

Communication Dynamics of Sexual Consent:
A Relational Dialectics Approach to Sexual Ethics
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Abstract

While many campaigns and programs insist that sexual consent is simple and clear, many sexual consent negotiations arguably fall into a grey area, and there is limited research on sexual consent in communication studies. Moreover, some interpersonal communication scholars have called for our field to conduct more critical interpersonal research, which presents an opportunity for understanding and critiquing the complexities of sexual consent by reflexively linking the interpersonal with the sociocultural. Accordingly, I review the literature on how sexual consent is conceptualized and practiced. To analyze sexual consent issues from a critical interpersonal communication approach, I suggest Baxter's Relational Dialectics Theory 2.0 (RDT 2.0) as one theoretical framework because of its emphasis on complexity, uncertainty, and power. I then apply RDT 2.0 to a controversial narrative involving comedian Aziz Ansari, where I reveal the dynamics and limitations of communicating sexual consent in an interplay of microlevel and macrolevel discourses. I also offer the possibility that sexual consent can be unethical and even violent. The results of this analysis have implications for how ethical sex is negotiated in and through communication. I argue that discourses focusing on the consent of sexual activity are not enough and that we must create a new discourse for sexual ethics.

Communication Dynamics of Sexual Consent

Sexual violence is a widespread issue in the United States that one in three women and one in six men will experience (Smith, Chen, Basile, Gilbert, Merrick, Patel, Walling, & Jain, 2017). This issue is more prevalent for college students (Jozkowski & Peterson, 2013; Muehlenhard, Humphreys, Jozkowski, & Peterson, 2016), women of color (Richardson & Taylor, 2009), transgender individuals, and people in the military (Rape, Abuse, and Incest National Network, n.d.). To minimize the prevalence of sexual violence, sexual assault prevention campaigns and many laws focus on communicating sexual consent. In the United States, sexual consent is the legal standard for determining whether or not a sexual act constitutes rape, and its absence most commonly defines sexual violence (Beres, 2014). Even though sexual consent is often the foundation for sexual assault prevention programs, only eight states require sexual consent as part of the discussion in their mandatory sex education programs for K-12 public schools (Shapiro & Brown, 2018). Additionally, many sexual consent education programs make sexual consent seem simple and straightforward with slogans such as “no means no,” “yes means yes,” and “consent is sexy” (Harris, 2018, p. 2). However, scholars disagree on what sexual consent is, and individuals differ in their practices of sexual consent (Beres, 2007). If sexual consent is the standard for determining the ethics and legality of a sexual act, understanding these differences is crucial.

Though sexual consent is a fundamental element in sexual assault prevention discourse, communication research is lacking on the subject. Harris (2018) argues that there is limited research on sexual consent in communication studies, particularly concerning communication myths that are perpetuated in sexual assault prevention programs. Similarly, Gangi (2017) asserts

that literature regarding the theoretical explanations for the communication of sexual consent and its implications for unwanted sex is largely missing. In this essay, I summarize existing research on sexual consent and discuss why it is essential to examine sexual consent from a communication perspective. I suggest Baxter's (2011) relational dialectics theory as a communication theory that can inform our understanding of sexual consent. Then I apply the theory to a controversial, yet familiar, #MeToo story alleging sexual misconduct on a first date (Way, 2018). Finally, I conclude that sexual consent may not be an appropriate standard for sexual ethics and offer new ways to move forward with sexual consent discourses.

Review of Sexual Consent Literature

According to Beres' (2007) overview of sexual consent literature, some scholars conceptualize sexual consent as an individual's internal feeling of desire, whereas others assert that it is an agreement between individuals. Consistent with many sexual consent laws, sexual consent is often defined as "freely given verbal or nonverbal communication of feelings of willingness to engage in sexual activity" (Hickman & Muehlenhard, 1999, p. 259). This definition of sexual consent requires the intent to engage in sexual activity as well as the communication of that intent (Gangi, 2017). Hence, many scholars agree that the potential for misunderstandings makes sexual consent "a communication issue" (Jozkowski, Manning, & Hunt, 2018, p. 118).

Much of the research on sexual consent classifies sexual consent behaviors as verbal, nonverbal, direct, and indirect (Hickman & Muehlenhard, 1999). Sexual initiation is usually communicated indirectly and nonverbally to save oneself from embarrassment if one's partner rejects the offer (Guerrero, Anderson, & Afifi, 2018; Muehlenhard et al., 2016). Problematically,

not resisting a sexual advance is often perceived as consent to sex by men and women (Muehlenhard et al., 2016), which goes against new affirmative consent laws in California (SB-967, 2014) and often results in sexual coercion or sexual assault. To avoid sexual coercion, Guerrero et al. (2018) assert that individuals must verbally articulate refusals. Research shows that refusals are usually communicated verbally, but may begin nonverbally and less explicitly before becoming verbally articulated (Muehlenhard et al., 2016). For instance, women may briefly pause or hesitate, add a preface to a refusal, move their partner's hand, say "not now," or offer alternatives to sexual intercourse when refusing a sexual invitation (Kitzinger & Frith, 1999; Lannutti & Monahan, 2004). Muehlenhard et al. (2016) note that a reason why women use these subtle tactics is to maintain the relationship. Nevertheless, in U.S. culture, these refusal tactics are deemed as softer ways to let someone down and culturally appropriate, indicating that a verbal, direct, "just say no" refusal is unnecessary (Kitzinger & Frith, 1999). Still, most people attribute sexual consent issues as miscommunication.

