenarios in which consent was obtained prior to the interaction confuses those who then feel violated by said interaction. If they consented, then it would appear that there is no reason for them to feel bad or regretful about the interaction. Another example occurs when consent is given out of fear or out of avoidance of assault. As a defence from becoming a victim of sexual assault, some people will give consent because they believe that their resistance would not make a difference to the interaction. Saying no makes no difference to the actions of the other party involved so they say yes.

Further, it may be the case that some individuals are implicitly coerced to consent through underlying power structures and imbalances existing between the parties involved. One may consent to sex because they are simply physically weaker than the other party involved. One may consent to sex because they possess less privilege than the other party involved. In these examples, the sexual interaction is not wanted or desired and yet consent is still obtained, even though this consent is arguably morally meaningless. Through these examples, it is clear that the current conception of consent is inadequate for the realization of healthy and good sexual interactions between individuals. One of the most pressing problems is that the current conception of consent does not take into account the morally relevant relationships between individuals. This complaint about the inadequacy of consent as a practical tool is not new or groundbreaking, as feminist philosophers have been pointing out its flaws for decades, from Carole Pateman and Catherine Mackinnon critiquing consent on the grounds of its use as a distinguishing feature between rape and sex to, more recently, Quill Kukla critiquing

consent on the grounds of its position as a flawed tool of negotiation. Something more is required to make good sexual interactions more commonplace and achievable, and the goal in this thesis will be to determine what that something more is.

In this thesis, I will be arguing that sexual consent, as we know it, is not as useful a tool as it is given credit for as it does not consider the morally relevant relationships between individuals, it oversimplifies and attempts to be objective, it is not properly learned or taught, and it focuses on a normative approach to consent, where consent is something that aims to be applicable to all scenarios, no matter the differences in said scenarios. This is an important argument as consent is the main tool that we use to determine morally good sex, but a different metric would be more valuable in these interactions, namely the inclusion of differing perspectives of sexual consent, pleasure (physical or otherwise) felt by all parties involved, and a higher threshold of care necessary in these interactions. While it is common to claim that consent is a necessary part of ethical sexual interactions, I will argue that it is not sufficient for good sex as it merely results in permissible sex and that there should be something more required of sexual interactions to make sex good and obtainable, namely the reimagining of sexual education, the inclusion of pleasure, reciprocity, and desire, and the application of care ethics.

For the purposes of this thesis, it is essential to offer a distinction between permissible sex and good sex as these terms will be used throughout my argument in vastly different contexts. These terms differ in ways that are more than merely semantic

as part of the basis of my argument is that we desire more than mere permissibility in our sexual interactions and that is where good sex comes in.

Sex is something that requires a certain amount of intimacy. It is more than merely a physical act and thus should be subject to higher expectations regarding what makes sex obtainable. However, as it is currently perceived, sex need merely be permissible to be morally acceptable. Permissible sex is what typically occurs when one follows the consent model as it currently exists. In cases of permissible sex, the basic interaction involves one party asking for permission to engage in some kind of sexual act and the other party agreeing to said act. In an ideal world, there would be no need to differentiate between permissible sex and good sex. However, the main flaw with permissible sex as the basis for our sexual interactions is that it is too permissive and ensures that only the bare minimum of consent is required for permissible sex to occur. I will not be claiming that permissible sex is bad or unethical; rather, I will be arguing that we should expect more from our sexual interactions because the nature of sex is an intimate act. Permissible sex is technically morally acceptable, but I will argue throughout this thesis that sexual interactions should be more than merely permissible and rather should fall under the definition of good sex, as I will describe next.

Good sex, however, has a higher threshold of expectation attached to it. For the purposes of this thesis, good sex is used to describe sex that is both good in the common sense and morally good. Good sex is not merely permissible, but it is desired and pleasurable in some way where each party involved acts as an active participant in the act and considers the individual personhood of the other party (or parties) involved. Contrary

to permissible sex, good sex is harder to achieve and for good reason. The higher threshold of expectation is there so that the carelessness that is often present in permissible sexual interactions is eliminated. Throughout this thesis, I will be reimagining our sexual interactions in a way that makes permissible sex no longer possible; rather, I will be emphasizing the need for good sex and its achievability if there was merely more care and responsibility placed upon both parties engaging in sexual interactions. Although it may be possible to argue that this higher threshold of expectation for the achievement of good sex is infeasible, I will argue that this objection is one that is formed through sheer laziness and carelessness. For too long, it has been acceptable to do the bare minimum in regard to the obtainment of sex, namely simply receiving agreement to engage in sex by the other party. Instead of viewing sex as a basic human need and arguing that people have a right to sex, I will be arguing for the perceptions of sex as a basic human desire and arguing that sexual interactions are a privilege that can only be realized through the appropriate pathways, pathways that I will outline in more detail later in this thesis.

In Chapter 1, I will begin by outlining the popular views of consent in academia, namely the performative view of consent, the mental/attitudinal/subjective view of consent, and the hybrid view of consent. In outlining these views, I will provide the basis for understanding mainstream perspectives on consent in academia and the arguments in support and against each view of consent. I will later formulate my own objection to these views, arguing that these views of consent are inadequate in their very understanding of sex. I will then discuss the position of sexual consent in normative ethics, where the goal

in most, if not all, theories of sexual consent is to provide a system in which the obtainment of consent for the purpose of sex is simple and achievable with the same rules and expectations being placed on all sexual interactions. While this may be useful in the theorizing of sexual interactions, this is not useful when one considers the reality of sexual interactions. I will critique the mainstream academic views of consent as they fail to capture the complexity of sexual interactions and they oversimplify where oversimplification is detrimental to the full understanding of sexual consent. Further, I will argue that these views suffer from these issues as a result of their lack of inclusion of the perspectives of women and their attempt at objectivity in an area where objectivity is not useful, with this objectivity being emphasized in the discipline as a result of the focus upon the voices of men. I will then critique the inclusion of sexual consent in normative ethics as sexual interactions and their requirements should differ wildly as the mutually relevant relationships between parties that engage in sexual interactions differ wildly, where some interactions may merely require agreement and others require far more negotiation and care. As a result of this complexity, a one-size-fits-all approach as argued for by normative sexual ethics to sexual consent is not productive in the alleged goal of sexual consent, with this goal being distinguishment between sex in general and sexual violation. It is clear that what is necessary to engage in good sex differs based on the relationships between participating parties and it is wrong to assign the same expectations to all sexual interactions, regardless of the relationships and power dynamics present. In a later chapter, I will provide solutions to the issues I have outlined.

In Chapter 2, I will discuss sexual consent in a more practical way, namely the way that it is learned and taught as the gold standard for sexual interactions and yet this perspective of consent as the gold standard is not reflected in the relevant areas, namely mainstream media, and pornography. I will first discuss how understandings of sex, and, by extension, sexual consent is formed through interactions with mainstream media, pornography, and, although less constant and pervasive, sexual education in schools and by parents. In this discussion, I will be pointing to various examples of sexual representation in the media and pornography, with focus on the portrayal of heterosexual sexual interactions using a variety of examples from film, television, and music. I will also point out the reality of sexual education on consent as taught in Ontario schools and as perceived by parents in Ontario. I will argue that the representation of consent, more specifically its lack, in popular media and pornography results in an imbalance wherein the potentially good speech of sexual education is undermined by the inescapable and perverse portrayals of sex in mainstream media and pornography. While sexual education has the potential to condition children and adolescents into developing different and better understandings of sexual interactions and relationships, sexual education is often hindered by the lack of care of, and time given by educational institutions and parents. Further, I will point to the stigmatization of discussion of sex, where Western cultural norms have determined that discussions of sex and, as a result, sexual consent, are taboo and thus should only exist behind closed doors and be discussed as little as possible to get the point across, with the point being influenced by Christian conceptions of sex. As noted in the popular film *Mean Girls* and its representation of sexual education,

“don’t have sex because you will get pregnant and die”. I will argue that, since sexual education is often given limited time, care, and funding, its potential is all but eliminated because children and adolescents simply spend more time completely consumed by portrayals of sexual interactions in mainstream media that are inadequate for the realization of good sex as they enforce negative and toxic perceptions of sex.

In Chapter 3, I will be offering solutions to the previously outlined issues of sexual consent. First, I will offer a solution to the issues of sexual consent in academic theory by applying the works of Ann Cahill and Quill Kukla. By applying the work of these two theorists, I will strive to solve the interconnected problems of oversimplification, attempts of objectivity, and lack of representation of non-men that are present in mainstream academic work surrounding sexual consent. Next, I will offer a solution to the issues of the inclusion of sexual consent in normative ethics through an application of care ethics, reimagining the expectations of sex to result in good sex. By applying care ethics and the five qualities of care as theorized by Joan Tronto to sexual interactions, I will strive to solve the one-size-fits-all approach that is common in normative ethics and create an ethical theory of sexual consent that focuses more specifically on relationships between individuals. Finally, and perhaps the most complex, I will offer a solution to the issues of sexual consent in the practical realm, where I will argue for the disintegration of Western taboos and stigmatization surrounding sexual interactions, adequate and effective representation of good sex in mainstream media and pornography, and a more extensive system of sexual education where there are more frequent and consistent discussions of what good sex is and how to achieve it. Further, I

will argue for a greater emphasis placed on relationships and community in sexual education, where the recognition of humans as individuals and thus sexual interactions as varied and requiring different approaches dependent on the relationship shared. I will then combine these solutions to formulate an original conception of sexual interactions and a way to achieve good sex that does not allow for merely permissible sex. In this combination, sex is either good sex or the act of sex does not occur as merely permissible sex is no longer an option, and acts of sexual assault are clearer as a result of the higher expectations present in this theory. Even casual sex requires a certain amount of intimacy, and it is possible to engage in casual sex while simultaneously treating others with the care they deserve as human beings. In fact, it may be the case that casual sex has the highest threshold of expectation as it is often the basis of the formation of a relationship between individuals, while sexual interactions that occur in pre-existing relationships often have pre-established and clear indications of respect and care. While this then inevitably results in more difficulty engaging in sexual interactions as a result of the clear increase in effort and expectations, this difficulty is for good reason. If one finds themselves incapable of fulfilling the expectations I have outlined for good sex, or even unwilling to put in the work necessary to fulfil them, then perhaps they should not be having sex and should instead spend the time they would be spending on trying to fulfill these expectations working on themselves and doing the inner work necessary before being able to engage in the intimate act that is sex.

Finally, I will address some potential objections to this combination. Namely, one may object to this combination by claiming it infeasible. However, I will argue that this

objection is merely based on laziness, lack of care, and Western individualism that has become detrimental to the maintenance and formation of healthy relationships, be that sexual or otherwise. It was intentional in my argument that this system would make sexual interactions less easily achievable, as it would then mean that reciprocal effort and care was applied by all parties involved. Further, it is possible to object to this combination on the basis that it provides an almost authoritarian recommendation for sexual interactions, removing a large part of the permissive freedom that comes with the simple version of permissible sex as granted by sexual consent. I will argue that this objection wrongly places emphasis on the aspect of personal freedom in sexual interactions. While personal freedom is important, it is not the most important aspect of sexual interactions. Rather, I will argue that respectful and mutually fulfilling relationships take precedence over personal freedom in sexual interactions and thus the way of achieving good sex that I have outlined is not shirking personal freedom but rather emphasizing a more important aspect of sex. Thus, the version of sexual interactions that I have outlined, namely one that emphasizes caring and respectful relationships over most other aspects of sexual interactions is one that would result in more good sex, and good sex should be the goal of all sexual interactions.

1.0 Chapter 1: Sexual Consent in Academia and Normative Ethics

1.1 Introduction

Sexual consent, and consent in general, have been widely discussed in academic theory. However, the mainstream perspectives of sexual consent in academic theory are not reflective of the reality of sex. In this chapter, I will be arguing that academic theory surrounding sexual consent is not ideal for the realization of good sex. I will further argue that this nonideality is influenced directly by the lack of non-male perspectives in academia. To do so, I will begin by outlining the different views of consent in academia. I will then argue that these views are flawed in similar ways, namely that they attempt to be objective, they oversimplify sex, and they perceive sex as outside of the morally relevant background conditions and relationships involved in sex. Ignoring these conditions and relationships render consent not only unrealistic, but practically useless. I will further argue that these issues are caused by the way it exists as a field of philosophy, and philosophy in general, as a masculinist tradition that favours traditionally masculine traits, such as objectivity. I will argue that there is a clear lack of the perspective of women in an area that should be dominated by women, and this is caused by masculinism in consent theory.

I will then outline how consent functions as a normative tool and its use in the field of normative ethics. To do so, I will first briefly describe what normative ethics entails. I will then fit our understanding of consent theory into the definition of a normative tool, arguing that consent is typically understood as normative in function. However, I will argue that the use of sexual consent as a normative tool is misguided, and

it has the result of “dumbing down” sex. Normative sexual consent, along with most other normative tools, attempt to assign all-encompassing rules and expectations to scenarios that differ wildly. I will argue that these all-encompassing rules are not useful for making sex good and they are often not even useful for making sex permissible except by the most basic of definitions. Following a similar argumentative path as the previous section, I will argue that consent as a normative tool is flawed as it attempts to be objective, it oversimplifies sex, and it ignores the morally relevant positionality and relationships of those involved. While consent as a normative tool possesses similar flaws as consent in academia, I will argue that these flaws present themselves in different ways and result in different consequences.

