## REFERENCES

Michael, R. T., Gagnon, J. H., Lauman, E. O., & Kolata, G. (1994). *Sex in America: A definitive survey*. Boston: Little, Brown.

Peplau, L. A., Fingerhut, A., & Beals, K. P. (2004). Sexuality in the relationships of lesbians and gay men. In J.H. Harvey, A. Wenzel, & S. Sprecher (Eds.), *The Handbook of Sexuality in Close Relationships* (pp. 349–369). Mahwah, NJ: Lawrence Earlbaum.

Smith, A. M. A., Rissel, C. E., Richters, S., Grulich, A. E., & de Vissev, R. O. (2003). Sex in Australia: A guide for readers. *Australian and New Zealand Journal of Public Health*, 27(2), 103–105.

**Consent to Sexual Relations**, *by Alan Wertheimer*, Cambridge, England: Cambridge University Press, 2003, 310 pages $70 (cloth) $27.99 (paperback).

In this clearly written, impressively researched, and highly engaging book, Alan Wertheimer makes a distinctive and important contribution to the contemporary literature on the nature and value of consent to sexual relations. Although his primary goal—to identify and defend moral and legal principles of valid consent to sex—is explicitly normative, Wertheimer pursues this goal against the backdrop of a specific theory of sexual desire and behavior. As a result, his book is unique among recent efforts in this area, and his analyses and arguments should be of great interest to social psychologists as well as those to working in normative ethics and jurisprudence.

In Wertheimer's view, problems concerning consent to heterosexual sex are rooted in fundamental incompatibilities in the sexual desires of men and women. Not only do men seek sex more often and more indiscriminately than do women, but the sexual responses, preferences, and behavior of men and women differ. Furthermore, when acting on their desires for sex, men and women tend to be differently motivated. The result is a complex "asymmetry of desire"—in both its frequency and nature—manifesting conflicts of interests and behavior not readily amenable to successful resolution.

Because this asymmetry is evidenced both cross-culturally and transhistorically, it cannot be adequately accounted for solely by social or cultural conditioning. Wertheimer thinks a better explanation can be found in evolutionary psychology. On this theory, rather, as those physical traits conducive to reproduction are naturally selected and come to dominate an enduring species, certain psychological and behavioral traits conducive to reproduction do the same. But these reproduction-maximizing traits—dispositions in men, for example, for promiscuous sex and in women for the careful selection of successful and protective men—came to dominate in a particular environment at a time when these traits led toward reproductive success. So although the male disposition of aggressive sexuality once was reproduction maximizing, it may not continue to be so. Certain aspects of our psychosexuality hardened in a different world of the distant past, and recognizing

this explains a good deal about sexual behavior—especially the propensity of men to engage in nonconsensual sex and of the profound aversion of women to it.

Wertheimer defends a qualified version of evolutionary psychology, a version that does not take naturally selected dispositions to necessitate individuals' conduct or to be immune from counter-dispositional cultural or moral influences. Thus, although men are naturally disposed to engage in indiscriminate sex with multiple partners not sharing this disposition, evolutionary psychology is not a sexual sociobiology incompatible with individual responsibility.

Wertheimer's version of the theory has implications not only for wholly political analyses of rape (that take rape to be about violence, humiliation, and domination rather than sex) but also for Wertheimer's important discussion of the harm and wrong of nonconsensual sex. But as fascinating as these and other implications are, Wertheimer sidesteps deeper problems involved in showing any direct relevance of the theory to fundamental normative questions, especially that of individual responsibility. For even if evolutionary psychology tells an interesting story about the dispositions and behavior of persons as members of a species, whether a particular individual is responsible for a specific act turns not on whether dispositions are naturally selected or socially conditioned (or both) but on whether he can meaningfully choose to act on or resist these dispositions. This capacity for counter-dispositional conduct warrants closer scrutiny.

Wertheimer's theory of valid consent is logically independent of evolutionary psychology. Consent is a fully normative phenomenon (not a mere mental state) that can, under the right circumstances and for the right reasons, transform immoral or illegal behavior into that which is both permissible and highly desirable. A woman may indicate or "token" consent to sex in many ways and for many reasons, but if her reasons or a man's response to them are morally or legally suspect, then valid consent may be absent. So the core questions for the theory concern the worth of valid consent as "morally transformative" and the principles employed for determining when valid consent is present. Wertheimer is at his best when discussing the latter question.

In chapter-length discussions, Wertheimer shows why consent is suspect, although not necessarily invalid, when it is secured by deception or involves some form or degree of incapacitation (including intoxication). These discussions repay careful study not only because they demonstrate why these matters are significantly more complex than many (including some influential feminist legal scholars) recognize but also because they draw out the implications of the theoretical core of the book: Wertheimer's rights-based theory of sexual coercion. This theory provides powerful normative grounds for determining when conduct constitutes coercion of the sort that nullifies consent. When he combines the theory with numerous and often ingenious

hypothetical cases, he teases out principles of moral and legal consent that are both coherent and reasonable.

The theory distinguishes cases of invalid consent, where the consent-token ("Okay, but don't kill me") is a response to a rights-violating threat, from cases where, although morally (but not legally) objectionable, a man's proposal is not rights-violating. Thus if a woman tokens consent so as to secure an economic interest to which she has no antecedent right—she consents to sex with a man offering employment—her consent is valid (because she has no right to the job) even if she desperately needs work. But consent to sex with an employer who threatens to deny her something to which she has a right (say a promotion) is vitiated.

Without succumbing to the paternalism and anti-sex biases of other influential accounts of valid consent, Wertheimer's complete theory bears directly on cases that have haunted the rape law—cases where the coercive means employed to achieve intercourse fall short of physical force. But here, he underestimates the degree to which different theories of rights will yield inconsistent principles of legally valid consent, especially where mistakes about consent are genuine and where protecting due-process rights may entail affirmative obligations to token unambiguous nonconsent. Further research should consider this worry with full awareness of how effectively Wertheimer has advanced the discussion.

George E. Panichas
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**Sexuality and Gender in Postcommunist Eastern Europe and Russia**, *edited by Aleksandar Štulhofer and Theo Sandfort*. Binghamton, NY: Haworth Press, 2005, 410 pages, $49.95 (harback), $24.95 (paperback).

*Sexuality and Gender in Postcommunist Eastern Europe and Russia* is an invaluable contribution to the literature on sexuality and gender, particularly because of its focus on how sexuality has been constructed and impacted by socioeconomic and political transitions within postcommunist cultures. Emerging from a conference held in Dubrovnik, Croatia, in 2001, the book compiles updated research articles and essays developed from the conference proceedings. In all, sixteen chapters address sexuality and gender issues in twelve postcommunist nations, including Serbia, Romania, Russia, Slovenia, Croatia, Belarus, Slovakia, Poland, Estonia, Bulgaria, the former Yugoslavia, and Czech Republic. Similarly, the gender and sexuality topics addressed in this volume cover a great deal of territory: gender inequality, gay-lesbian-bisexual rights, gender identity, attitudes toward sexuality, issues