Miscommunication and Sexual Consent

One reason why sexual consent cues may be difficult to discern is that there is a discrepancy on whether consent is a specific, one-time agreement or an ongoing negotiation (Beres, 2010). In particular, men tend to perceive consent as a discrete event, whereas women perceive it as an ongoing process (Humphreys, 2004). One study using a communication approach to sexual consent demonstrated that heterosexual women tend to view indicators of sexual interest as mere possibilities that sex might happen, whereas heterosexual men tend to perceive those same indicators as an agreement to have sex (Jozkowski et al., 2018). These differences may be partially attributed to men's perception that women are more sexually

interested than women really are (Abbey, 1982; Muehlenhard et al., 2016). Jozkowski et al.'s (2018) study reveals an important distinction in which interpreting consent cues as indicators of the likelihood that sex *might* happen is not problematic, but when people interpret consent cues as the agreement itself, problems arise. The former maintains a level of uncertainty and ambiguity in sexual consent practices, whereas the latter assumes certainty, which must be reevaluated in sexual consent discourse.

Certainty and Ambiguity in Sexual Consent

One of the consequences of conceptualizing sexual consent as clear and certain is that lack of clarity and certainty often results in sexual violence. Perpetrators who are accused of sexual assault or misconduct often invoke miscommunication as the reason for the assault to try to avoid punishment (Ehrlich, 1998). However, research shows that perpetrators understand subtle, indirect refusals well and choose to ignore them (Kitzinger & Frith, 1999; Beres, 2010). When women refuse a sexual advance, their refusals are often ignored or interpreted as an opportunity to coerce women into sex (Muehlenhard et al., 2016). Several factors contribute to these ignorances.

One issue with attributing sexual violence to miscommunication is that it insinuates that a perpetrator did everything they could to be certain of sexual consent. However, Gangi (2017) found that self-identified heterosexual men are motivated to “misunderstand” sexual refusals. Rather than viewing misunderstanding as one's failure in their attempt to accurately interpret a sexual consent cue, the individual is consciously or unconsciously ignoring important nuances of sexual refusals which leads them to “misunderstand.” Some men even prefer for women to use “softer refusals” so they can “‘convince’ women to have sex” (Jozkowski, Marcantonio, & Hunt,

2017, p. 241). Men may engage in this behavior more than women because it suits their own goals more, as women are often seen as those who control access to sex (Gangi, 2017). The ultimate issue here is that men are motivated to be uncertain about women's sexual refusal because they interpret that there is still a chance that sex may occur. Instead of seeking more information to find out if a woman is interested, a man may hold on to his uncertainty to keep his hopes up. Interestingly, this motivation for uncertainty only goes one way, as individuals who interpret sexual acceptance usually feel certain about their partner's preferences despite their partners' reports indicating otherwise (Gangi, 2017). In essence, individuals, usually men, are selectively certain or uncertain about sexual consent based on their desires and goals.

Sexual scripts and token resistance. To manage uncertainty in sexual contexts, people tend to rely on sexual scripts as sources of information about how a sexual episode should progress. Research suggests that misunderstandings occur because of an overreliance on sexual scripts (Gangi, 2017; La France, 2010). Sexual scripts are socially developed instructions for how a sexual encounter should unfold, including who initiates and who accepts or rejects a sexual request (Guerrero et al., 2018). Edgar and Fitzpatrick (1993) developed the "traditional" sexual script for casual sexual encounters in the U.S. One of the significant characteristics of this heterosexual script is that men are sexual initiators, and women refuse or hesitate even if they are willing to have sex. This pseudo-refusal is known as token resistance and requires that men attempt to persuade women to have sex in order to move the script forward. Some women attempt to prevent this coercion by invoking excuses of inability to engage in sex instead of unwillingness (e.g., citing menstruation or lack of a condom) to make their refusals seem more believable (Kitzinger & Frith, 1999). Nonetheless, if sexual scripts serve as a heuristic for

managing uncertainty (Gangi, 2017), men will usually perceive sexual refusals as token resistance and continue to try to coerce women into sex, resulting in sexual violence (Shotland & Hunter, 1995).

