

3**Beyond Yes or No: Consent as Sexual Process****BY RACHEL KRAMER BUSSEL**

WHAT DOES IT MEAN to say to someone, “Fuck me?” Or, to put it a little more delicately, “Touch me?” To tell them exactly how you want to be kissed, licked, petted? Or to tell them just what it is you want to do with them? For one thing, it means that you are taking the bull, as it were, by the horns. You’re letting your lover—and yourself—know what you’re looking for, rather than leaving it up to the imagination. You’re giving them explicit instructions and thereby saying “yes” so loudly, they have to hear you.

The issue of “consent” encompasses the ways we ask for sex, and the ways we don’t. It’s about more than the letter of the law, and, like all sexual issues, at its heart is communication. Without our speaking up and demanding that our lovers do, too, we don’t ever truly know what they are thinking, which impedes us from having the sex we could be having. The infamous sexual consent rules at the now defunct Antioch College reached such a zenith of ridicule that the school’s very name came to be associated with these policies.¹ The basic idea behind the policy was to end “sexual violence while fostering a campus culture of positive, consensual sexuality.”

The main objectors didn’t argue that people should not be getting consent from their sexual partners, but quarreled with the idea

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that “each new level of sexual activity requires consent.” This policy was widely interpreted to mean that if you touched someone’s left breast with permission, you then had to get permission to touch her right breast. The broader implication that, say, you may be up for making out and heavy petting, but not full-on intercourse (or might start out with the intention of having intercourse and change your mind once it became imminent), got lost in the ridicule, culminating in a *Saturday Night Live* sketch.

But we do everyone a service when we recognize that consent is not simply a legal term, and should encompass more than simply yes or no. Say a woman agrees to have sex with her boyfriend, fully giving legal consent, but really she’d rather be off with her friends or at home in front of the TV. She agrees because it’s what’s expected, their routine. She’s bored, and he might as well be having sex with himself. Or maybe she doesn’t like having the same kind of sex they always have, but doesn’t know how to bring up her own fantasies.

The kind of consent I’m talking about isn’t concerned just with whether your partner wants to have sex, but what kind of sex, and why. Do you want to be on top, do it against the wall, doggy-style, missionary? These are questions good lovers ask of one another. When we passively respond or assume we know what the other person’s thinking, we could very well be wrong. By not speaking up or waiting until the other person can share their desires, we are simply guessing. There are exceptions, of course. Some people get off on having one person take charge and set the tone, pace, and position for sex. That’s fine, *as long as this is spelled out at some point in advance and isn’t simply assumed*. I don’t mean that you need to probe your lover’s every thought; I mean that getting some insight into what turns them on will fuel the sexual chemistry for both of you.

Try this: the Yes, No, Maybe chart. (A sample one can be downloaded.²) The concept comes from the BDSM (kinky) community but can be adapted to any sexual act. Here’s how it works:

Write down every sexual act you can think of, and categorize them into things you enjoy/would like to do, things you don't ever want to do, and things you're not sure about or might try under certain circumstances. Your partner also fills out a list, and together, you see what you have in common. Both interested in spanking? Great! Curious about what it's like to give (or receive) a lap dance? Go for it. Neither of you into butt plugs? Cross that off your list. One of you wants to go to a sex party, the other would never do it? Either cross that off your lists or negotiate how the person interested can check it out on their own. Even downloading such a list online and reading it over can spark ideas you may have never considered. This is especially useful for BDSM acts that may be new and confusing to both parties; how do you know whether you like, say, hot wax being poured on you if you've never done it before? What if you fantasize about it while you're alone but don't know if the reality would be all it's cracked up to be? That's why there's a "maybe" on the list.

It benefits both halves of a couple (or coupling) to know what the other is into. This does not necessarily mean you have granted consent from here to forever for activities on your yes list, but simply that they are ones you'll consider or have been into before. Further discussion can tease out the nuances of these desires, and if there's something one of you is curious about but not sure how you'd go about it, this list can open the door to that crucial conversation. As you compare lists and talk, you will almost surely learn something about your partner, even a long-term partner, that you didn't know before. As dominatrix and sex columnist Mistress Matisse wrote in *The Stranger*, "Some of the pleasure I take in kink is the continual seduction of consent. I love the fact that I can get my partners to let me do things to them that they never thought they'd let anyone do—and better yet, I can make them like it. That's hot."³

Why is this concept such a sticking point? The Antioch code boldly stated that "silence is not consent." That means that unless

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you get an affirmative yes from a sexual partner, you don't know what they really want. As women, it's our duty to ourselves and our partners to get more vocal about asking for what we want in bed, as well as sharing what we don't. Neither partner can afford to be passive and just wait to see how far the other person will go. That dynamic puts everyone in an awkward position; for traditional heterosexuals, it means the man is always trying to see "how far he can go," while the woman is stuck in the uncomfortable position of trying to enjoy herself while not having a voice in the proceedings (and, for many, still worrying about how far she can go without being considered "slutty").