These arguments are relevant to the aim of this project, as they relate to my larger concern about consent. Namely, consent alone does not achieve what it should achieve and what we want it to achieve. There should be some way to achieve good sex and, as consent currently functions, it does not promote good sex. Rather, it promotes permissible sex. In discussing the concerns surrounding consent in academia and consent as included under the umbrella of normative ethics, I will allude to areas in which consent falls short and disappoints, relating to my argument for the need for something more than mere consent as we understand it in sex. Thus, this chapter is connected to the overall argument of this thesis as it further argues for the need for more than just consent by pointing to the problems with consent in academia and consent as a normative tool. In chapter 3, I will offer solutions to the problems I outline in this chapter.

1.1 The Views of Consent

To begin, it is important to briefly outline the different views that are common in consent theory. These views are ways to understand consent, where each view focuses on a different aspect needed for consent to be present. In academic theory, there are three main views of consent: the performative view, the mental/subjective/attitudinal view, and the hybrid view. These views are used to understand the important facets of consent, but they are subject to oversights that impact their usefulness significantly. Each of these views has its own support and advocates, but each of these views is also impacted by similar flaws, as I will later discuss. These views of consent exemplify the general perspective of consent in academic theory, which is then important to understand how academic theory fails to adequately capture the complexity of sex.

1.2a The Performative View of Consent

The performative view of consent argues that there must be some performance of consent for it to count as consent and to make sex permissible. In Alan Wertheimer's 2003 book titled *Consent to Sexual Relations*, he explicitly outlines and supports a performative view of consent. The performative view of consent requires that there be some performance of consent, where both parties involved can be aware of and sure that consent is present in their interaction. This performance must be public and unambiguous (Wertheimer, 2003). In many cases, the public performance of consent is a verbal affirmation of consent in the form of merely saying yes to whatever interaction occurs. According to this theory, the mental state of consent need not be present for the

performance of consent to count. While Wertheimer seems more supportive of the performative view of consent, he concedes that the tokens of consent he argues for are morally significant because they reflect the desires, intentions, and choices of the consenting person. He defines consent as being given “... only where she performs some token of consent... (Wertheimer, 152)”. Here, these tokens of consent consist of “(a) a verbal act; (b) a nonverbal act; (c) silence or inaction.” (Wertheimer, 152). However, while he notes that the importance of these tokens is directly related to the mental state of those performing them, he does not claim to support a hybrid view of consent. Thus, Wertheimer supports a performative view of consent, arguing that consent requires some sort of performance, including nonverbal actions and silence or inaction.

1.2b The Mental View of Consent

The mental/subjective/attitudinal view of consent argues that the mental state of consent must be present for consent to count and to make sex permissible. According to this theory, there need not be any performance of consent. Rather, the mere possession of the mental attitude of consent is enough. Often supported by the autonomy argument, the mental view claims that since consent is an expression of our autonomy and our thoughts are under our control, consent consists of our thoughts and thus does not need to be expressed (Dougherty, 2021). As Larry Alexander, Heidi Hurd, and Peter Westen argue, consent, according to the mental view, does not require communication. Rather, the mere presence of the mental state of consent is enough. To further their point, they provide the example of *Wanted Sex*. In this example, Sue wants Sam to have sex with her. She,

however, fears being seen as easy or eager, and she fears that if she acts in those ways, it will impact Sam's desire to have a long-term relationship with her. Thus, she does not communicate her desire to have sex and does not consent to sex, even resisting Sam when he pursues sexual advances. However, she is delighted when Sam persists despite her resistance; they have sex, and everything works out for Sue. Later, Sue discusses this scenario with a friend and her friend points out that Sam was willing to have sex with her despite her resistance, changing Sue's attitude from delight to displeasure (Alexander et al., 658). Still, Alexander et al. argue that Sam has not wronged Sue because she initially did not feel wronged and in fact wanted the interaction to take place, thus possessing the mental state of consent in the moment. Here, it is clear that the mental view of consent is one that only considers the mental state of those involved and requires merely an attitude of consent to be present to make sex permissible.

1.2c The Hybrid View of Consent

Hybrid views of consent argue for including both the performance of consent and the mental attitude of consent. The hybrid view of consent involves combining both the performative view of consent and the attitudinal view of consent. Those in support of the hybrid view of consent argue that there must be both the proper performance of consent and the mental state of consent for consent to be valid. Wertheimer claims the hybrid view is merely a weak attitudinal or weak performative view, depending on which view is given more importance in the theory in question (Wertheimer, 2000), but Wertheimer's perspective on the hybrid view represents unwarranted inflexibility in consent theory. It

seems to be common sense, at least amongst those not deeply involved in consent theory, for consent to require both the mental state and attitude of consent and the performance of consent, as the mental attitude of consent should be present for the sex in question to be permissible but since sex is typically an activity that involves more than one person, the other party in question will have no knowledge of the mental attitude of consent if it is not performed in some way.

These views are representative of mainstream consent theory, where there is an emphasis placed on boiling down sex to its most basic form. As I will argue in the next section, mainstream consent theory and the views of consent I have outlined are influenced by the masculinist tradition of philosophy, which then hinders the usefulness of consent as a whole as it places an emphasis on traits that are not useful to sex.

1.3 The Masculinist Tradition of Consent

While philosophy is changing, it still represents a masculinist tradition, where masculine traits are deemed important, and men are centered and dominant in the field. Mainstream sexual consent theory is no exception, as it continues this masculinist tradition. Each of these views of consent possesses similar flaws, flaws that are a result of its enforcement of the masculinist tradition common in the field of philosophy, problems that I will later argue are caused by the lack of non-male voices. In this section, I will argue that mainstream consent theory enforces masculinism by pointing to its emphasis on objectivity, its oversimplification of sex, and its lack of consideration of morally relevant positions, background conditions, and relationships in sex.

1.3a Objectivity

In academia, it is common to attempt to remain objective to get the clearest picture of what is being examined. Objectivity has been praised as the epitome of investigation and it has been claimed to be the only way to obtain true knowledge, especially in terms of areas that have multiple conflicting perspectives regarding what is right. However, in the case of sexual consent, objectivity is not a useful tool and the idea of objectivity as a useful tool is one that has been supported by masculinist perspectives of knowledge. Objectivity is a masculine trait and is thus praised, whereas subjectivity is a feminine trait and is thus ignored and shunned in favour of objectivity in academia. There is a similar emphasis in the law, where the objective facts of a case are the only relevant facts.

However, objectivity harms rather than helps the area of sexual consent, as sex and sexual violation are cases where objectivity is not possible. As a result of the deeply personal connection sex has to individuals and the intimacy that sex requires, it is impossible to separate sexual violation from feeling and subjectivity. For example, one of the reasons why sexual violation is unethical is because it represents a violation of bodily and sexual autonomy, and this violation is one that is felt and further one that is subjective, as the feeling of violation varies from individual to individual. The harm that results from sexual violation is one that simply cannot be quantified as it is a kind of harm that is often characterized by its unpredictability. As previously discussed, consent is an important normative tool as it results in a sort of moral magic and ends up creating rights, namely the right to access the body of another. Sexual consent is especially important

because it represents respect for the sexual agency and autonomy of other human beings. Thus, when sexual consent is not obtained, or nonconsent is ignored, it makes a significant impact on the psyche and emotional state of survivors, often causing them to feel like strangers in their own bodies as a result of the violation of their agency. Many survivors of sexual assault experience the lasting impact of the trauma they experienced as, according to Dworkin et al. in their work titled *PTSD in the Year Following Sexual Assault: A Meta-Analysis of Prospective Studies*, 74% of women who are raped experience PTSD symptoms in the month following their assault and 41% of women experience symptoms a year later, with many of these women experiencing lasting symptoms (Dworkin et al. 2023). The emotional impact of sexual assault is a very real problem and has clear, tangible consequences, but it is often one that is not even mentioned in academia or theory as a result of the favouring of objectivity.

1.3b Oversimplification

Simplification within academia is common, as the goal of academia is often to create a theory that is applicable to a wide variety of differing scenarios, and it is necessary to simplify to do so. However, this simplification is magnified in mainstream academia on sexual consent, and it is oversimplified to the point of uselessness. This is significant limitation of sexual consent, rather than the useful tool it is intended to be. Not only does this oversimplification ignore the variation that is present between different sexual interactions, but it further forces sexual expectations into binary boxes of yes or no and enforces sexual norms, especially within heterosexual interactions. The views of

consent that I have outlined are reductive, as they reduce the complex dynamic of sexual interactions to a binary of agreement or disagreement. This does not track the way that people engage in sex and how people tend to want their sexual interactions to play out. This binary of agreement or disagreement to sex oversimplifies sex to the point of uselessness. This reductivity then fails to adequately capture the complexity of sexual interactions and the varying moral relationships that require consideration during these interactions, something I will discuss in more detail in the next section.

Typically, the way that consent functions in consent theory is in the form of a “yes” or a “no” from either party if we follow the performative view or the mental attitude of a “yes” or a “no” if we follow the mental view. It seems simple enough, but that is exactly the problem. Sex is often not an interaction that waits for this kind of simple response. While it is possible to argue that the problem here is not consent, but the problem is the way that sex is perceived, I will argue the opposite. That is, consent, as represented by the “yes means yes” idea, does not align with the way that most, if not all, people have sex, and thus, this oversimplification does not capture the reality of sex.

Social scripts play a significant role in the way that sex occurs. According to consent theory, the social script is one of limited communication, where one party asks the other party for their consent, and that party provides it. However, the real social scripts of heterosexual interactions follow a different path. The most common variation of sex here is that the interaction begins with kissing and organically leads to vaginal penetration. The quantity of communication often varies and is determined by the pre-existing relationship between the parties involved and those parties’ perception of how

sex should proceed. For example, in long-term relationships, there may be excessive communication or no communication whatsoever. The same goes for one-night stands. The point here is that the way that sex is viewed in academia and the theory surrounding it only perceives sex and communication regarding sex as requiring the bare minimum of communication to obtain consent, and that does not reflect the reality of sex.

The consent model also allows men to define the conditions of sexual interactions. Since sex is often determined to occur in the same way every time, from kissing to penetration, the consent model enforces these expectations and the social norms surrounding sexual interactions. Historically, men have defined the conditions of sexual interactions, and the consent model is simply not enough to disrupt these definitions, as the way that it oversimplifies prevents it from being useful in this way. If the communication required to engage in permissible sex is mere communication of yes or no, that leaves little room for discussions that may impact and change the social script expected during sex.

As I mentioned in the introduction, sexual consent, as it is currently understood, can often result in confusion regarding sexual violation. Namely, in cases of sex where consent is present but in nonideal ways. This ties into the oversimplification of sex that the consent model enforces, as the consent model claims that sex is permissible once consent occurs but does not account for the way that the consent model is abused. While caveats have been made within the consent model claiming that coerced consent is not real consent and consent can be taken back at any moment, the damage has already been done; people have been told for years that consent is the only thing that matters and so it

is the only thing they need to obtain. This allows men to achieve consent through violence and coercion and allows men to accept consent as unfettered consent, allowing for the minimization and justification of sexual violence.

1.3c Relationships and Positionality

Tying into the emphasis on objectivity in academia, it is common within academia to ignore any relationships, positionality¹, or power dynamics at play. Consideration of these factors then results in being unable to formulate an overarching theory, and the goal of most theories is to make it applicable to as many cases as possible. So, much like most other academic theories, the views of consent, as I have outlined, come from a position where the background conditions, relationships between those involved, and positionality of individuals are not considered. Rather, these views look solely at consent from a heteronormative white-centric lens, which then allows them to ignore relevant factors that are unignorable to any marginalized group. This lack of consideration of positionality and relationships seems to fit in with the problem of objectivity, as this lack of concern for positionality and morally relevant relationships is one that is often done intentionally to remain as objective as possible.

In theory, consent functions just fine if those involved come from similar positions in the world, as is seemingly assumed in these views, but even in strictly heterosexual interactions, this is almost never the case. The positionality of the parties involved is

¹ Positionality refers to where one is located in relation to their various social identities. Relevant social identities include race, gender, class, ethnicity, ability, and more. Positionality typically shapes how one interacts with the world and how the world interacts with them.

morally relevant, as it impacts the potential of safe refusal. For example, safe refusal may not be possible in a scenario where one party is weaker than the other, something that occurs often during sexual interactions between cis men and cis women. Even when one does not consider physical strength, women typically have much more to fear when doling out rejection, such as simply the discomfort of dealing with a man after facing rejection, and this would impact the possibility of safe refusal. Further, safe refusal may not be possible in a scenario between a black cis woman and a white cis man, as a black cis woman may be concerned about the potential of violence and degradation as a result of the power imbalances present. If consent was the useful metric it claims to be, then there would be nothing to fear when voicing nonconsent and yet that is simply not the case.