Token resistance is a dangerous concept that compromises the intention of sexual consent and sexual refusal. Some gender differences reveal that women tend to think that people use token resistance less than men do (Emmers-Sommer, 2016). Muehlenhard and McCoy's (1991) early research found that 37% of women in their study engaged in some form of token resistance and concluded that they did so to navigate a sexual double standard in which women who engage in sex are valued negatively, yet men who engage in sex are valued positively. In other words, they argued that women wanted and intended to have sex but strategically resisted sex to maintain a "good girl" reputation. However, Shotland and Hunter (1995) revealed that most individuals who engage in "token resistance" were actually uncertain about their intentions to have sex. Additionally, Muehlenhard and Rogers (1998) discovered that individuals might engage in "token resistance" because they thought their partner did not want to have sex, wanted to engage in some sexual acts but not others, desired sex but was not willing, or simply changed their mind. Importantly, these results indicate that individuals are not engaging in "token" resistance at all. Instead, they are either unsure or really mean "no" at the time of resistance. These findings also support the idea that people must distinguish sexual consent from wantedness and desire.

Sexual consent and sexual desire. Researchers and laypeople often conflate sexual consent with sexual desire (Peterson & Muehlenhard, 2007). However, desiring sex and consenting to have sex are separate concepts. This difference makes discerning the ethics of a

sexual encounter difficult because people may not desire sex but may be willing (e.g., if one is not in the mood but wants to satisfy their partner), or may desire sex but may not be willing (e.g., avoiding pregnancy or STDs) (Muehlenhard et al., 2016; Peterson & Muehlenhard, 2007). This dominant model of sex as wanted and consensual versus unwanted and nonconsensual (Peterson & Muehlenhard, 2007) dichotomizes more nuanced experiences, such as consenting to some sexual acts but not others. In fact, many people are uncomfortable with at least some aspect of their sexual encounters despite reporting consent (Gangi, 2017). If dominant discourses dichotomize sexual consent in this way, then almost everyone engages in nonconsensual sex at some point in their lives. This model also draws attention to the relational contexts that shape sexual consent.

Unwanted sex tends to be normalized in committed relationships and problematized in casual sex, insinuating that sexual consent has specific cultural rules in different stages of a relationship. Psychology research on young, committed heterosexual couples indicates that they perceive sexual consent as less important or unnecessary (Beres, 2014; Humphreys, 2004; Humphreys & Brousseau, 2010). While committed couples may think consent is not necessary for their relationships, they still engage in behaviors that they consider ethical and would be legally construed as consensual (Beres, 2014). This finding indicates that young people conceptually understand sexual consent and behave accordingly (Humphreys, 2004; Beres, 2010), but there is a disconnect between the term “consent” and the concept and practice of it. This discrepancy may be because committed couples tend to shift from attempting to obtain consent in casual sex to assuming consent unless told otherwise in a committed relationship (Muehlenhard et al., 2016). Perhaps focusing on consent in committed relationships becomes

less of an issue because the couple already has its established norms for consent. Clearly, sexual consent does not mean the same thing for everyone, and therefore must be reconceptualized in various contexts.

This literature review reveals that sexual consent is a complex concept with various meanings and practices. As the standard for sexual ethics and legality, sexual consent is idealized as clearly and freely communicated, yet people often cite miscommunication as an excuse for sexual violence. The limited communication research available on sexual consent reveals that sexual consent issues are not accidental misinterpretations but rather a combination of individuals' selective misinterpretations and validation from cultural norms. Centering sexual violations as a miscommunication issue implies that consent can be certain and clear, yet the research shows that consent is rarely either of these in practice. Advocating for clarity, then, is problematic because it protects perpetrators instead of supporting victims (Candelas de la Ossa; 2016). The victim becomes the blameworthy party who is required to be certain of what they want and are willing to do sexually, and who can avoid sexual violence by communicating more clearly (i.e., being more forceful or direct in their refusals). However, Harris (2018) argues that adhering to this myth goes against fundamental communication principles about how communication is always ambiguous, contextual, and embedded in larger discourses. Harris' assertion is precisely why sexual consent must be studied from a communication perspective.

Sexual Consent from a Communication Perspective

The fundamental problem with sexual consent in concept and practice is that it is often perceived as a miscommunication issue. Laws and campaigns to address this issue glorify certainty of sexual desires and willingness and emphasize clarity as the solution (Harris, 2018).

However, Harris (2018) argues that communication is always ambiguous, and interpersonal communication always shapes and is shaped by larger discourses. As an interpersonal interaction, then, sexual consent must be understood as a process that is continuously negotiated within various cultural, historical, and relational contexts. However, most of the research on sexual consent does not bridge the interpersonal with larger contexts, which “seriously impairs the prospects for a meaningful and emancipatory form of social science and... reproduce[s] existing social practices” (Lannamann, 1992, p. 198). Therefore, a critical interpersonal communication approach provides an opportunity for understanding and critiquing the complexities of sexual consent because it reflexively links the interpersonal with the sociocultural in constructing our social worlds.