And if you have been sharing, or trying to share, what you want and aren't being listened to? That's a problem. Recognize that and make it a priority. I'm aware that's easier said than done, but it's worth it, trust me. Feeling nervous around someone you're getting naked with is never going to lead to truly good sex. It's a huge red flag if you never wind up feeling comfortable enough to speak up about sex with the one person you should be able to talk to about it. If the crucial words never come out, you have to ask yourself why that is. Is your relationship truly one in which open talk about sex is welcomed? Or is that talk only one-sided?

These are the issues that Antioch's policy was meant to address, and did, albeit in a sometimes clunky way. While a cheeky *Los Angeles Times* column by Meghan Daum entitled "Who killed Antioch? Womyn" suggested that the early '90s was "a time when many liberal arts campuses were so awash in the hysteria of political correctness that it seemed entirely possible a lamppost could commit date rape,"⁴ in fact the idea of getting your partner's consent is not just about the line between rape and not rape. There is a lot more that goes on during sex than simply saying yes and no, and in the silences, unspoken doubts, fears, mistrust, and confusion can arise.

When it comes to hookups, whether it's a one-night stand or just a more casual sexual relationship, it's especially important to know where the other person is coming from. In those cases, you don't have the luxury of being able to read someone's body language or "just know" what they might want. This is probably the time when it's most important to bring up what you want and ask the other person what they want.

Also, in many of these cases it seems to be assumed that, in male/female hookups, it's the man who must do all the asking. Women should get in the habit of asking, too, and realizing that while our culture sends the message that men want sex 24/7, that's not necessarily true. Or maybe he wants some part of it, but not all. Women, just as much as men, need to engage their lovers on these questions in order to level the sexual playing field and lay to rest that men = horny stereotype once and for all.

By making absolutely sure your partner wants to be involved in what you're doing sexually, you're not only on the right side of the law but are going to have a hotter time in bed. You'll know what they want, in their own words. You can gauge from the way their eyelids flutter (or close), the way their breathing gets heavier, the way their body squirms as they answer your questions. And being on the receiving end of those questions (even if it makes you blush!) is pretty damn sexy. I'm sure you've been in a situation where you're making out with someone, then things move to the undressing stage, and then there's that seemingly interminable time before anyone speaks up about what they want. Or perhaps it devolves into a "What do you want to do?" "No, what do you want to do?" scenario. And that's okay; not being sure is fine, too, as long as both parties are clear. Getting more comfortable talking about sex in and out of the heat of the moment means there'll be fewer of those awkward silences and less chance of one person thinking they had the best sex in the world while the other wishes it had never happened.

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One of my favorite questions to ask in bed is to have my partner tell me about one of their fantasies. Asking about someone's fantasies takes the pressure off them to tell you exactly what they want at that moment. They can share freely about, say, their desire to be tied up or to have a threesome without worrying that you're going to bust out some rope or call your best friend into the room. The fantasy question is a precursor, perhaps, to an open dialogue about sex, which is what this concept of consent, more broadly defined, is all about.

All that said, I'm not sure that the message that "consent is sexy" belongs on a button, where students at the University of Washington have put it, to protest against sexual assault and domestic violence. The fact is, we're never going to see anyone sane arguing outright that they're against consent. They'll say things like *she was drunk, she came to his room, she got naked, she did ____*. There will always be an excuse to hide behind. To truly reinforce the message that consent is sexy, we need to show our partners why and how that is. Besides, consent should be a baseline, the rock-bottom standard for sexual activity, and shouldn't necessarily have to be sold as "sexy" to count as something vital and important. It can be sexy, sure. But tagging it as such almost seems to be overhyping it. Do we really need to "sell" consent as a concept?

Consent is a basic part of the sexual equation. If there's any uncertainty, or if you find that you're using some power to coax someone into sex when they clearly aren't that into it, you need to rethink what you're doing and why you're doing it. Is sex something to be pursued at all costs, no matter what the other person thinks—or what they will think of you later? If you're worried about sounding like a robot with an endless stream of "Can I touch you there?" types of questions, think about turning that whole line of questioning around. Instead of "Can I?" try "What do you want me to do?" Or offer your own body up to be stroked and fondled.

If you're usually the one to make the first move, take a step back and ask yourself, if you didn't put a sexual vibe out there, would she or he do so in your place? Let the other person pursue you; not only will you feel highly desirable if they do, but if they don't, you may get a clue that they are only going along with your advances. (Please note: I'm not endorsing people's engaging in sex "to be nice" or "because the other person started it." But it happens, and while legally that may be considered consent, I'd argue that that's not enough. Plus, if you're used to always having to put the moves on someone, sitting back and basically saying, "I'm all yours" can be extremely hot. The pressure's off, and if you create a safe, open space for your lover to explore your body at their own pace, you just may learn a thing or two about what turns them on.)