1.4 Normative Ethics and Sexual Consent

Normative ethics is the field of ethics that creates theories that assign general moral rules concerning human behaviour. It is useful as it determines how one ought to act in morally relevant scenarios. Often, sexual consent is most commonly viewed as a normative tool, where the rule in question is that consent must be obtained in order to engage in permissible sex, and the obtainment of consent then makes permissible what would ordinarily be impermissible. Called “moral magic” by Heidi Hurd, consent does seem to be magical in some way as it essentially transforms sexual interactions from sexual violation to sex. The views of consent do what normative ethics expect, that is determining rules that govern what one ought to do in sexual interactions.

However, including sexual consent under the umbrella of normative ethics is misguided. Once again, sexual interactions are boiled down to their most simple, which then fails at capturing the reality of these interactions as varied and requiring different attention based on the interaction in question. Normative ethics aims to create overarching rules that can be applied and fulfilled to each occurrence of an interaction. In this case, normative ethics aims to create overarching rules and conditions that must be fulfilled to engage in sex that is morally permissible. However, I will argue that normativity is not only misguided, but detrimental to the realization of good sex. It may result in permissible sex by definition, but according to this thesis, there should be more. This inclusion of consent as in the realm of normative ethics furthers the oversimplification and objectivity of sex that is rampant in the academia surrounding consent, as normative ethics requires objectivity and simplification to provide overarching rules.

1.5 Lack of Women

Heterosexual sex is (clearly) something that requires two to tango. However, it seems that, at least within mainstream academia and normative sexual ethics, half of the party has not been invited. Clearly, these problems with consent theory in academia and the emphasis on consent as a normative tool are caused, in part, by the lack of inclusion of women in this field and the emphasis of masculine traits over feminine traits in an area where feminine traits would be useful.

In consent theory, much like most areas of philosophy, the most cited works are written by men and lack the perspective necessary to understand the complexity of sex; that is, the perspective of women. Here, I am only focusing on cases of heterosexual sex, where sexual interactions occur between men and women. Clearly, there is an important perspective that is not being taken into account, the perspective of the other half of the interaction. To support the argument that consent theory is dominated by men, one can look to the works that are cited in the Routledge Handbook of the Ethics of Consent. In the chapter of this work titled “What is Consent?”, only 9 of the 36 references have some contribution by women, with Heidi Hurd accounting for two of these contributions (Müller & Schaber, 30). In the chapter of this work titled “Sexual Consent”, only 8 of the 33 references were written by women (Müller & Schaber, 183). Perhaps this lack of the voice of women is a result of the fact that only 6 of the 36 contributors to the book are women (Müller & Schaber, viii-xi). One could argue that this lack of citation of women is because women are not writing on the topic, but this is simply not the case. Consent is a point of significant interest and importance to women in general, as the corruption of consent is a harm that is statistically most often enacted on women. It often seems that consent theory is a masculinist tradition with the aim of making sure that men are not being rapists by definition, and thus that is why there is such an emphasis placed on consent.

While it is possible to argue that the reason why consent theory is male-dominated is merely because philosophy in general is male-dominated, this speaks to a broader issue of the way academia as a whole functions. There seems to be a cyclical reinforcement of

male domination in consent theory, caused by the mere process of contribution. To contribute to a book such as the Routledge Handbook of the Ethics of Consent, one must be invited and, to be invited, one must be known by the other contributors and, to be known, one must be alike and run in the same circles as the other contributors. Although these conditions for contributing to such a work are not necessary, this is the way that these kinds of works are most often determined. However, this process often results in men constantly citing other men and further continuing the tradition of philosophy as a “boys’ club,” even though there is a sizable portion of literature in consent theory written by women. Consent theory is often an area of feminist concern, as it seems impossible to ignore the position of women in such a theory. Even existing in academia as a woman who focuses on consent theory results in a sort of double bind, where the expectations to produce publishable and perfect work discourages women from working in such a realm, but the perspective of women is needed and should be encouraged rather than discouraged. Even in the process of writing this thesis, there were times when I felt expectations were higher for me than for my male peers doing work in well-established fields of philosophy, such as constitutional philosophy or early modern German philosophy.

Further, as I previously mentioned, objectivity is a trait that is given its value as a result of its relation to masculinity and the obvious emphasis on male voices in this area. The feminine counterpart to objectivity is subjectivity, a trait that would be far more useful when applied to sexual consent than objectivity is. However, since sexual consent

theory and philosophy as a whole do not consider the voices of women and rather appeal to men and their ideas of sex and consent, subjectivity is not considered.

A further problem with consent theory is that the most cited works often do not seem to consider the role of women in the process of consent or the power dynamics that are often at play in cases of sexual consent. There would be no need to consent without women to be pestered for their approval and women would actually be able to express their desires without the existence of the power structures that force them to hold back. Most works view consent as an interaction that takes place between party A and party B, with no background conditions of either party, even though most sexual encounters occur between individuals that exist in different positions in society, with one party often having more power than the other. As previously argued, the way that consent theory is discussed as merely micro-level transactions between individuals is flawed as it does not consider the way that the structures of society impact these interactions. To have a realistic picture of the way that interactions requiring consent take place, it is necessary to consider the role of women in the process of consent, along with the power dynamics that exist in these interactions, something that I discussed in more detail earlier in this chapter.

Sexual consent, as included under normative ethics, is also impacted by similar oversights. As I will later argue in more detail, areas of ethics that are more dominated by women, such as care ethics and feminist ethics, consider features that are more likely to promote good sex over merely permissible sex. However, since normative ethics is a field that is still male-dominated and it is also the field of ethics that is often perceived as the most useful in terms of practicality, sexual consent gets assigned to normative ethics. This

then results in what I previously outlined, namely the attempt to fit all cases of sex and consent into a box where the same rules apply in all scenarios when sex in both its form and process often varies wildly.

1.6 Conclusion

In conclusion, by outlining the flaws of mainstream academic views of sexual consent and sexual consent as solely belonging under the umbrella of normative ethics, I have argued that the way that sexual expectations are set up need something more, as we are simply set up to fail at having good sex as a result of this framework. In this chapter, I have outlined the most common views of consent and argued that these views of consent are flawed as a result of their attempt at objectivity, their oversimplification, and their lack of consideration of the morally relevant relationships and positionality of the parties involved. Further, I have argued that sexual consent, as included under the umbrella of normative ethics, is misguided, as the very nature of sexual interactions requires varied actions necessary for permissibility and expectations of those involved. In the next chapter, I will be discussing the way that consent fails practically to result in the realization of good sex, arguing that the representation of consent, more specifically its lack, in popular media and pornography results in an imbalance wherein the potentially good speech of sexual education is undermined by the inescapable and perverse portrayals of sex in mainstream media and pornography. Ultimately, the aim of this thesis is to determine what more is needed of our sexual interactions to result in more good sex.

2.0 Chapter 2: Education of Consent

2.1 Introduction

It is often argued that consent is all that is needed to engage in permissible sex.² Even if we consider consent to be the gold standard of sex and even if its importance and use as the sole tool in permissible sex is fair, this importance and emphasis is not reflected in the relevant areas. For a consent-forward model of sex to be fully realized, it must be represented in every area that sex is represented, as its role in permissible sex would be normalized if it was adequately represented. The consent model has been deemed the be-all end-all of sex and the most important part of the process of sex. However, that is simply not the case, perhaps most obviously – and most importantly - in mainstream media and pornography. Even in sexual education, it is often the case that consent is not given the appropriate moral and practical weight that a consent-forward model would require. Generally, focusing on a consent-forward model of sex is expected, but we fail by our own lights in real life to support this model through ineffective education and the consumption of mainstream media and mainstream pornography.

Thus far, I have argued that the consent model is flawed in theory and practice. In this chapter, I will be arguing that, even if we consider consent to be the gold standard of sex, sexual content fails to model this in ways which undermine the ability of consent-forward theories to be efficacious. To do so, I will begin by describing the state of sexual

² While I will later focus on models of sex that encourage a result of both permissible and good sex, the argument in this section is that even if the consent model results in permissible sex and that is all that is expected for sex, the consent model is simply not imbedded or emphasized enough in the relevant areas.

education, focusing specifically on the current Ontario sexual education as a paradigm example of supposedly progressive sexual education. However, regardless of how “good” Ontario sexual education is, there are still a number of problems with it, namely that it is subject to both internal and external influence that then hinder its usefulness. Sexual education is further subject to sexual taboos, which then impacts children and adolescents’ willingness to learn about such a topic.

I will then point to areas that the consent model does not touch in mainstream media and pornography to exemplify the ineffectiveness of sexual education. In doing so, I will outline specific examples of media and pornography that perpetuate a harmful representation of sex, where there is no explicit portrayal of consent, nor are there portrayals of female pleasure or desire in realistic ways or at all. Mainstream media and mainstream pornography are simply more accessible, more entertaining, and more pervasive than sexual education and thus have a larger impact on developing perceptions of sex. The consumption of media is almost constant, where sexual education typically takes up merely one week of the year in schools.

In terms of the overall argument presented in my thesis, these arguments further push back against the idea that consent is sufficient for permissible sex. If consent is not properly realized in the relevant areas, there is no way to know if it will be properly realized in the practice of sex. Through a discussion of how consent is represented (and more often not represented) in sexual education, mainstream media, and mainstream pornography, I will further point to a problem that is often ignored for the sake of

convenience. Namely, that sex should be more than permissible and that our expectations surrounding sex are far too low for the realization of good sex.

2.2 Sexual Education and Consent

If consent is as important as is commonly thought, then education of sexual consent must begin somewhere, and often, it begins in classrooms during sexual education classes. Though there may be some premature introductions to sex via curious children with internet access, sexual education classes are typically where children have their first interactions with the concepts of sex and consent. These classes can set children and adolescents up for either success or failure in their future sexual lives, depending on the state of their sexual education curriculum, something that is determined by the provincial government.

The state of sexual education, at least in Ontario, is not the worst it has ever been. Currently, the sexual education curriculum in place is the sexual education curriculum that was created and implemented by Kathleen Wynne's Liberal government. This curriculum is progressive in form and theory and was subject to many complaints and objections when it was first implemented. While its mention of consent is brief, it is still present, which is better than many other sexual education curriculums. For example, prior to the 2015 update, the Ontario sexual education curriculum was from 1998 and had no explicit mention of consent. It emphasized abstinence as the safest way to engage in sexual activities and was clearly outdated (Warzecha 2018). In 2018, after the election of Doug Ford as the Ontario premier, the Ontario PC party proposed scrapping the 2015

curriculum and implementing a number of changes, including the elimination of references to consent (Warzecha 2018). These changes were not realized, and thus, the current sexual education curriculum for Ontario public schools is the 2015 curriculum.

According to the updated 2015 curriculum, children are supposed to start learning about consent in grade 3, with consent being taught in relation to stating boundaries and being respectful of the boundaries of others. Consent is not mentioned again in the curriculum until grade 6, where consent is taught regarding their personal relationships. In grade 7, consent is taught in a more obviously sexual sense, where students are taught to have a shared understanding with their partner about what exactly consent means (“Health and Physical Education - Grades 1-8” 2019).

In Ontario, sexual education is integrated into health class, where the curriculum is divided into social and emotional learning skills, active living, movement skills, and healthy living (“Health and Physical Education – Grades 1-8” 2019). At first glance, these separate categories seem effective and necessary for the sufficient teaching of basic life skills for children. In theory, this seems like a good introduction to the education of sexual consent, but it is only enough to be an introduction. While this curriculum is an improvement relative to the 1998 curriculum, it is not necessarily good or adequate as it is not pervasive enough or given the same time, funding, or weight as other “important” classes, such as math or science. However, not only is the prescribed curriculum simply not enough on its own in a perfect state, but the curriculum is also often corrupted by what teachers are willing to teach, the taboo of sex, and the ability of parents to pull their children from health class.

Even though Ontario sexual education is one of the better curricula surrounding consent, it is still not effective in giving teachers guidelines to achieve the prescribed learning goals. Following the first mention of consent in the curriculum in Grade 3, it states, “[students] will learn about characteristics of healthy relationships and consent (for example, accepting differences, listening, stating and respecting personal boundaries, being respectful, being honest, communicating openly)” (“Human Development and Sexual Health Education by Grade” 2019). The next mention of consent is in Grade 6, where it states, “[students] will learn... to make decisions in their personal relationships that show respect for themselves and others, recognizing the importance of consent and clear communication.” (“Human Development and Sexual Health Education by Grade” 2019). This is where the mention of consent becomes more consistent, with the next mention in Grade 7. The curriculum here states, “[students] will learn the importance of having a shared understanding with a partner about: reasons for delaying sexual activity until they are older, the concept of consent and how to communicate consent, and the need to clearly communicate and understand decisions about sexual activity in a healthy relationship.” (“Human Development and Sexual Health Education by Grade” 2019). Finally, Grade 8, the curriculum states, “[students] will learn... abstinence, contraception and consent in order to make safe and healthy decisions about sexual activity.” (“Human Development and Sexual Health Education by Grade” 2019) While these learning goals are reasonable and seem to set young people up for success in their sexual lives, there is little information on how to achieve these learning goals from a teacher’s perspective. The full curriculum offers teacher prompts and ideal student responses, but the way that

these responses are garnered is not clear. A similar issue arises in the Ontario secondary school curriculum. The first mention of consent in the curriculum is in Grade 9, where students learn to “[think] ahead about sexual health, consent, personal limits” (“Health and Physical Education – Grades 9-12” 2015). Past this mention, there is no explicit description of consent anywhere except for in the hypothetical teacher prompts and student responses. It seems that students are just assumed to understand consent or that teachers are just assumed to possess the tools to adequately imbed an understanding of consent in young minds, with almost no support from the curriculum in that goal.