While interpersonal communication scholars have argued for more critical research linking microlevel and macrolevel communication (Lannamann, 1991, 1992; Moore, 2017; Moore & Manning, 2019), critical interpersonal scholarship represents only 2% of all interpersonal communication research (Braithwaite, Schrod, & Carr, 2015). The lack of critical research in interpersonal communication scholarship and the decontextualization of interpersonal interaction is precisely why sexual consent issues are primarily attributed to misunderstanding. Gangi (2017) clarifies that even though people misunderstand their partner’s sexual consent, desire, or lack thereof, it does not absolve them of their responsibility for unwanted/nonconsensual sex. Instead, Gangi asserts that these misperceptions should be situated as a factor in a larger discursive context about sexual norms and roles while also being an individually controllable issue on the part of the potential offender. Critical interpersonal communication theories may provide the insights needed to address these issues.

Relational Dialectics Theory

One way to analyze sexual consent issues in critical interpersonal communication is through the use of relational dialectics theory (RDT). Baxter and Montgomery (1996) created RDT in response to post-positivistic treatment of communication that strives for certainty, predictability, and control. Instead of trying to emphasize clarity in communication, RDT embraces the messiness of interaction and competing discourses. Researchers who employ RDT focus “on the complexity and disorder of social life, not with the goal of ‘smoothing out’ its rough edges but with a goal of understanding its fundamental ongoing messiness” (Baxter & Montgomery, 1996, p. 3). Additionally, a more recent evolution of RDT allows for researchers to critique an interplay of emerging dominant and marginalized discourses that assist in identifying power inequities in interpersonal interaction (Baxter, 2011). Since sexual consent is complex, uncertain, and arguably power-laden, RDT is an ideal fit for analyzing sexual consent.

Informed by the works of Mikhail Bakhtin, RDT is built upon several intertwined propositions (Baxter, 2011). The first proposition is that an utterance is embedded between the utterances that precede and follow it, all of which make up an utterance chain (Baxter, 2004; Baxter, 2011; Baxter and Montgomery, 1996). Preceding utterances condition the present utterance while the present utterance qualifies the preceding utterance. Additionally, the present utterance anticipates and conditions the following utterance, making all utterances contextually intertwined with one another in dialogue. Utterances are also embedded proximally (i.e., within the relationship) and distally (i.e., within society or culture) (Baxter, 2011). Therefore, the meaning of an utterance is dependent upon the relationship of interlocutors and the larger cultures in which they participate.

The second proposition of RDT is that meaning is made in the tensions that occur within opposing discourses (Baxter, 2004; Baxter, 2011; Baxter and Montgomery, 1996; Baxter and Norwood, 2015). These tensions are made up of “centripetal” and “centrifugal” discourses (Baxter, 2011, p. 123). Centripetal discourses are unified, centralized, and dominant, whereas centrifugal discourses are separate, decentralized, and diversified. This dialogic interplay between the centripetal and centrifugal forces reveal which discourses are privileged or marginalized to create meaning and power in everyday interactions. The interplay allows one to identify taken-for-granted meanings reproduced in everyday discourse and critique the power inequities in relationships and society.

The final proposition of RDT is that competing discourses are “always in flux” (Baxter and Norwood, 2015, p. 283) and can never be fixed or finalized (Baxter, 2004; Baxter, 2011; Baxter and Montgomery, 1996; Baxter and Norwood, 2015). While there may be moments in which meaning is fairly stable within the tensions, meaning is always renegotiated in the following utterance (Baxter, 2004; Baxter, 2011). This premise is useful for addressing the issue of certainty in sexual consent. Most theories assume that uncertainty needs to be managed, but Baxter and Braithwaite (2009) offer the possibility that certainty needs managing. After all, one’s certainty in sexual consent can lead to “misunderstandings” and sexual violence (Gangi, 2017).

RDT is an appropriate critical interpersonal theory to apply to sexual consent issues for a variety of reasons. First, the theory links interpersonal interaction with larger cultural discourses by locating proximal and distal utterances to illuminate communication that promotes or inhibits ethical sex. As Moore and Reynolds (2004) state, “Consent does not... simply reside within a particular utterance but in a narrative in which the contextualising of the particular sexual

relationship allows a greater understanding of the meaning of consent decisions and therefore their validity” (p. 40). Second, since RDT embraces the messiness and tensions of communication, the theory can help to locate and clarify the validity of sexual consent as a process of possibilities (Jozkowski et al., 2018) that is embedded and continually negotiated within a variety of contexts. If, for example, the dominant sexual script says that women use token resistance, RDT allows for a woman to change her mind, be uncertain, or say no at any moment and in any relationship. Finally, RDT’s emphasis on centripetal and centrifugal forces allow the researcher to locate how power is reproduced or subverted in everyday interaction. This tension illustrates a constitutive approach to communication in which communication creates our social realities, rather than merely viewing communication as a conduit for exchanging information (Carey, 1989). In sum, RDT can contextualize sexual consent in interpersonal interactions within a particular culture, destabilize the certainty of sexual consent, and identify and critique power inequities in the making of sexual consent.