What makes consent sexy isn't simply that the person wants to be doing it with you. It's not enough to just assume that if she (or he) doesn't say no, they want it. This kind of thinking, which some men use as a defense ("she didn't say no"), is problematic on many levels. The burden is not on the woman to say no, but on the person pursuing the sexual act to get an active yes. While more women need to speak up about their sexual desires, men also need to proactively ask their female lovers what they want in bed, and recognize that it may not be so easy for women to talk about. Many of us have been told that we're supposed to look and act sexy, but are never given a script, outside of porn, regarding how to go about doing that. For some people, it comes naturally, but for others, just asking to be touched in a certain spot or to engage in a new position is a challenge.

The bottom line is, you can't assume you know what your partner is thinking. You may think you know what they have in mind, based on your reading of them, but that's still only your reading until you probe further. Some men may assume that by "taking charge," they can prove how much they know about women. But

all women (and men) are different, and what your ex liked in bed might not be what the new person occupying your bed likes. Taking the time to find out shows you care and will put your partner at ease; they know you're there not just for your own selfish interest, but to have an experience where you both get off.

And don't worry about sounding inexperienced. You may have had dozens of previous lovers, but that doesn't mean a thing when it comes to the unique individual before you. Especially if you haven't hooked up before, even a simple "What do you like? What can I do for you?" goes a long way. If she mumbles or is nonresponsive, rather than just seeing "how far you can get," take it slow. Offer a backrub and, while giving the massage, ask what she's into, what she wants you to do for her. That puts the ball in her court. If she really wants you, she'll get the message and speak up.

Ultimately, that kind of sex is, if not coercive, a true partnership, one where there's give and take and where you feed off each other's desires. If you've ever tried to talk dirty with someone who barely says a peep in bed, you'll know what I mean. It's like masturbating with another person in the room, and nobody wants to feel like they're just a prop in a lover's sexual game. When you're getting as close as possible to another human being, isn't it worthwhile to make sure that you are actually bonding (even if only for a few hours), rather than just doing something you could do by yourself? Sexualizing consent may mean stepping out of your comfort zone. It may mean finding a way to get her or him to talk about what gets them off, but the payoff is that you're let into that private part of their mind where the key to their sexual fulfillment lies. You may think you know what drew them to you, or what's going on in their head as they ask you to have sex in public or take them over your knee for a spanking, but until you hear it directly, you won't know for sure. And for me, not knowing, or at least not asking, is a missed opportunity to find out something crucial about my lover.

(I once slept with a guy who didn't like any talking in bed. Not his name, not "yes," not even little moans of encouragement. This killed the mood for me, because I felt like I couldn't even ask if we could move over, or whisper sweet nothings in his ear. The silence was utterly uncomfortable. I definitely didn't return for more.)

Admitting and claiming what we want in bed is not necessarily an easy task. Neither is asking your partners what they want. But it's worth it. Why? Because you gain a fuller understanding of what they're thinking about you, themselves, and your sex life. Let's say you want to try tying your partner up; you saw the movie *Bound* and were inspired. You can't just plunge right in and whip out the ropes and expect him or her to agree (while they might agree, clearly, discussion is needed beforehand). The reason is not simply so they can say yes or no, but to find out why it's a turn-on for each of you; you may have very different reasons. Don't just say, "I want to tie you up. Are you game?" Explain what it is about the act that seems so sexy; say, "I want you all to myself. I want to take control. I want to watch you squirm." Or, "I want to watch you masturbate." Or whatever your fantasy scenario is. This moves the earlier fantasy talk into the here and now, but also leaves room for questions and back and forth, for going beyond "yes" or "get out of my bed."

By embracing a broader concept of consent, we acknowledge that just as "sex" means a lot more than just penis-in-vagina intercourse, "consent" at its best can be about more than just "yes" or "no." It means not taking the "yes" for granted, as well as getting to know the reasons behind the "yes," and those, to me, are what's truly sexy.

If you want to read more about IS CONSENT COMPLICATED?, try:

- Toward a Performance Model of Sex by **THOMAS MACAULAY MILLAR**
- An Old Enemy in a New Outfit: How Date Rape Became Gray Rape and Why It Matters by **LISA JERVIS**

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- Reclaiming Touch: Rape Culture, Explicit Verbal Consent, and Body Sovereignty **BY HAZEL/CEDAR TROOST**

If you want to read more about SEXUAL HEALING, try:

- A Woman's Worth **BY JAVACIA N. HARRIS**
- An Immodest Proposal **BY HEATHER CORINNA**
- In Defense of Going Wild or: How I Stopped Worrying and Learned to Love Pleasure (and How You Can, Too) **BY JACLYN FRIEDMAN**