There are several problems with the state of sexual education, mostly that it is subject to outside forces and thus is easily undermined. One of the largest issues of sexual education is that it is simply not enough to counteract the pervasive images of sex that are present in mainstream media and pornography. In most cases, sexual education takes up a week of the school year in gym class, and the other 51 weeks of the year are spent fully immersed in harmful images of sex perpetuated by media and pornography, as I will discuss in more detail later in this chapter. Many children and adolescents are constantly consuming media. Younger and younger, children are being given iPhones and being raised by iPads and are essentially left to their own devices (literally). Parental controls exist, but the use of these controls vary based on parenting styles and, even if a parent uses parental controls, they cannot control all the content that their children consume. Children are impressionable and the thing that makes the largest impression on them is what they are immersed in: this tends to be media rather than their curricula.

Additionally, sexual education is subject to parental influence. Most, if not all, school systems allow parents to pull their children from any class they wish, and sexual education class is where parents tend to draw the line. The parents who typically disagree with the sexual education curriculum of Ontario are parents who would likely not replace the sexual education that their children are missing out on. For example, a 2015 Globe and Mail article interviewing parents about their hesitancy regarding the then-new sexual education curriculum interviewed Sarah Allen, who expressed hesitancy regarding the inclusion of same-sex discussions in the curriculum (Keenan 2015). Though she emphasizes that she is not homophobic, Allen then explains that, as a Christian, she was taught, and she teaches her children, that marriage is between a man and a woman and that men and women fit together biologically. The same mother believes that the new curriculum teaches sexually-explicit material too soon and “taking away the innocence of kids”, with the grade 7 and 8 curriculum including mentions of oral sex and anal sex (Keenan, 2015). Parents like Allen are not outliers. There are entire movements in Ontario against the current sexual education curriculum. One such group is the Campaign Life Coalition (CLC). Of the long list of aspects of the curriculum they disagree with, CLC disagree with the teaching of children the proper way to identify genitalia.³ They further disagree with the teaching of children enthusiastic sexual consent, as they claim that teaching children this important information is inappropriate, even going so far as to claim this curriculum encourages pedophilia⁴ as it involves adults having honest and

³ Even though it has been proven that educating children on the proper name for genitalia is instrumental in helping them identify when they are being sexually abused.

⁴ This outcry against the Ontario sexual education curriculum makes no mention of the rampant pedophilia and sexual abuse present in the Catholic church, a pressing and current issue.

frank conversations with children about sex (Campaign Life Coalition). They further go on to claim that it is inappropriate for teachers to encourage children to make personal plans for their own sexual activity, arguing that children should not be taught this because they legally cannot consent to sex (Campaign Life Coalition). These complaints seem to be marked by an obvious Catholic influence, as this campaign is called the Campaign Life Coalition, and their other campaigns include campaigns to take away the productive rights of women in Ontario and to relegalize the use of conversation therapy to curtail homosexuality (Campaign Life Coalition). This campaign and the parents who support this campaign undermine the progressive curriculum. Further, this focus on perverting the sexual education curriculum and claiming it is inappropriate takes away from the potential good of sexual consent education and this is due to the cultural taboo surrounding sex that is largely impacted by religious influence and general conservatism.

Sexual taboos in the Western world significantly impact the use of sexual education. Uncomfortability surrounding sex hinders the willingness to learn, as people tend to avoid what makes them feel uncomfortable. A lot of sexual taboos in the West are influenced by religion, with Catholicism and Christianity playing a large role. According to Catholicism and Christianity, sex is not about pleasure or desire. Rather, sex is solely done for the aim of reproduction, and any discussion of sex outside of reproduction is not appropriate or permissible. This perspective on the current sexual education curriculum is also heavily influenced by conservatism, which has a deep connection with Christianity and Catholicism. Conservatism, marked by a commitment to traditional values and

ideas with opposition to change or innovation, does not wish to see change, even change that is necessary to the sexual education and health of young people. However, clinging to traditional values harms the potential of this progressive curriculum, and this then undermines the potential that sexual education has in teaching consent. Parents pull their children from sexual education classes because these classes take away the innocence of children but removing them from these classes hinders the potential of sexual education to be useful in teaching consent adequately.

Further, sexual education is subject to internal influence, namely the influence of teachers and how they choose to implement the prescribed sexual education curriculum. As I previously noted, the curriculum seems to offer little true guidance in how to implement and enforce the learning goals prescribed. In Ontario high schools, sexual education falls under the umbrella of health class, where the curriculum is divided into social and emotional learning skills, active living, movement skills, and healthy living (“Health and Physical Education – Grades 9-12” 2015). At first glance, these separate categories seem effective and necessary for the sufficient teaching of basic life skills for children. However, health class is often something relegated to physical education, where physical education teachers are tasked with the teaching of sexual education classes once a term. Physical education teachers often do not have a vested interest in the sexual health of their students and thus tend to do the bare minimum necessary to fulfill the expectations of the curriculum.

Part of the problem here is that there are not enough regulatory bodies in place to determine that what is needed is being taught. In theory, it would be the job of the vice

principals and the principal of a given school to ensure that the prescribed curriculum is being taught. From personal experience, however, it seemed that the sole purpose of the vice principals of my high school was to slut-shame female students for wearing their kilts too short. My high school principal was almost never seen. If these are the regulatory bodies that are in place to ensure the curriculum is being taught, then they are not doing their jobs. The overarching problem of consent is that it is the bare minimum for permissible sex, and it is even given the bare minimum treatment in its education. Perhaps they would check in on sexual education classes if there was ever a complaint, but students typically will not complain if they feel their sexual education is inadequate. They might not even know that what they are being taught is inadequate until later in life. Or, they might know their education is inadequate but be reluctant to complain because of the general discomfort surrounding sex and sexual taboos. They might know their education is inadequate and complain to their parents, only for their parents to brush them off.

There are many levels of institutional and pedagogical failure when it comes to sexual education, and this is harming the quality of education that children and adolescents receive. Regardless, there is something wrong with sexual education and its take on consent. Not only does it suffer from external and internal influence, but it just simply is not given enough time, care, or funding to be enough to counteract the pervasive bad sexual speech of mainstream media and pornography.

Even in its most perfect form, sexual education is simply not enough to eradicate the bad speech of mainstream media and mainstream pornography and their harmful representations of sex. It is not pervasive enough, nor is it given adequate time, funding,

or care to make a difference. One week of sexual education a year, taught by undertrained individuals in a setting that is not conducive to curiosity or questions, is not enough to counter the other 51 weeks of the year where adolescents and children are consuming media almost nonstop that shows them harmful and bad representations of sex. In a practical sense, what is inescapable and entertaining is more influential and would have a larger impact on individuals' perception of sex, and that is the representation of sex in mainstream media and pornography. In chapter 3, I will attempt to solve this problem in a practical way. For now, it is clear that sexual education, especially when it comes to consent, does not do the work that is desired. Rather, any work it does do is overruled by mainstream media and mainstream pornography.

2.3 Mainstream Media

Mainstream media does not shy away from depictions of sex. In fact, sex in film, television, and more has become more expected and accepted over the last 75 years. Take the example of *I Love Lucy*. In this show, Lucy and Ricky, her husband in real life and on the show, slept in separate beds to keep up the appearance of wholesomeness. This depiction was caused, in part, by the enactment of the Hays Code from 1922 to 1968 in the United States of America. This code forbade, amongst other things, the portrayal of sex (Hunt 2018). Now, it is rare to consume any kind of media that does not have any depictions of sexual acts. This acceptance is a step in the right direction, but much more is needed to result in positive representations of good sex in media. In fact, one of the

biggest problems with representation in sex in mainstream media is that the sex in question is (often) not good sex and (sometimes) impermissible sex.

As previously outlined in the introduction, pleasure and desire are instrumental for the realization of good sex. However, mainstream media has little to no depictions of female desire or pleasure. Sex, as represented in mainstream media, is simple. Most sex scenes in media take place in bed, with a man on top of a woman. The act itself is often hinted at by the reactions of the actors, heavy breathing, and movement. The only foreplay present is kissing, and even that is often rushed to get to the important part of the scene, penetrative sex. Sex in mainstream media often lacks any kind of foreplay, where it seems revolutionary and pornographic to see even a hint of oral sex enacted on women. For example, the film *Blue Valentine* has a scene in which oral sex is performed on a woman. As a result of this, the film initially received a rating of NC-17, meaning no one under the age of 17 was permitted to see the film in theatres. As noted by star Ryan Gosling, there are plenty of films that depict oral sex being performed on men that receive R-ratings and yet he claims “[their depiction of oral sex] is reversed and somehow it is perceived as pornographic” (Vena 2010). After some lobbying, the film received an R-rating. However, in being descriptively aberrant, female pleasure is othered and oversexualized. Oral sex enacted on men is normal, but oral sex enacted on women is sexually deviant and, therefore, seen as more scandalous and pornographic.

Sex in mainstream media also typically does not depict any kind of communication or negotiation surrounding sexual boundaries or desires, nor is there any discussion of consent, the alleged gold standard of permissible sex. If it were true that

consent is the sufficient condition for permissible sex, then it would be far more present in mainstream media. However, there is a clear lack. As previously stated, sexual scripts play a large role in the way that sex is perceived and the way it is enacted. Somewhere along the line, it was decided that consent is not sexy and is awkward to discuss.

Mainstream media then shows sex as following the most common sexual scripts that decided consent is not sex. As I previously mentioned, some of the middle ground is even cut out, where sex is portrayed in mainstream media as kissing that leads to penetrative sex, with foreplay forgotten. The way that mainstream media follows sexual scripts is lazy, as it has the power to change these sexual scripts as a result of how pervasive it is. And yet, it continues to enforce sexual scripts that ignore foreplay and consent, likely to garner as large of an audience as possible. If the audience thinks that consent is not sexy and if the audience believes the most important part of sex is the penetrative act itself, then that is what will be portrayed. If that is what is portrayed, then that is what the audience will expect. It results in an ouroboros of poor representations of sex in media.

Additionally, mainstream media features many depictions of sex that border on impermissible, are coerced, and are most definitely not good as a result of this lack of representation of female pleasure and general desire and consent discussions. For example, in the film *Rocky I*, there is a scene in which Rocky and his future wife go on their first date. This date ends with Rocky attempting to engage sexually with this woman and her saying no initially but later giving in to his advances. This is a clear representation of sexual coercion in mainstream media, as she seems to give in to his advances to avoid further pestering on the matter. This then has the result of normalizing

this behaviour. Although this kind of media may be outdated, the Rocky films are still considered classic in the film world and are widely viewed. Another example of sexual coercion in film that is brushed off and ignored is the example of Grease, where Danny, the main love interest and bad boy, attempts to coerce Sandy, the new girl, and good-two-shoes, into having sex with him. She initially rebukes his advances, and, as a result, he then attempts to pin her down in the front seat of his car, claiming “no one is watching”. This behaviour is appalling, and yet, at the end of the film, Sandy changes everything about her to be with Danny. These are representations of sex where consent is bastardized and yet they are still present in media and have the potential result of enforcing a corrupted concept of consent, where coerced consent is fine and even encouraged to get the girl. While these specific examples are older, portrayals of impermissible sex are common even in more recent media.

There are explicit portrayals of people attempting to engage in permissible sex and then being forgiven almost immediately or not punished at all for their actions. For example, in the original show *Gossip Girl* (2007), one of the main characters Chuck Bass, young playboy/millionaire, attempts to force himself on two women all within the very first episode of the show. Yet, he remains a fan favourite throughout the series and even, by the show’s finale, he marries one of his survivors’ best friends. Even worse, there are romances in film and television that are predicated on sexual assault. For example, in *Game of Thrones*, 16-year-old Daenerys Targaryen is sold into slavery and forced to marry Khal Drogo, and their romance begins on their wedding night when he forcibly removes her clothes and sexually assaults her. Yet, throughout the series, Daenerys’

marriage to Khal Drogo is portrayed as a great love. In these examples, the aggressor (a man and a major character) is either immediately forgiven, forgiven later, or never seen as having done something wrong.