While there are many ways to apply RDT to communicative processes, a promising site of discursive struggle is in narrative stories. Baxter (2011) argues that “any narrative story... holds dialogic potential because of its capacity to place several viewpoints at play simultaneously” (p. 143). Narratives themselves may also be viewed as sites of resistance against dominant discourses (Baxter, Scharp, Asbury, Jannusch, & Norwood, 2012). In the next section, I offer examples of how applying RDT to a controversial story can reveal the dynamics of sexual consent issues and highlight the messiness of sexual consent.

Dialectics of Sexual Consent in Aziz Ansari Allegations

The recent revival of the #MeToo Movement encouraged millions of people to post their stories about sexual violence on social media (Gill & Orgad, 2018). Stories may provide psychological healing (Koenig Kellas, Kranstuber Horstman, Willer, & Carr, 2015), but they also serve to illuminate experiences that run counter to dominant discourses about how interactions should unfold. Importantly, the #MeToo Movement dismisses excuses for sexual violence as individually pathologized and demonstrates the pervasiveness of the issue. Central to the #MeToo debate is the issue of power in sexual consent (Gill & Orgad, 2018). One of the most controversial #MeToo stories alleges that Aziz Ansari, a famous comedian, sexually coerced a woman on a first date (Way, 2018). This story is hotly debated because some people argue that the alleged victim, pseudonamed Grace, could have easily left the interaction, yet she engaged in sexual activity “without force.” Others argue that Ansari ignored sexual refusal cues and pressured Grace into acts with which she was uncomfortable. Despite the controversy, analyzing this story is important because it is one that is familiar to many women.

Grace’s story began by reporting that she met Ansari at an event and exchanged numbers with him. A week later, they went on a date and ended up at Ansari’s apartment. Shortly after their arrival, Ansari poured Grace a glass of wine, started kissing her and touching her genitals, and then indicated he would get a condom. Grace reports that even though she gave Ansari refusal cues, such as “woah,” “relax,” and “chill” (Way, 2018, para. 17), he acknowledged them and then tried again moments later. Throughout the evening, he repeatedly attempted to get Grace to touch his penis and have sex with him. While they did not have sexual intercourse, Grace says she felt violated and left Ansari’s apartment in tears.

To analyze Grace's story, I suggest using multiple endpoints in the utterance chain for contextualizing meaning, which implies that multiple audiences/communicators are engaging in the interplay of discourses. First, one can understand Grace's story as an utterance in response to prior centripetal utterances that dominate our conception of sexual ethics and sexual violence. These dominant discourses include that sexual consent equates to sexual ethics, sexual consent can be clear and certain, sexual consent is synonymous with sexual desire, and sexual refusals are token resistance. In this utterance chain, the general audience of Grace's story serves as the addressee to which her story responds and from whom she anticipates a response. A second utterance chain includes the utterances of the story she told in which Ansari is the other communicator. Together, these utterance chains combine to help create an understanding of the meanings within the sexual episode and Grace's meanings in telling the story.

Two primary ways to identify competing discourses in these utterance chains include examining the use of discursive markers of Grace's and Ansari's talk or comparing the emergent discourses of Grace's story with what is generally understood as dominant in U.S. culture (Baxter, 2011). Additionally, one can engage in Bakhtin's process of unfolding (Baxter, 2011) to identify culturally dominant utterances. In this process, one imagines the utterances to which the story may be a response and the utterances that are anticipated in response to the story. Using these techniques, I suggest that Grace's story offers a unity of competing discourses (Baxter, 2011) about what consent is and might be. What follows are some examples of discourses that emerged in my application of RDT.

Rejecting the Misinterpretation of Sexual Consent

This story is an illustration of the tensions involved in sexual consent and the competing discourses that mingle to create ethical or unethical sexual experiences for a variety of reasons. Grace's story represents a grey area for sexual consent, as she admits that she engaged in certain sexual acts with Ansari, including kissing and performing oral sex on each other. However, Grace also claims that she provided several indications that she was already uncomfortable with that activity and did not want to take it further: "I know I was physically giving off cues that I wasn't interested. I don't think that was noticed at all, or if it was, it was ignored" (Way, 2018, para. 22). In this statement, Grace asserts that she was giving nonverbal refusal cues that are typical of initial refusal tactics (Kitzinger & Frith, 1999; Lannutti & Monahan, 2004; Muehlenhard et al., 2016). She also immediately answers the unstated question of whether or not Ansari knew that she was refusing, which is a common question when addressing sexual assault allegations (Ehrlich, 1998). Her use of the word "or" highlights the tension between competing discourses in which men either misinterpret refusal cues or ignore them (Kitzinger & Frith, 1999). While she does not give any indications that she aligns with either discourse in this statement, her following statements provide more context.

