



Sexual Autonomy and Sexual Consent

Shaun Miller

With the cultural reckoning of the #MeToo movement, current conversations are largely revolving around how to give and receive consent properly. Sexual consent is based on the sexual choices and preferences of the people involved. The ability to make choices and exercise one's preferences is intimately connected to autonomy. Therefore, to discuss sexual consent, we must also talk about sexual autonomy. With varying discussions revolving around sexual consent, this chapter distinguishes among three different theories of sexual consent and discusses what these different theories entail. It also shows how these three different ideas of sexual consent correspond to three different types of sexual autonomy. "Procedural Sexual Autonomy and Consensual Minimalism" section discusses the first view: procedural sexual autonomy and consensual minimalism. This view is the starting point of what sexual consent has been, but there have been disadvantages to this view. "Substantive Sexual Autonomy and Consensual Idealism" section discusses substantive sexual autonomy and consensual idealism. This view covers the pitfalls of the previous view of autonomy and consent by making autonomy and consent more robust and having a higher standard. However, there are pitfalls with this view as the standards are too high. Finally, "Weak Substantive Sexual Autonomy and Consensual Realism" section discusses a view of sexual autonomy that is based on competency and consent that is based on the context of the people involved, which I consider superior to the previous two theories.

Before we delve into the topic, there has lately been a rich assortment of articles regarding sexual consent. These articles have different purposes and ranges that involve the nature of consent,¹ case studies,² particularities of what

S. Miller (✉)
Salt Lake Community College, Salt Lake City, UT, United States

makes sexual consent,³ sexual negotiation and communication,⁴ and presuppositions regarding the language of consent.⁵ While these are enriching conversations worthy of discussion, I will not be focusing on those questions here. Rather, I will focus on the conditions that pass for consent, what counts as consent, and what it means to meet those conditions.

PROCEDURAL SEXUAL AUTONOMY AND CONSENSUAL MINIMALISM

Let us take sexual autonomy as an application of personal autonomy. When discussing personal autonomy, there is a distinction between procedural and substantive autonomy. Procedural autonomy is when an agent can freely choose an action. It does not matter *what* the action is or *what* kind of being the agent is. The content of people's desires, values, preferences, and beliefs are irrelevant. Procedural autonomy is based on *how* the decision is made. What matters is that the agent makes choices through, at the very least, some critical reflection and that there are options to choose from.

Procedural sexual autonomy is procedural autonomy applied to the sexual realm. In other words, procedural sexual autonomy is choosing to engage or not engage in some sexual activity, and it does not matter what the action is or what kind of being the agent is. Nor does it matter what the agent desires or values. What matters is *how* the choice is made in that the agent can make sexual choices and that there are options among the sexual choices.

What corresponds to this type of autonomy is what I call consensual minimalism.⁶ Under this view, the necessary⁷ and sufficient condition for what counts as consent is a voluntary informed agreement. The best representatives of this view are Mappes,⁸ Wertheimer,⁹ and Steutal and de Ruyter.¹⁰ In short, this position entails that if and only if coercion, deception, or incapacitation occur, then consent is invalid, and the sexual act is unethical. According to Mappes, sex is morally permissible when the participants have made a voluntary informed agreement. Morally impermissible sex is when one person undermines the other's consent or when there is no consent to be undermined, meaning that one coerces, deceives, or takes advantage of the other's desperate situation.

Another way to look at consensual minimalism is to say that it is contractual. Raymond Belliotti argues that

When two people voluntarily consent to interact sexually they create *obligations* to each other based on their needs and expectations. Every sexual encounter has as its base the needs, desires, and drives of the individuals involved. That we choose to interact sexually is an acknowledgement that none of us is totally self-sufficient. We interact with others in order to fulfill certain desires which we cannot fulfill by ourselves. *This suggests that the basis of the sexual encounter is contractual*; i.e., it is a voluntary agreement on the part of both parties to satisfy the expectation of the other.¹¹

The sexual contract entails that we are to help fulfill our sexual needs and desires and, in return, there is an implicit expectation to help fulfill the other person's sexual needs and desires.

Philosophers Robin West and Lois Pineau have argued that consent in this framework is problematic. They both use examples of a woman in a problematic sexual encounter, but under consensual minimalism, she passes the conditions for consent. For simplicity, let us call this woman Monica. West argues that traditional consent has mainly been operating for the benefit of men.¹² She argues that it is possible for a woman to have consensual, non-coercive, non-forceful, non-criminal but harmful sex. These harms, however, may be hard to discover. Many women consent to sex when they do not desire it, and it is usually not pleasurable for them.¹³ Through several vignettes, she reveals how engaging in sex multiple times under this context can be harmful: her self-assertion and self-possession are weakened, her integrity is lessened, and, most notably for our discussion, her autonomy is drained. In these experiences, having consensual but unwanted sex over time can take a toll on her. Since it is wrong to act in ways that cause (unjustified) harm to oneself or others, not all sexual activity engaged in under conditions of voluntary informed consent is morally acceptable. Moreover, even if a "yes" was obtained, the "yes" could have been worked out through aggressive tactics.