Representations of sexual assault in film and television are often controversial but are still present and relatively common in mainstream media. *Game of Thrones* is a prevalent and popular example, with female characters experiencing sexual violence often on screen. In the show's entire run, there were 50 rape acts shown on screen (Bruney 2019). Although this is a step up from the 200+ portrayed in the books (Bruney 2019), the sheer popularity of the show and its gratuitous representations of sexual violence is telling of the state of sex in mainstream media. Graphic depictions of rape are not necessary to show the suffering and brutality that female characters undergo in these fictional worlds. For example, the film *Women Talking*, based on a book of the same name, deals directly with cases of sexual assault. This film portrays a group of women in a small Mennonite community in Bolivia discussing if they must leave their community after discovering that men in the community had been drugging and sexually assaulting them in their sleep (Toews 2023). This film deals with the sexual assault of both women and children without any graphic depictions of the actual sexual assault, and the audience is still aware of the suffering and brutality that these women have faced. The most noticeable difference between these two examples of media is that *Women Talking* was written and directed by Sarah Polley, a woman and every single episode of *Game of Thrones* was directed by a man, with the book series also being written by a man. The case has even been made that the way that female directors and writers portray sexual assault is done better and in a

way that is not gratuitous, as is noted when discussions of the film *The Nightingale* arise. Although director Jennifer Kent faced backlash for her choice to depict the brutal sexual violence faced by female convicts in Tasmania in the 1820s, she stood by her choice to depict this as there were important historical reasons behind her choice (Harmon 2019). The film follows Claire, a young Irish former convict. Throughout the course of this film, Claire is held down and sexually assaulted multiple times by multiple different people (Kent 2019). The focus of these scenes is on Claire's face, an important detail to Kent as she claims this was done with the goal of forcing the audience to reckon with the pain and trauma of female convicts from this era (Harmon 2019). While the rape scenes in *Game of Thrones* focus on the bodies of female victims and seem to be pointless except to satiate the audience's urge for violence, the rape scenes in *The Nightingale* focus on the face of Claire and the real historical violence and suffering of the era. The assault of women in *Game of Thrones* is invented by men with the aim of furthering the fictional plot point they have decided to focus on; the assault of women in *The Nightingale* reflects the real suffering of real women in history. The fact that impermissible sex is shown in film and television to satiate the audience's need for violence and to force sympathy for female fictional characters is one that further undermines the consent model and its teaching. The portrayal of such violence with no overarching goal or reason other than to show the suffering of women then embeds sexual violence into the media that is consumed, ultimately normalizing it.

Mainstream media thus has the impact of undermining any potential good of consent and the sexual education of consent, as it both portrays sex in impermissible and

not good ways and is more accessible and desirable to consume over education. Since mainstream media is so pervasive, it counteracts the potential of sexual education and consent. Further, since mainstream media is so pervasive, it is counterintuitive to assume that the portrayal of sex in this media is not good. If it is not the way that sex should be, then why is it so common for sex to be portrayed in such a way?

2.4 Mainstream Pornography

Mainstream pornography is the clearest and most real depiction of sex that one can access, as it typically portrays real people having real sex (although these real people are often actors). Mainstream pornography is also extremely accessible, with individuals merely needing to click a button to confirm their age without showing any proof.⁵ Mainstream pornography is often completely free of charge. The accessibility of mainstream pornography is what makes it desirable, and yet its impact is one that hinders the potential of the consent model. Mainstream pornography is instrumental in the demolition of any potential good that may come from sexual education because of the way it depicts sex and lacks any depiction of consent.

First, mainstream pornography has little to no realistic depictions of female desire or pleasure. If pleasure is portrayed, it is portrayed in response to violence, where it was found that most female responses to violence in pornography are either neutral or positive (Bridges, Ana J et al.). Women in pornography are often portrayed as submissive, as

⁵ Utah attempted to require individuals to prove their age to access pornography by requiring those who consume pornography to make an account and upload some kind of proof of age. Pornhub responded by blocking the entire state from accessing their content (Fung 2023).

simply receiving what is given to them by a dominant man. Following sexual scripts, women tend to not initiate any sexual interactions except in specific realms of kink, such as MILF pornography or pornography that specifically portrays dominant women. There is no explicit portrayal of desire, as women in pornography often react rather than act and are passive receivers rather than active participants in the act.

Regulating pornography can have the impact of eliminating the depiction of female desire, whether that be on purpose or accidental. For example, the United Kingdom attempted to regulate what is permissible in pornography, but their attempt was flawed. This attempt involved the passing of a law in 2014 that prohibited spanking, caning, aggressive whipping, penetration by any object associated with violence, physical or verbal abuse, urolagnia, role-playing as non-adults, physical restraint, humiliation, female ejaculation, strangulation, face sitting, and fisting from being featured in any pornography produced in the UK (Srinivasan pp). However, as Srinivasan observes, this list seems to only allow the production of classic heterosexual vanilla sex, explicitly excluding female pleasure in the forms of female ejaculation and face sitting (Srinivasan pp). Instead of censoring porn to limit the mistreatment of women and the misrepresentation of porn, this law simply penalized anything that was not the most basic conception of sex and further hindered the representation of female pleasure in pornography.

Even if there are depictions of female pleasure in pornography, it is often shown in ways that are not common in real sex. For example, pornography often shows female pleasure in the form of female ejaculation. However, female ejaculation is not a universal

indication of pleasure or orgasm. The International Society for Sexual Medicine reports that 10% to 50% of women ejaculate (Pastor 2013). Pornography also often shows female orgasms in ways that are not common for women, namely orgasm through solely penetrative sex. Around 80% of women do not orgasm from intercourse alone, but this is not adequately represented in pornography. Pornography sets people up for failure as a result of this representation, thus teaching a wrong understanding of sex.

Perhaps most importantly, mainstream pornography has little or no depictions of the alleged gold standard of sex and consent. In fact, one of the most common scenes in mainstream pornography are scenes in which sexual acts are leveraged as a replacement for currency. For example, one of the most common scenes in mainstream pornography is the scene of a (often) a man coming into (often) a woman's home to provide a service (plumbing, pizza delivery, pool cleaning, to name a few) and, when it comes time to pay, the woman discovers she cannot pay as she has no money. The only option here is for her to use sexual favours to pay for the services that the man provided, and this can seem coercive as, even if there was consent present, there is no room for refusal. Either she provides these sexual favours, or she deals with far harsher consequences. Even when one does not consider the implications of these scenes specifically, pornography tends to follow the sexual scripts that I previously discussed. Namely, pornography represents sex as something that naturally occurs from kissing, to foreplay, to penetrative acts, with no discussion of consent or general communication regarding boundaries. While some videos focus explicitly on one step of this script, pornography featuring penetrative sex tends to follow sexual scripts. This then results in a further normalization of these sexual

scripts and further moves sexual expectations away from the alleged necessary condition of permissible sex. As a result of the use of sexual scripts in mainstream pornography, there is typically no discussion of consent or boundaries. Sex follows naturally from kissing and often it seems as though there are no boundaries at all. Everything is on the table in most pornography.

Mainstream pornography also is rampant with many depictions of sex that borders on impermissible and is most definitely not good. Violence against women is extremely common in pornography, where a large portion of videos have some kind of physical or verbal abuse or aggression against women. It was estimated that 1 in 3 porn videos depicts sexual aggression (Fitz, Niki et al). In a 2010 study conducted at the University of Arkansas, it was found that, of the 304 scenes analyzed, 88.2% contained physical aggression, principally spanking, gagging, and slapping, while 48.7% of scenes contained verbal aggression, primarily name-calling. Perpetrators of aggression were usually male, and targets of aggression were female (Bridges, Ana J et al). Not only is violence prevalent in pornography, but another study found that 1 out of every 8 titles suggested to first-time users on porn sites depicted sexual violence (Vera-Gray, F et al).

Further, pornography, as argued by Rosa Vince, results in the silencing of women and a hindrance of the ability of women to say no. In *Testimonial Smothering and Pornography: Silencing Refusing Sex and Reporting Assault* by Rosa Vince, she argues that porn silences women. She begins by explaining two circumstances in which women are silenced. These circumstances are cases where women say yes to sex but would say no if they could and cases where women do not report sexual assault. Women feel coerced

into saying yes for many reasons. Some say yes out of fear of their relationship ending if they say no. Some say yes out of fear of merely disappointing their partner with their refusal. Vince argues that women saying yes when they would like to say no is a kind of silencing. She then discusses the silencing of women who do not report sexual assault, an even more evident form of silencing.

Vince then outlines Dotson's account of testimonial smothering as outlined in her work "Tracking Epistemic Violence, Tracking Practices of Silencing." First, Vince outlines Dotson's definition of pernicious ignorance, where there is a reliable ignorance that causes harm. Testimonial smothering is when the speaker realizes that they are not being believed or understood by the audience in the way that they intend, thus resulting in them censoring their own speech (Vince, 7). This censoring is coerced censoring, which arises out of the presence of three circumstances. First, the content of the speech must be unsafe and risky. Second, the audience must demonstrate testimonial incompetence regarding the content of the testimony of the speaker. Lastly, this testimonial incompetence must follow from pernicious ignorance (Vince, 8). Testimonial incompetence occurs when the audience fails to understand testimony while simultaneously failing to understand that they have not understood the testimony. Expanding upon the previously outlined definition of pernicious ignorance, Vince describes a type of pernicious ignorance, situated ignorance. According to Vince, situated ignorance is "ignorance possessed due to some social or epistemic position that one holds" (9).

Vince then goes on to apply the concepts of testimonial smothering and situated ignorance to pornography, refusal, and reporting assault. She uses the example of Edina and Gina, where Edina consents to sex out of fear of the consequences of her refusal and the violence that may arise, and Gina consents to sex as she feels that it is expected of her and that refusing would be rude (Vince, 10). Vince argues that both of these cases are examples of testimonial smothering, as they meet all of the previously outlined circumstances of testimonial smothering (Vince, 11). Most importantly for her argument about the relationship between refusal, reporting assault, and pornography, she argues that the men in these situations possess pernicious ignorance because of their belief in rape myths, which she then connects to pornography.

According to Vince, pornography causes this silencing, as pornography influences men's acceptance of rape myths and thus makes porn the source of pernicious ignorance in these cases. Vince cites a variety of sources that demonstrate the negative impact that pornography has on men's attitudes toward women and sex, where exposure to pornography can result in men having attitudes that are less sympathetic toward women and support rape myths. This support of rape myths then results in women silencing their refusal, as women are often aware of these rape myths and aware of the fact that men typically believe these rape myths because of their exposure to pornography. The example that Vince provides is one where a woman goes to a man's house after a date, and since these conditions result in the assumption that she is willing to have sex with him, she does not refuse because she does not want to lead him on. These rape myths then correspond to the silencing of refusal, where women feel an obligation to have sex with men because of

the acceptance of these rape myths. Thus, pornography then hinders the possibility of truly consensual sex because of its enforcement and normalization of rape myths and its role in the silencing of refusal.

Through this investigation of Vince's discussion of pornography and its role in the silencing of refusal, I argue that pornography is a form of informal sexual education that hinders rather than helps young people's understanding of sex and consent. When women are aware of men's expectations for them, expectations that typically arise from the consumption of pornography and the internalization of rape culture, they feel more pressure to fulfill those expectations. Since the consumption of pornography results in pernicious ignorance, these women have experienced testimonial smothering that prevents them from being free to consent or not consent to sex.

It is clear that sexual violence and aggression is common in pornography, but the question remains: does this impact the way that individuals understand sex? According to Catherine Mackinnon and other anti-pornography scholars, pornography and violence against women go together. She argues that "pornography contributes causally to attitudes and behaviours of violence and discrimination which define the treatment and status of half the population" (Mackinnon). To many anti-pornography feminists, pornography encourages sexual violence and is directly correlated to the sexual assault of women. According to Robin Morgan, "pornography is the theory and rape is the practice" (Morgan 165) While these anti-porn sentiments have been widely disagreed with, there may be some truth to them. According to a recent meta-analysis of the correlation between pornography consumption and sexual aggressive attitudes, there may be some

bearing on these concerns. After analyzing relevant studies on the topic, they concluded that the research left “little doubt that, on the average, individuals who consume pornography more frequently are more likely to hold attitudes conducive to sexual aggression and engage in actual acts of sexual aggression.” (Wright, Paul et al.) This meta-analysis took 22 studies from 7 different countries and determined that violent content (as is present in pornography) is an exacerbating factor in sexual aggression. As Amia Srinivasan notes in her discussion of this study, it may be the case that those who search out sexual aggression in pornography already possess the willingness to be sexual violence, and that is why they search it out. However, regardless of the causation, there is still an apparent connection between the consumption of pornography and sexually aggressive attitudes. This impacts the potential of sexual education and the education of consent as pornography is more widely consumed than sexual education resources. Thus, pornography then imparts sexual attitudes that cannot be combatted by sexual education as it currently functions.

There is a common theme of accessibility in mainstream pornography, where any area of kink is easily found by a simple search and often merely stumbled upon in the hunt for a “good” video. Consensual non-consent, or CNC is an area of kink that involves consensual roleplay of one individual consensually sexually assaulting another individual. Within the kink community, CNC requires an excessive amount of communication and trust, and scenes involving CNC often take a large amount of planning and negotiation, with clear boundaries previously agreed upon and safe words in place. However, CNC as portrayed in mainstream pornography is often depicted in a surface-level way. The

average consumer of pornography is not there for the process of setting the scene; they are there for the scene itself. If the proper amount of planning, trust, and communication is present, that is not clear to those who stumble upon these videos. If those who are stumbling upon these videos have no experience with CNC, this can result in an unhealthy understanding of the role that consent plays in sex. Even outside of pornography that explicitly deals with CNC, pornography often deals with portrayals of outright refusal and “surprise” sex. One video titled simply “Please no” garnered 5 million views. “Surprise” acts of anal penetration are a common occurrence in pornography. These further hinder any potential that consent could have in the area of permissible and good sex, as its alleged importance is not reflected in any area portraying sex.