Grace continues to offer her account of the refusal cues she used during the interaction and how Ansari responded:

He kept asking me [to have sex], so I said, 'Next time.' And he goes, 'Oh, you mean a second date?' and I go, 'Oh, yeah, sure,' and he goes, 'Well, if I poured you another glass of wine now, would it count as our second date?' (Way, 2018, para. 24).

This part of Grace's story must be understood as competing with the distal, already-spoken, centripetal discourse of the traditional heterosexual script. Ansari's requests are met with "Next time," which is a subtle, verbal refusal cue (Kitzinger & Frith, 1999) that is consistent with research stating that women tend to switch to verbal refusals only *after* repeated sexual invitations (Lannutti & Monahan, 2004). Ansari seems to be hoping that Grace is engaging in token resistance (Edgar & Fitzpatrick, 1993; La France, 2010) or that she will change her mind (Muehlenhard & Rogers, 1998) if he keeps asking. Grace tells this part of the story to illustrate how Ansari simultaneously acknowledged and dismissed her refusal cue, which counters dominant discourses of consent issues as misinterpretation.

Reinforcing the Idealization of Sexual Consent as Free and Wanted

After Ansari poured Grace another glass of wine, she went to the restroom to collect herself. Upon her return, she told Ansari, "I don't want to feel forced because then I'll hate you, and I'd rather not hate you" (Way, 2018, para. 25). She indicates a feeling of force despite a lack of verbal threat, which runs counter to discourses in which sexual coercion or rape is only possible with a physical or verbal threat. Notably, she says this sentence in the future tense, as if she is not feeling forced now but could feel forced depending on how things proceed. In this utterance, Grace evokes a discourse of consent as freely given by indicating that she needs to feel free to consent on her own, but it is unclear if she means that she will feel forced if the sexual activities continue as they are or if they escalate. The meaning becomes more evident as Grace continues her story:

He said, 'Oh, of course, it's only fun if we're both having fun' The response was

technically very sweet and acknowledging the fact that I was very uncomfortable.

Verbally, in that moment, he acknowledged that I needed to take it slow. Then he said,

‘Let’s just chill over here on the couch.’ (Way, 2018, para. 26)

Grace invokes a discourse of sexual consent as equal to desire in this excerpt by stating that Ansari acknowledged that she was not having fun, and therefore, the sex would not be fun. In these utterances, Grace conceives of consent as freely given and wanted, which reinforces dominant conceptualizations of consent, yet her future utterances complicate this idealization.

Sexual Consent as Sexual Refusal

Many people take issue with Grace performing oral sex on Ansari and interpret it as the act that made the sexual episode consensual. This instance is a crucial point in the episode because it helps to interpret the possibility of sexual consent and understand how it is not just a simple “yes” or “no” agreement (Harris, 2018; Kitzinger & Frith, 1999). Grace recounts those moments:

He sat back and pointed to his penis and motioned for me to go down on him. And I did. I think I just felt really pressured. It was literally the most unexpected thing I thought would happen at that moment because I told him I was uncomfortable. (Way, 2018, para. 29)

Importantly, Grace says that she “felt really pressured” as if she is responding to the question of why she engaged in oral sex if she did not want to do so. This statement is an example of a disclaimer that negates an implied discourse (Baxter, 2011) in which willfully engaging in sexual activity is always wanted. In other words, Grace acknowledges that she consented to oral sex, but she qualifies the consent by implying that she did not feel like it was of her own free will. At the

very least, it was not her desire. Consent, then, can be present without being ethical.

Additionally, Grace claims that Ansari's actions were "literally the most unexpected thing," which further illustrates her shock and confusion, running counter to the discourse that people are clear in their understanding and intentions of a sexual act (Shotland & Hunter, 1995).

Finally, contextualizing Grace's consent between previous utterances and anticipated utterances helps to make sense of Grace's consent in the proximal utterance chain. Early in her story, she claimed that "Everything was pretty much touched and done... except for actual sex" (Way, 2018, para. 17). This heteronormative statement infers that she consented to many of the sexual acts of the evening, but she did not consent to sexual intercourse. Additionally, she states that she had to refuse Ansari's requests several times prior to oral sex. These previous utterances condition Grace's utterance of feeling pressured and uncomfortable as a reason for performing the oral sex. However, they also provide insight into her anticipation of Ansari's future requests and her intent to refuse sexual intercourse. As an embedded utterance in the proximal utterance chain, then, Grace offers the possibility that she may have consented to oral sex as an indirect refusal tactic for an anticipated request for sexual intercourse. According to some scholars, offering to do other sexual activities is a common tactic women use to refuse sexual intercourse (Kitzinger & Fritch, 1999), especially after repeated requests (Lannutti & Monahan, 2004). In the context of these utterances, Grace's consent to oral sex may simultaneously be employed as a sexual refusal.