Moves are being made in mainstream pornography to eliminate at least depictions of explicitly non-consensual acts and the accessibility of these videos. Pornhub, for example, gives users a warning when they search for anything that could fall under the umbrella of “non-consensual intimate imagery (NCII) or image-based sexual abuse (IBSA)” (Pornhub.ca). There are ways around this block, as the violence in porn is still there, even if it is not so easily searchable. Merely taking a look at the categories on Pornhub leads quickly to the category of Rough Sex. Even outside of this category, sexual violence is still prevalent, as I argued previously. Further, those who are searching for violent pornography will find it, either through browsing the category of Rough Sex or through a search on Reddit or the dark web. The attempt to curtail the accessibility of

violent pornography is admirable, but it is simply not enough as a result of the tool that is the internet and the variation of content that exists.

Mainstream pornography thus has the impact of undermining any potential good done by consent and the education of consent that is present in sexual education. Since pornography is more accessible and entertaining, it is more pervasive and widely used as both a tool of education when it comes to sex and a way to let off some steam. If consent is truly the gold standard of sex, then it would be more adequately represented in mainstream pornography as mainstream pornography is how people access sex. Since consent is not represented in mainstream pornography, then it must not be as important as we have been led to believe.

2.5 Conclusion

In conclusion, while consent may be an important step of permissible sex, its importance is not properly reflected in the relevant areas. In even good sexual education, the importance of consent is not properly emphasized, nor are there enough safeguards in place to ensure the proper education of consent. Even sexual education regarding consent that is promising faces the issue of simply not being enough to overrule all the harmful ways that sex is portrayed outside of sexual education. In mainstream media, there is little to no representation of consent, with mainstream media being so pervasive that it undermines any potential good speech of sexual education. Mainstream pornography faces similar problems and thus further undermines the potential of sexual education.

This argument relates to the larger project of this thesis, as my argument hinges on the need for something more than just consent in sexual interactions. The focus on consent in sex is one that appears to be completely one-dimensional; the only important facet of permissible sex is that consent is present. Clearly, even if consent was enough, it is still not used or shown or represented to the extent it should be in order to be a useful tool.

Even if consent is something good (and it is not the worst, still necessary but not sufficient), we have failed at truly teaching the meaning of consent and imbedding understandings of consent in all representations of sex. This then has the result of effectively cancelling out any of the potential good that could come from consent education. Further, since there is almost never any representation of pleasure, desire, reciprocity, or negotiation in the media, there is no promotion of good sex. This then has the result of promoting merely permissible sex, although there are often cases when it does not even seem like permissible sex occurs in the media. In the next chapter, I will be presenting solutions to the previously outlined problems of and concerns surrounding consent.

3.0 Chapter 3: Solutions to Mere Consent

3.1 Introduction

Thus far, I have argued that more should be required in terms of sex, as the consent model is not conducive for the realization of good sex, merely permissible sex. In doing so, I have pointed to the flaws of consent in academic theory, the flaws of consent and normative ethics, and the flaws of the consent-forward model in practice. These flaws reduce the probability of good sex and are reductive about sex in general, resulting in sex that is just permissible. In this chapter, I will be providing solutions to the previously outlined issues of consent, solutions that make the realization of good sex over permissible sex more likely. The problem is that the consent model is not conducive to good sex, and in this chapter, I will be providing a solution in the form of a theory of sex where good sex is prioritized and emphasized and given more importance than permissibility. It is important to note that my solution to the problem of sexual consent views permissible sex necessarily as good sex. This is helpful because for sex to be permissible on my account, it must also be good.

First, I will provide solutions to the problems of academic theory surrounding sexual consent by referencing less mainstream theories on the topic. To do so, I will point to the theories of consent written by Ann Cahill and Quill Kukla, combining them to present an improved theory of sexual consent that avoids many of the issues I outlined surrounding consent theory. In combining these theories, I will emphasize desire, pleasure, and negotiation as tools that are instrumental to the realization of permissible sex that is also good. It is worth noting that these theories have the potential to solve

many of the problems of mainstream consent theory but are not given the same weight in the field, perhaps as a result of their unique and controversial⁶ approaches to sex. I will then argue for the importance of the use of care ethics in the face of sex over typical normative approaches. To do so, I will outline what care ethics is, describing the four qualities of care as outlined by Joan Tronto. I will then apply these qualities to sex, ultimately arguing that an application of care ethics would result in both more permissible sex and more good sex. For sex to be both permissible and good, I will argue that the consent-model should be replaced by this proposed care-model, where care and relationships are emphasized. I will then argue for the improvement of sexual education and the dissolution of sexual taboo surrounding sex, as well as proper representation of good sex in mainstream media and mainstream pornography. To assist in the realization of good sex, good sex must be as pervasive and prevalent as bad sex is now, in mainstream media, mainstream pornography, and all other relevant fields. I will first outline an ideal version of sexual education, where it is given the same amount of gravity as calculus or English classes, where sexual taboos are non-existent, and where the emphasis in sex is placed on inter-personal relationships and respect. I will then point to changes being seen in mainstream media surrounding sex and existing pornography that portrays good sex.

This relates to the overall argument of my project, as the solutions I provide are solutions that make the realization of good sex possible. Throughout this thesis, I have

⁶ These perspectives could be seen as controversial in the sense that they emphasize desire, pleasure, and reciprocity, features that are not emphasized in typical academic theory surrounding consent.

argued that we should demand more from our sexual interactions and that permissible sex is the bare minimum. The solutions I will argue for have potential to make good sex more pervasive by raising the expectations of sex and placing more emphasis on the interpersonal relationships that play an inevitable role in sex. Good sex is unfortunately not as common as it should be, with bare-minimum permissibility holding precedence over sex that is desired, pleasurable, and reciprocal. This acceptance of bare-minimum permissibility has the impact of decreasing the potential for good sex, which then impacts the quality-of-life benefits that good sex can have.

3.2 Solving Academic Theory

As previously noted, academic theory surrounding sexual consent is lacking and subject to several flaws, such as an emphasis on objectivity and general oversimplification, that are exacerbated by the lack of inclusion of non-male voices in the field. The flaws of academic theory surrounding consent are important because theory has an impact on the practical realm. These flaws can be used to legitimize the clear misunderstanding of sex that is present, as it is subject to similar misunderstandings that are influenced by similar male-centric perspectives of sex. Thus, this theory must be fixed and can be improved upon by looking towards some non-mainstream theories about sexual consent, with these non-mainstream theories being put forth by non-male voices. Not only do these theories center voices that are not often heard in philosophy, but they raise the threshold of sex to a degree that is likely to result in both permissible and good sex. These theories also resist the comfort of sexual scripts, arguing that sexual scripts

inevitably hinder the potential of sex to be something useful and productive. Through outlining these theories as ways to improve upon the current consent-focused theories of sex, I will argue that the threshold allowing sexual interactions should be raised to promote pleasure, desire, and proper negotiation, and I will outline ways in which we can raise this threshold that is likely to result in the realization of sex that is not merely tolerable and permissible, but desired, enjoyed, and pleasurable.

3.2a Recognition, Desire, and Unjust Sex by Ann Cahill

Ann Cahill's reimagination of sexual interactions is one that remedies some of the problems of consent I outlined. In *Recognition, Desire, and Unjust Sex* by Ann Cahill, she begins by framing her approach in the contexts of previous definitions of rape that she argued to be flawed. First, she outlines Catharine MacKinnon's definition of rape. According to MacKinnon, rape is not violence but rather, in heterosexual interactions, these interactions are rape regardless of the content of the approach (Cahill 305). Since MacKinnon believes that heterosexuality is a requirement and expectation of women and that men are expected to act aggressively during sex and women are expected to find this aggression arousing and submit to it, consent is not relevant in cases of rape. In fact, MacKinnon goes so far as to argue that the reason why consent is not relevant is because it is not possible to consent, nor is it possible for desire to play a role in these scenarios as women are expected to desire the undesirable (Cahill 306). Generally, MacKinnon is arguing that heterosexuality does not allow female sexual subjectivity and autonomy, as

heterosexual women exist in these interactions where they are expected to desire what goes against their “freedom, authenticity, and bodily integrity.” (305)

However, Cahill argues against MacKinnon, claiming that this argument would then make it impossible for heterosexual women to possess their own sexual agency. Cahill argues against MacKinnon by noting that heterosexual women typically can distinguish between regular sexual interactions and interactions involving rape. Cahill then considers Nicole Gavey’s response to MacKinnon and herself, where Gavey seems to present more empirical evidence in support of MacKinnon’s claim, which then, in turn, challenges Cahill’s empirical argument.

In Gavey’s work, she presents first-hand narratives of heterosexual women who experience sexual coercion to the extent that MacKinnon claims. In these narratives, she interviews women about their sexual encounters, and, often, these women were unable to differentiate between regular sexual interactions and interactions involving rape, thus disproving Cahill’s empirical point (308). Gavey then provides an argument in support of MacKinnon that avoids many of the problems that MacKinnon’s argument faced. She argues that sexual experiences that are deemed common within heterosexuality enforce rape culture, claiming that heterosexuality normalizes men as needy sexual creations and women as needing to give men sex to have heterosexual relationships (Cahill 309). Cahill notes that this reflects MacKinnon’s description of dominant and aggressive male sexuality and submissive female sexuality, where women use sex as a bargaining tool. Though Gavey agrees with much of what MacKinnon argues, she also stresses the importance of distinguishing between sexual violence and unjust sex (Cahill 310). Where

MacKinnon would view all heterosexual encounters as sexual violence, Gavey argues for the additional category of unjust sex. Where MacKinnon argues that female sexual desire is defined by a misogynistic set of practices and norms, Gavey makes room for the development of female sexual desire and female sexual agency. Thus, through both structural and individual intervention, Gavey opens the possibility of non-oppressive and non-misogynistic heterosexuality.

Cahill then reflects on her previous argument regarding desire and its role in just sex. To frame her discussion, she begins by investigating what exactly acts of unjust sex have in common, arguing that these acts are unjust because only one person involved in them experienced sexual desire, thus effectively replacing the common emphasis on consent with an emphasis on desire. Cahill argues that this emphasis on desire may completely resolve MacKinnon's argument that female desire is a product of sexual inequality, as desire, from Cahill's perspective, plays a more positive role (310).

However, Cahill notes that the model of sexuality as we currently know it, one that assumes desire comes before sexual engagement, may be inherently masculinist.

Rosemary Basson distinguishes between male desire as spontaneous desire and female desire as responsive desire, where the desire framework that Cahill outlined seems to accommodate the former rather than the latter (311). Cahill then attempts to resolve this masculinist framing by including an intersubjective model of desire, where desire need not necessarily preclude sexual interactions but where sexual interactions themselves can bring desire into being, just as long as mutual desire is present in said interaction (311).

Cahill then notes that sexual interactions wherein one partner does not experience sexual desire are not necessarily deemed unjust sex. This brings her back to the initial discussion of what distinguishes grey-area sexual interactions from just and unjust sex. While the lack of consent or the lack of desire is not sufficient to define acts of unjust sex, Cahill still argues for the importance of some form of desire in sexual interactions (314). She argues that it is not the presence of desire that makes an encounter permissible, but rather it, is “the recognition of the parties involved of the relevance and efficacy of each other’s desire or lack of same” (315). Often, the presence or absence of women’s desire is irrelevant in both grey area sexual interactions and sexual violence, and this is the link that makes both categories some form of unjust sex. In this argument, desire includes both sexual desire and the desire not to feel sexual desire and recognition of either is important for interactions to be ethical. Cahill argues that “[to] fail to recognize [desire]... is to reduce the other to one’s own subjective desires” (316). This perspective on desire allows for a wide variety of interactions that other desire-based approaches would deem unethical. For example, to Cahill, the desire to provide a partner with a sexual interaction, even if one does not feel sexual desire, is permissible because the recognition of desire is present for both parties involved, with one party recognizing the other’s sexual desire and that party recognizing the other’s desire to give (316).

The emphasis that Cahill places on desire resolves the problem of traditional consent theory’s emphasis on the oversimplification of sex. To Cahill, the most important aspect of just sex is the possession of desire, where merely saying yes is not the driving force of just sexual interactions. Rather, the recognition of desire for both parties

involved, a process that is both internal and external, is the relevant feature for the justness of the interaction in question (316). Cahill's reimagining of consent as desire also remedies the oversimplification that often comes with consent theory. She offers various ways that desire can play a role in just sexual interactions, where it is not necessary that the desire in question be sexual desire. Instead of simplifying such complex interactions to permissible or impermissible, she notes a third category of grey sex, a category not previously mentioned by any of the more mainstream consent theorists I discussed. Her emphasis on desire, specifically female desire, highlights what has been missing from mainstream consent theory. There is a clear attempt amongst mainstream consent theory to sanitize sex, to make it something that can be approached objectively. This, however, is not the reality of sex and thus, Cahill's focus on desire results in a more productive and progressive conception of just sex. Further, perhaps most obviously, her work considers the voices and arguments of non-men, namely Catherine MacKinnon and Nicole Gavey, and she herself is a non-man. This represents a centering of non-male voices in consent theory, where there should be more emphasis placed on the voices of those who often are not heard, in both academia in general and in consent theory more specifically.

3.2b That's What She Said: The Language of Sexual Negotiation by Quill Kukla

Although briefly, Cahill mentions the need to reimagine sex as different from what it currently is, where it is currently something given by women and taken by men. This is something that Quill Kukla goes into far more detail in their work *That's What She Said: The Language of Sexual Negotiation*, a work that helps rework the common

understanding of consent. In this work, Kukla aims to offer a solution to the insufficiency of consent for good sex. In this work, they emphasize the importance of sexual negotiation and its clear connection to enjoyable sexual interactions.

Kukla begins by discussing the limitations of the consent model and the language surrounding sexual interactions. They outline four ways in which the traditional consent model fails in terms of sexual communication. First, they note that “consent involves letting someone else do something to you” (75), where typically, it is a woman letting a man do something to them. This is problematic because it is oversimplified, and Kukla hopes that good sexual negotiation can be more. Second, the consent model in general oversimplifies sexual negotiation to mere agreement or refusal, something I discussed early on as a pitfall of consent. Again, sexual negotiation should be more complex than that to promote good sex. Third, consent is often perceived as sufficient for permissible sex. However, Kukla argues that it is necessary but not sufficient (76).

Kukla reimagines sexual interactions as gift-giving and designs sexual negotiation to fit this bill, rather than the common perception of sex as something asked for by men from women where their options are to say yes, whether they want to or not, or say no and fear being perceived negatively by their male counterparts (Kukla 76). This proposal solves the concern that I raised that asking for consent is not sexy or natural. In reimagining sex as gift giving, Kukla argues for the normalization of sexual negotiation which would then eliminate the discomfort that arises when asking for or giving sex. Here, Kukla reimagines sex as initiated not through request but through invitation and gift offers (77). Invitations solve the problem of obligation, as the invitation itself is a form of

speech that allows the invitee to accept or turn down at their leisure. Instead of asking, “Can I have sex with you?” the proposal is reframed to “I’m inviting you to have sex with me.” The invitation model, like other kinds of invitations, must follow rules of politeness and norms. Since the invitation in question must be both polite and appropriate, this model does not allow people in positions of power to invite their underlings to have sex with them (Kukla 78). Kukla then claims that sex can also take the form as a gift offering. A problem that other consent theorists have pointed out is that sex should be permissible even if both parties do not feel sexual desire or arousal, and sex as a gift offering solves this problem. One may offer their partner sex as a gift, even if they are not in the mood, and this is still conducive to permissible sex as the desire to give sex as a gift is still present. Sex as a gift must be freely given, and it must be given with the design to please the recipient. Gifts should also come with the caveat that they need not be accepted by the recipient. Much like sexual invitations, sexual gifts are bound to the norms of appropriateness (Kukla 79).

Here, Kukla offers an investigation of the way that sexual negotiation is often enforced by societal norms and expectations in sex. They push back against the norm that sex is something that men ask for and women give in to, arguing that this conception of sex does not and will not result in good sex. They even further note what I have mentioned, which is that the traditional consent model oversimplifies sexual negotiation and does not account for the complexity that is necessary during sexual negotiation. While most consent theory focuses solely on permissible sex, Kukla hopes that, in application, their reimagination of sexual negotiation will result in not only permissible

sex, but good sex as well. Further, within this work, Kukla centers their own voice, as a trans person, and they focus on the works of women and men of colour, people that are not historically centered in philosophy and academia in general.

Separately, these theories are productive at solving the problems of consent in academic theory I previously outlined. However, a combination of the two would result in an even more effective solution to those problems. From Cahill's theory, the biggest emphasis is placed upon desire and mutual recognition of desire in sex. From Kukla's theory, the biggest emphasis is placed upon a reimagining of sexual negotiation and of sex as a gift. This combination of desire and mutual recognition of desire and sexual negotiation and sex as a gift creates a more personal and varied approach to sex, where individuals' wants and needs are focused upon, and the relationship between those involved in sex is emphasized. This allows for a greater emphasis on people as people within sex and the importance of interpersonal relationships in sex, which then allows for a greater realization of good sex.

Reimagining the theory surrounding sex in these ways would, hopefully, have the impact of reimagining sex in practice, where the emphasis of sex in practice would be similar. Most importantly, developing theory in a way that reflects the reality of the complexities of sex and the relationships between individuals that occur during sex would reflect these complexities practically. There would be no theory to point to to excuse poor sexual etiquette as fulfilling the expectations of consent. Since theory has an impact on the practical realm, in pushing these theories into mainstream academic theory surrounding sex, it would result in better sexual relationships as these theories are marked

by an emphasis on mutuality. This emphasis on mutuality would mean that sex would be perceived as something of benefit or desire to both parties involved, instead of something that is simply agreed upon and then enacted with little communication or mutual consideration, as I noted is common with the consent-forward model. It is important to note that, under my theory of sexual permission and both Cahill and Kukla's theories, consent is still present. However, rather than being perceived as a sufficient condition for sex (as is currently understood), consent is perceived as a necessary condition, where the other features of my theory must also be applied. These features will be discussed in later sections of the thesis.

3.3 Solving Normative Approach

Permissible sex and consent are often approached from a normative perspective, where the goal is to create rules that we must follow that then apply to all cases of sex, no matter how different the interaction and the relationships involved. However, a different approach is necessary as sexual interactions are varied and thus require individual attention based on the scenario in question and the individuals involved in each scenario. It would then be advantageous to adopt a more flexible, contextually sensitive theoretical framework, and care ethics is the framework that allows for this flexibility. As originated by Carol Gilligan, care ethics began as a critique of consequentialist and deontological ethics, where these theories emphasize generalizable standards and impartiality. Ethics of care, however, emphasizes the importance of response to the individual and the particular relationships between individuals (Forbes 341). As noted previously, sex requires consideration of individual responses and scenarios, so care ethics is ideal for this area.

Further, something as intimate as sex requires care, and no other ethical theory regarding sex considers the importance of care and care as action and labour. Care ethics argues that our everyday decisions should be made in line with the relationships we surround ourselves with (Forbes 342). No other ethical theory emphasizes community in a way that enmeshes ethics with community, where an action cannot be ethical unless it considers others and the relationships involved in said action.

In Joan Tronto's work *An Ethic of Care*, she begins by attempting to define care. She ends up defining care as "a species activity that includes everything that we do to maintain, continue, and repair our 'world' so that we can live in it as well as possible. That world includes our bodies, our selves, and our environment, all of which we seek to interweave in a complex, life-sustaining web" (16). From this definition, she pulls four phases of care. The first phase labelled caring about, is marked by becoming aware of and paying attention to the need for caring and attentiveness. Care requires a recognition of the needs of others in order to respond to them (Tronto 17). The second phase, labelled caring for, is marked by the assumption of responsibility to meet an identified need in someone else. Being aware of the need is not enough; responsibility is necessary to ensure that the need is met (Tronto 17). The third phase, labelled caregiving, is the actual act of giving care, marked by competence and knowledge of how to provide care (Tronto 17). The last phase, labeled care receiving, is marked by the responsiveness of the person receiving care (Tronto 18). Depending on the response, the cycle of care may restart and require further attentiveness.

Tronto further offers questions that would ensure that each phase of care is being complete. Questions surrounding attentiveness include “What care is necessary?” and “Who gets to articulate the nature of needs and to say what and how which problems should be cared about?” (Tronto 17). Questions surrounding responsibility include “Who should be responsible for meeting the needs for care that do exist? How can and should such responsibility be fixed? Why?” (Tronto 18). Questions surrounding competence include “Who actually are the care-givers? How well do they do their work? What conflicts exist between them and care receivers?” (Tronto 18). Questions surrounding responsiveness include “How do care receivers respond to the care that they are given? How well does the care process, as it exists, meet their needs? If their needs conflict with one another, who resolves these conflicts?” (Tronto 18).⁷

Each of these phases of care then can be applied to sex to replace the one-size-fits-all approach that is common in the consent model, thus fixing major concerns surrounding the consent model. These phases offer guidelines that are relatively easy to apply, but they further allow for the variation of action required in sex to be clear, and the questions that Tronto outlines can be easily applied to cases of sex to determine the care needed and the nature of said care in each interaction. Care in sex looks different than it would in the typical carer-cared for relationship as the power imbalances present in sex are usually less prominent than in the standard paradigm of care, where a parent cares for a child. However, there are typically still power imbalances that should be taken into

⁷ Later, I will use these questions to argue for the inclusion of the qualities of care in sexual education regarding sexual permission.

consideration when determining what care is necessary. Since the consent-forward model does not consider positionality or the morally-relevant relationships present in sex, a care-forward model should then require more care depending on these factors.

The first phase, attentiveness, is important in sexual interactions, as this is the basis for determining the wants and needs of others in sex. In the consent model, attentiveness is often forgotten in favour of simply asking for consent and assuming that is all that is needed in terms of the wants of others. If attentiveness is maintained for the entirety of an interaction, as is emphasized by care ethics, then it is more conducive for the realization of good sex. When asking “what care is necessary?”, agents can clarify their wants and needs, requiring communication and a recognition of others’ needs to respond to them. Attentiveness in sex can manifest in a variety of ways, from being aware of the physical reactions of a partner to specific acts and listening to a partner regarding what foreplay is necessary and desired to an awareness of the difference in positionality in an interaction. This attentiveness looks similar to recognition of desire as outlined by Cahill, where this phase involves mutual recognition of a partner’s needs for sex to be both good and permissible. What’s more, attentiveness is also compatible with viewing sexual interactions as gift-giving since when giving a gift, the gift giver should be, at a minimum, attentive to the wants and needs of the intended giftee for the gift to be meaningful or good.

The next phase, responsibility, is important in sexual interactions, as the consent model often allows responsibility to be forgotten in the face of the obtainment of consent. However, to engage in permissible sex following care ethics, we must take the care upon

ourselves and assume responsibility for the care in question. Depending on the first phase of care, exactly what one is responsible for varies. For example, if a partner needs foreplay, then one becomes responsible for the enactment of said foreplay. The third phase, competence, is important in sexual interactions, as one must be capable and competent to fulfill the wants and needs that have been outlined. One cannot simply acknowledge the need to care and accept the responsibility but not follow through with enough adequacy - as such action would result in the need for care not being met. It is one thing to be aware of a need, but it is a completely other skill to be able to meet the need in question and meeting said need is not possible without competency.

Clearly, foreplay is almost a necessity in sex, especially for women. However, it is a common experience of straight cis women to not have their needs met in this way, as straight cis men tend to lack competency in this area.⁸ Often, all that is needed to make up for this lack of competency is merely care and selflessness, as well as a willingness to learn from partners instead of pornography. The last phase, responsiveness, is important in sexual interactions, as the response of the other party involved is instrumental to determining if their wants and needs are being met. For example, a positive response to foreplay can then open the doors for the next step of sex to begin, thus restarting the phases of care in a different context. A negative response to foreplay would then also restart the phases of care, but with the same context but with perhaps a different approach or more care. The consent model typically frames consent as something that is only given

⁸ This lack of competency is due, in part, to the use of mainstream pornography as sexual education, as I noted previously, and the lack of instruction available regarding the importance of foreplay.

for penetrative intercourse and is only given at this step of the process of sex. However, responsiveness is relevant to each phase of sex.

If one of these qualities of care is not fulfilled in an interaction, then it can be said that the interaction did not fulfill the threshold of expectation for permissible sex. While semantically, these phases result in sex that is permissible, it is not merely permissible. If properly fulfilled, these phases should further result in sex that is good if care is adequately given. The phases of care should be reset as the interaction evolves, where each phase of care is applied to each step of the interaction in question. An application of care ethics to sex solves the largest issue of the normative perspective of consent, where broad overarching rules were expected to be applied to all interactions, no matter how different these interactions were in form and process. Within some areas of the kink community, this emphasis on care is already being applied and here we can see the usefulness of care in sex. For example, ‘aftercare’ is an extremely important tool following difficult scenes involving BDSM, such as scenes involving degradation, physical or otherwise. Without care, these scenes can be seen as almost impermissible. With care in the form of a debrief or physical and psychological support, however, the needs of both the dominant and the submissive parties are met, while also considering the potential negative impact of the scene and mitigating this impact with aftercare.