Discussion

Grace's narrative as a whole gives voice to marginalized discourses of sexual consent as not always freely given and creates alternative discourses that may push us to reconsider sexual

consent as the standard for sexual ethics. The story challenges the normality of sexual consent by rejecting misinterpretation, idealizing free will and desire in sexual consent, and practicing sexual consent to some acts as a refusal tactic for others. Admittedly, sexual consent as a refusal undermines the purpose of sexual consent in sexual assault prevention, yet it also exposes the limits of sexual consent as the standard for ethical sex. Grace's narrative presents her as an agent within an episode of normalized sexual violence that is allowed to exist in centripetal discourses of sexual consent. Critics who focus on Grace's consent as a positive evaluation of the sexual encounter attempt to filter her experience through a neoliberal veil and overlook the normalized conditions under which her consent took place.

For better or for worse, consent to unwanted sex is a widespread occurrence for many people, but it is more common for women. Research has established that many women in the U.S. consent to unwanted sex (Sprecher, Hatfield, Cortese, Potapova, & Levitzkaya, 1994) to fulfill the traditional heterosexual script (Katz & Schneider, 2015), adhere to heteropatriarchal norms, and negotiate sexual double standards. Some of these norms and standards include the idea that women owe men sex even though "good girls" do not have sex (Jozkowski et al., 2017), women are responsible for performing oral sex on men (Jozkowski & Peterson, 2013), and women who have sex are "sluts" while men's social statuses increase from having sex with women (Muehlenhard et al., 2016). The result of these norms and double standards are uneven power discrepancies before any sexual interaction ever takes place between Grace and Ansari. Additionally, these norms are thought to shape people's interpretations of sexual consent and constrain people's choices in their abilities to freely consent to or refuse sexual activity (Muehlenhard et al., 2016).

Though gender norms play a significant role in consent to unwanted sex, some women tend to justify their consent to unwanted sex by claiming personal responsibility for it or dismissing the sexual encounter as normal or “fine” (Bay-Cheng & Eliseo-Arras, 2008). Feminist scholars identify this trend as neoliberal or post-feminist logic. Specifically, many women believe that unwanted sex is the result of their own choices and claim that they can easily say “no” whenever they want, yet their self-described behaviors indicate that they struggle to say “no” to unwanted sex (Burkett & Hamilton, 2012). Though women feel empowered, they may be reinforcing gendered sexual norms set by heteropatriarchal discourses. For instance, women feel responsible for monitoring the relationship, so they believe it is their responsibility to please men in relationships and cite their selfless individual choices as the reason for their consent. In other words, “what was traditionally critiqued as sexually objectifying (i.e., privileging men’s sexuality) now symbolizes a woman’s empowerment (i.e., it was her individual choice to please her man)” (Burkett & Hamilton, 2012, p. 823). Barker (2013) argues that instead of polarizing these decisions as “neoliberal choice or total lack of agency... all forms of sexuality should be critically evaluated in terms of the ideologies they uphold” (p. 909). Grace’s story stands in opposition to these dominant discourses, offering a more complex view of empowerment and objectification, which has important implications for sexual consent and sexual ethics.

The tentative meaning of Grace’s story ends up being one in which a woman is attempting to exercise agency in a violent scenario, but I do not intend to pathologize Ansari by making him out to be a “bad egg” in an otherwise sexually ethical culture (Harris, 2018; Kitlinger & Frith, 1999; Wood, 2001). Instead, his actions must be understood and treated as a manifestation of the sexual violence that is normalized in our culture (Wood, 2001). Given that

force, persuasion, coercion, and manipulation are so prevalent in other aspects of life (Barker, 2013), it is understandable that similar practices are used in sexual situations.

Importantly, this analysis does not absolve Ansari of his actions, but it highlights how consent itself can be unethical under certain conditions he and our culture helped create. Candelas de la Ossa (2016) posits that sexual violence should be evaluated on a spectrum in which there is clearly violent rape on one side and coerced unwanted sex on another. She asserts that “Discussing sexual violence in terms of dynamics of coercive control or normalized pressure... would strengthen the message of consent as free, specific and retractable” (Candelas de la Ossa, 2016, p. 379). However, I argue that sexual consent still might be too low of a bar for ethical sexual conduct. Perhaps sexual consent is the standard for legal sex, but in the U.S., most racist talk is protected speech, and most people agree that racism is unethical. People are so concerned with the idea of sexual consent and legality that they are not focusing on how sexual consent contributes to sexual violence.

Sexual compliance and sexual coercion are two examples of consensual and unwanted sex. The two may be distinctly different, however, in terms of ethics. Sexual compliance is a version of unwanted, consensual sex in which the consenter agrees to have sex as a voluntary sacrifice, such as wanting to please their partner (Katz & Tirone, 2009). Sexual coercion is also unwanted and consensual, but the decision to consent is made under duress, such as when the initiator begs or pleads (Katz & Tirone, 2009). Neither of these concepts involves physical force, yet in sexual coercion, one can feel forced merely because of a requester’s persistence. Paradoxically, if we conceptualize sexual consent as freely given, then sexual consent becomes impossible in the case of sexual coercion. Therefore, sexual consent is a term that may not

encapsulate all of the contextual facets of ethical sex. An episode can be unethical without necessarily being rape or illegal, which is why we need language to account for those experiences (Harris, 2011; Wood, 2015). For now, perhaps instead of focusing on the consent of sexual activity, we can create a new discourse for the ethics of sexual activity in our interactions with one another (Reynolds, 2004; Harris, 2018).

Creating New Discourses of Sexual Ethics

One way to move away from sexual consent and toward sexual ethics is to examine the quality of sexual consent. Reynolds (2004) highlights the limits of sexual consent by stating that individuals can make high-quality or low-quality sexual consent decisions. He argues that people in a variety of sexual interactions may engage in sexual consent behavior, but the quality of that consent varies. People consent “out of passion or desire, or in exchange within the relationship, or because they feel they should, or through obligation” (Reynolds, 2004, p. 94). In these instances, the ethics of individuals’ reasons are arguable, but according to dominant discourses about what constitutes consent, individuals are still technically consenting. The problem with sexual consent, according to Reynolds, is that the individuals can make “low-quality consent decisions” (p. 94). To evaluate the quality of a consent decision, he suggests taking into consideration four parameters: structural determination and individual agency, rationalism and irrationality, conceptualizing consent as event or process, and the development of sexual knowledge in a given society. All of these themes have found their ways into this essay, and none of them are easy, certain, or clear. The quality of consent that Reynolds describes considers many different contexts, but getting to the essence of what consent means is still a complex issue. This complexity, however, is a perfect opportunity for communication scholars to contribute to the

scholarly conversation about sexual consent, which is what I have attempted to demonstrate in this essay using RDT.

Conclusion & Limitations

Sexual consent is a complex idea and practice that is still contested in much of the scholarly literature. One agreement among many scholars, however, is that sexual consent is a communication issue, yet it is rarely studied from a communication perspective. Issues with sexual consent are often attributed to misunderstandings, which are linked to uncertainty management. To manage uncertainty in sexual scenarios, people often rely on sexual scripts, though these scripts allow for sexual coercion and pressure, ultimately undermining sexual consent and leading to sexual violence. This essay attempted to offer a more nuanced communication perspective that links interpersonal interaction with larger discourses about sexual consent. I took a critical interpersonal communication approach to sexual consent and suggested the use of relational dialectics theory as a useful guide for understanding and critiquing the dynamics of sexual consent. I offered several examples of this theory's application to a controversial story of Aziz Ansari's sexual coercion, which demonstrated some of sexual consent's limitations as a standard for sexual ethics. I also suggested that RDT can be used to identify new discourses of sexual ethics.

While I have attempted to capture the nuances of sexual consent, this essay has several limitations. First, RDT is largely limited to discourse in talk, which overlooks nonverbal communication and any communication via silence or hesitance. As Kim (2002) suggests, there may be as much meaning in what is not said as there is in what is said. If most sexual consent communication is indirect and nonverbal, RDT limits our understandings of the meanings being

made through these communicative behaviors. Though my use of Grace's narrative accounts for some of these shortcomings by putting nonverbal communication into text, there are still gaps that would have been better addressed by watching the interaction unfold. Second, Grace's story offers little information about her identity characteristics other than her being a 22-year-old photographer at the time of her experience with Ansari. Any interpretations of her story are limited to what can be deduced from her gender, age, and possibly class. The meaning of this story might be enhanced by taking her race, ethnicity, or other identity markers into consideration. Third, the unit of analysis does not include Ansari's perspective of the interaction. Part of this decision was to promote a critical feminist perspective (Wood, 2015), but the meaning of this interaction might reveal something different if Ansari's story were included. At the time of this writing, however, Ansari has not provided a substantial account of this interaction. Finally, my interpretations of this story are based on my understandings of sexual consent in a heteropatriarchal culture in addition to the research outlined in this essay. The research, however, almost exclusively considers sexual consent in cisgender, heterosexual contexts. Research on sexual consent in other communities may enable alternative conceptions of sexual consent and sexual ethics. Despite these limitations, a critical interpersonal communication approach to sexual consent reveals that sexual consent is too dynamic to be universally applied to any sexual context, and more research is needed to inform practices in ethical sexual interaction.

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