Imagine a scenario in which two individuals, Sarah and Sean, have sex. For the sex in question to be permissible, both Sarah and Sean must apply the phases of care to each step of their interaction. First, they must care about the other, where they are attentive to the wants and needs of each other, asking themselves what care is necessary

in their given situation. For example, Sarah may need more compliments and praise to feel comfortable in their interaction. In this phase, Sean would become aware of this need as Sarah would communicate and Sean would be attentive to her communication. While a consent-forward model arguably requires communication, this is typically expected to take the form of either a simple verbal ‘yes’ or ‘no’. However, the communication required in a care-forward approach focuses on the specific care needed, requiring much more nuance than a simple one-word response. Next, they must care for the other, where they are responsible for enacting the care that was identified in the previous stage. Sean would then take responsibility for Sarah’s need for praise and compliments. Next, they must provide the actual care, where they show the competence and knowledge needed to provide care. Here, Sean would do the act of giving Sarah praise and compliments. Then, they would need to be able to receive care, where Sarah would respond to Sean’s act of care and would deem it adequate and respond appropriately and the phases of care restart, depending on further wants and needs. In this scenario, it is likely that there are multiple forms of care occurring at once, where both Sarah and Sean are engaging in the practice of care for each other. I have narrowed in on Sarah’s role as the cared-for and her need for praise and compliments and Sean’s role as the carer and his ability to provide for Sarah’s needs, but since sex is multi-faceted, the care needed would also be multi-faceted, with both Sean and Sarah providing care and being cared for simultaneously.

This scenario is just one of many where the phases of care would be helpful and conducive to good sex. The phases of care thus allow for the variation of wants and needs that are common in sexual interactions and further raise the threshold of expectation in

sex, where care and interpersonal relationships are emphasized over selfishness and individuality, as is common in sex following the consent-forward model. Replacing the consent model with the phases of care is then ideal because of the nature of sex as an intimate act needing care and further allows for the emphasis of differing wants and needs for differing cases. Care as a tool to promote good sex solves previously described issues of sex that arise as a result of the consent-forward model, issues that are both issues of academic theory surround consent and the practice of consent. This model emphasizing care specifically moves away from objectivity, as care ethics is a particularist moral theory, and thus focuses on particular interactions and how care should be applied according to the relevant relationships. Care is also not a quality that can be objective, and for good reason. A care-forward model of sexual permission would differ in practice based on the subjective feelings, wants, and needs of those involved. The subjectivity of care reflects the reality of sex and its complexity, where a care-forward approach emphasizes the morally relevant relationships present in sex and the positionality of those involved. Additionally, a care-forward approach rightens the imbalance that is a problem in the consent-forward approach, namely its male-centric perspective. Care ethics is a predominately feminist approach to ethics. Care ethics emphasizes qualities that have been historically associated with women and undervalued and thus allows for the voices of women to be heard in an area where they have been ignored.

3.4 Solving Sexual Education

As previously argued, even if one believes that consent is the gold standard of sexual interactions, it is not adequately reflected in the relevant areas of sexual education, mainstream media, and mainstream pornography. For more than permissible sex to be possible and commonplace, it must be adequately reflected in the relevant areas. In this section, I will argue for necessity of the elimination of sexual taboos and uncomfortability surrounding sex, where this elimination would be conducive to furthering the possibility of good sex. I will then argue for changes in mainstream media and mainstream pornography, pointing to examples of good sex in mainstream media and mainstream pornography that should be portrayed more pervasively.

Ideally, the first step in improving sexual education and the general understanding of sex would be to eliminate sexual taboos and the discomfort that is common in discussions of sex. One of the only ways to do this is to normalize discussions of sex and to change the perspective of sex from something that is private and shameful to something that is natural, and pleasurable and enjoyable. Eliminating sexual taboos is something that can only be done through normalizing the perspective of sex as something that is natural, pleasurable, and enjoyable. This perspective of sex can only be normalized if it is adequately represented in every area in which sex is portrayed and if it is true that sex is pleasurable and enjoyable, which is often not the case, especially to women. In applying the phases of care to sex, I aim to create a process that is conducive to the realization of good sex, which would then result in sex that is pleasurable and

enjoyable for all parties involved. This would further result in the potential for good sex to be normalized.

Sexual education then must be improved, where several practical solutions can be proposed. Perhaps most importantly, sexual education must be given the same weight as other classes in school. If sexual education was given the same weight as math or science, it would then be a course that is mandatory, semester- or year-long, and something that no parent would think to pull their children from.⁹ Further, sexual education should not be a subject that is merely added into another subject, such as health, physical education, or religion. It should be its own subject and thus those who teach it should be held to the same standards of other teachables. This would have the result of both improving sexual education and giving more weight to sexual education as a legitimate subject. In fact, it may be even more productive to contract outside sexual education and sexual health professionals. While they may be seen as strangers, this has the positive effect of giving students some sense of anonymity, which then may allow them to ask questions that they would not ordinarily ask their physical education or religion teachers. Further, hiring outside experts in the field would guarantee that children and adolescents are being given the best possible chance at healthy sexual development. It may not be necessary to learn something like math from someone with a PhD in math if there will be no further pursuit of math and if there is no need for the more complex features of math to be taught. However, almost all children and adolescents grow up to pursue sex in some way and

⁹ While I am encouraging the legitimization of sexual education to discourage parents from pulling their children from sexual education classes, I would like to note that I do not think parents should be able to pull their children from any kind of education essential to their growth.

would benefit from learning the more complex features of sex, and thus should be taught by experts.

The curriculum surrounding sexual education should be more specific and should further include a care-forward model of sexual permission. A care-forward model of sexual permission, as I have outlined, is easily teachable, especially if the general perspective of sex is shifted to alleviate the common discomfort in the face of sexual discussions. My focus on Tronto's four qualities of care was intentional, as these four qualities of care are straightforward. Examples using the four qualities of care are numerous and easily understood, and the four qualities of care can be described in a sentence. It would be a useful class activity to apply the qualities of care to different scenarios, thus allowing for an education of both the complexity of sex and the need for care in sex. Care is not a skill that is taught in school, but future generations would benefit from some kind of care-focused education. Not only would care-focused education have the result of increasing the likelihood of good sex, but it could also further improve non-sexual relationships and community. Although these qualities require some higher-level critical thinking in their application, teaching these qualities can also arise in an opportunity to promote higher-level critical thinking skills. When teaching these qualities of care, educators can look to Tronto's proposed questions that I outlined in the previous section as tools to help students understand the place of care in sex and determine the care necessary.

The way to normalize good sex is to portray it in all areas where sex is portrayed. That would include both mainstream media and mainstream pornography. This is no

small project, and it may not even be possible. However, we can point to areas of media where moves are already being made to portray good sex. For example, shows like *Normal People* and *Fleabag* portray sex in a way that is mutually pleasurable and real, as well as complex. *Normal People* in particular is reflective of the way that real-life intimacy works, where Connell and Marianne are, as the title hints towards, normal people. Throughout the show, Connell and Marianne's intimacy is marked by, on Connell's end, fear of judgment for his sexuality, and, on Marianne's end, sexual preferences dictated by abuse and her perception of her self-worth. Both Connell and Marianne struggle with their sexualities in different ways and this is portrayed in their sex lives, reflecting the reality of how sex functions and its complexity. Shows such as *Sex Education* explicitly tackle the larger issues of real sexual education and portray not only good sex, but the awkwardness that comes with finding one's footing in the sexual realm as a teenager. Mainstream media and its portrayal of sex and sexuality is evolving and improving and, while more work is needed to fix the problem, steps are being made in the right direction where good sex is given adequate representation and discussions of sex are being normalized.

While mainstream media is slowly moving towards fixing its problems of harmful representation of sex, mainstream pornography is a larger problem, in need of more radical solutions. The problem with mainstream pornography is not that it is a portrayal of sex or that it is pornography. Rather, the problem is what has been deemed to be mainstream and desirable, as well as free and accessible. Sex as portrayed on mainstream pornographic sites is sex that fits into assumed sexual scripts and, as I previously argued,

do not adequately represent good sex. Sites such as Pornhub and Brazzers are entirely free and are breeding grounds for harmful representations of sex, which then has the impact of normalizing these harmful representations of sex. The solution to the way that mainstream sex is portrayed is to eliminate mainstream free pornographic sites such as Pornhub and Brazzers. The consumer's only option in terms of pornography should be ethical pornography. If one can simply get pornography for free with a simple Google search, then there is no reason for them to search out paid ethical pornography and hunt for a particular site or performer that suits their taste.

Ethical pornography does exist and, most often, it is kept behind a paywall. Sites like OnlyFans have made it possible for sex workers to be their own bosses, in charge of their own hours and what they are willing to do in scenes. While it is still true that there is a higher demand for anal and lesbian scenes, it is up to the individual contractor to do these acts. Sites like OnlyFans allow for performers to receive adequate compensation for their labour and avoid the exploitation that is common in the production of pornography. OnlyFans also allows for more intimacy between performers and their customers, which then conducive to the elimination of the perception of pornographic performers as dehumanized. There are several sites that portray ethical pornography, where the performers and filmmakers get paid fairly, the porn itself is made in a safe environment that treats performers with respect, it shows real sexual pleasure instead of the performance of pleasure, it is diverse and made for a variety of audiences, and it is created and shared consensually. Sites such as Bright Desire and Make Love Not Porn highlight real sex and intimacy, where the emphasis is on the real feelings of pleasure felt

by those involved (Shea 2022). These sites are often protected by paywalls and, while this may be objectionable for accessibility reasons, it is preferred in cases of pornography. In order to pass a paywall, there must be credit card information given. To get a credit card, individuals must be at least 18, which would then result in minors not being able to view pornography. If they do manage to get access to a credit card, then at least the pornography they are consuming shows the reality of good sex and intimacy, over the current state of free pornography. Thus, doing away with free pornography and keeping all pornography behind a paywall would be conducive to encouraging more representations of good sex in pornography, as the pornography that is left (OnlyFans made by individuals working for themselves and the variety of ethical pornographic sites) offer representations of good sex.

3.5 Conclusion

In conclusion, many of the issues surrounding the consent model can only be solved by turning the focus away from consent and towards an emphasis on pleasure, desire, reciprocity, negotiation, care, and sexual normalization. For more than permissible sex to be more common, then there must be an emphasis on good sex and how it can be obtained. In this chapter, I have argued for a reimagination of sex that would be conducive to both permissible sex and good sex by arguing for the inclusion of non-men in academic theory surrounding consent, the inclusion of care ethics in sex, and a changed perspective on sex, sexual education, mainstream media, and mainstream pornography.

Throughout this project, I have claimed that we should demand a higher threshold of expectations for sex. This chapter has outlined the basis of what this threshold should

look like and how it can be practically obtained. In outlining this new threshold and the steps for its practical obtainment, I have formulated a process that is conducive to good sex and resolves the previously outlined problems with consent in academic theory, consent as a normative tool, and sexual education's downfall as a result of the pervasiveness of mainstream media and mainstream pornography's unavoidable and harmful representations of sex. Through a focus on non-mainstream views of sexual permission in academic theory, an emphasis on a different ethical approach to sex, namely a care-based approach, and an improved and evolved cultural perspective of sex and sexual education, the realization of good sex is far more likely. Encouraging and normalizing good sex is a work in process, one that requires significant time and attention to be normalized, but steps are being taken towards changing the way that sex in general is perceived.

Conclusion

In conclusion, it is clear that the consent model is simply not enough to assist in the realization of good sex. Often, it is not enough to assist in the realization of simply permissible sex and there must be a higher threshold of expectation in sex to generally improve sex and result in more good sex over merely permissible sex. By pointing to the current issues with the consent model as the main feature in the realization of permissible sex, this thesis has shown that more than just mere consent is needed to result in good sex. Rather, the emphasis on consent as the gold standard in sex is misguided and, while consent should be a necessary feature of permissible sex, it is not sufficient.

In this project, I began by pointing the flaws that are rampant in academic theory surrounding sexual consent. I argued that these flaws, namely the attempt at oversimplification, the attempt at objectification, and the lack of consideration of relationships and positionality, are caused by the masculinist tradition of philosophy, where these flaws then hinder the possibility of good sex. I also argued that the inclusion of sexual consent under the umbrella of normative ethics is misguided, as sex is not something that needs a one-size-fits-all approach. I then pointed to the areas in which sex is represented, namely sexual education, mainstream media, and mainstream pornography. I argued that, even if the consent model is the ideal model for sexual interactions to follow, this is not adequately represented in the relevant areas. Even in its most ideal state, sexual education does not do the work needed to counteract the countless representations of bad sex in mainstream media and pornography. Finally, I concluded by fixing the previously outlined problems that were common when following the consent

model. My solution argued for a combination of non-mainstream theories of sex, where Ann Cahill and Quill Kukla provided original and useful takes on sex that fixed the problems of sexual consent in academic theory. I further argued for a reimagination of perspectives on sex and sexual education, where the taboo and discomfort surrounding sex should be eliminated to result in more productive discussions.

As far as consent is concerned, this is a novel approach to sex as it turns the focus away from consent as the sole sufficient condition of permissible sex. The focus is not on what can be done to make sex merely permissible, but what can be done to make sex permissible *and* good, especially for those who tend to experience less-than-good sex. Following my approach, sex that fulfills the threshold of permissibility is also necessarily good, as bad sex is impossible if all the requirements I have provided are fulfilled. Consent is so often a tool used to excuse responsibility or care in the actual act of sex, and my emphasis upon desire, pleasure, care, reciprocity, turns the focus of sex away from selfishness and focuses upon building the relationships that are necessarily involved in sex.

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