Pineau discusses a young woman (again, we will call her Monica) who goes on a date with a man.¹⁴ Monica feels attracted to him and believes that he feels the same way. She hopes there will be mutual enjoyment with mutual interest. However, the mutual and reciprocal interests are not realized. She feels immense pressure to have sex with him, though she does not want to have the kind of sex he does. The man uses aggressive, high-pressure tactics to have sex with her, such as various pressures that make it difficult for her to say "no." She has trouble disengaging his body from hers and wishes he would go away, but she feels stuck because she feels afraid to say "no" lest his high-pressure tactics become violent. Instead, she goes along with him just to get it over with. He does not even notice she finds the encounter disagreeable and probably still would not have changed course if he had. He congratulates himself for his aggressive tactics in that they paid off. Monica, however, does not feel quite right with the experience.¹⁵

The problems that West and Pineau reveal are that consensual minimalism allows men to have the upper hand and that the choices Monica makes are not genuine even if it looks as if there are options. Their target also aims against procedural sexual autonomy, which is similar to the criticisms against procedural autonomy. Procedural autonomy has difficulty explaining away oppressive measures. With internalized oppressive norms, what if society is structured in such a way that we are not really autonomous, but we *think* we are?

According to the criticism, it is difficult to ascertain whether a decision is made through our autonomy or because of our socialization. Thus, the agent's choices could be adaptive preferences. Adaptive preferences are when agents under oppressive social conditions unconsciously adapt to choose and prefer

various options within that context. Sometimes they are known as “deformed desires” depending on the context. Performing these adaptive preferences relies on subordination and oppression, which do not count as autonomous. Therefore, procedural sexual autonomy is insufficient to describe what counts as autonomous.

Munro illustrates the problem:

Imagine, for example, a woman who has sex with her male partner, not so much because she wants to, but because she knows that he wants her to. In the absence of overt coercion or deception, this would be condoned and normalized as an unproblematic instance of consensual sex under a minimalist approach. But under this more ambitious consent-plus model, that conclusion would have to be postponed pending an investigation of the context of, and motivations underpinning, the intercourse. If the woman complied because she loves her partner, values their relationship and knows that responding to his sexual advances is important to its health, this may be a legitimate expression of agency, reflecting her endorsement of the benefits that accrue to her as a result of the exchange. By contrast, if she complied because she fears she cannot survive financially without him or is afraid of his (as yet unthreatened) retribution in the event of rebuttal, her involvement emerges as self-alienating, undertaken in pursuit of an unendorsed benefit, and thus problematic.¹⁶

Notice that under procedural sexual autonomy, the woman in question is autonomous because she made her decision freely, meaning without external coercion. She also decided with some critical reflection. However, procedural sexual autonomy is insufficient for genuine consent to emerge under oppressive circumstances, even minimally.

SUBSTANTIVE SEXUAL AUTONOMY AND CONSENSUAL IDEALISM

The substantive form of autonomy is more robust than the procedural view and is packed with a stronger view of what it means to be autonomous. If a choice is made under certain conditions and/or the agent is of a certain type, then the agent is autonomous. The choice is not based on subjective criteria, but on some “external” criteria. Morten Ebbe Juul Nielson explains why:

formal [procedural] conceptions of autonomy that are meant as action-guiding are said to be so, but it remains unclear *why*. If one launches a formal [procedural] conception of autonomy and adds that “autonomous choice should be respected,” we would like to know *why*. If choice is not linked to some sort of value—for instance, to a conception of human flourishing—it is hard to see why we should respect it. Formal conceptions of autonomy, then, stop short of providing us with reasons.¹⁷

Substantive autonomy enriches the agent because it maximizes autonomy or furthers the conditions of autonomy. The necessary conditions for an action to

be consensual are the same as consensual minimalism (i.e., voluntariness, being informed, agreeing to the action). However, for substantive autonomy, the choices must also foster the conditions for flourishing. Moreover, from Nielson, we can say that if people are flourishing, then they are substantively autonomous. And to be substantively autonomous requires that the content of their choice is valuable for which people ought to aim. Therefore, there is something underlying autonomy, something that is objectively and normatively valuable for people to flourish. If Nielson is correct, then the objective and normative values are “providing us with reasons” for autonomy.

Moreover, proponents of a strong substantive autonomy argue that “preferences are autonomous if and only if their contents correspond to morally permissible or correct features of the world.”¹⁸ Certain external conditions are necessary for the agents to be autonomous and thereby flourish. One significant external condition is the world being just such that agents can achieve autonomy without their options continuing their oppression. Therefore, to be autonomous is to have the right psychology corresponding to a world without severe constraints. No one would choose to be enslaved or be a deferential wife and still consider themselves autonomous according to substantive autonomy theorists. Here, they solve the problem that challenged procedural autonomists.

By applying substantive autonomy to the sexual realm, there is substantive sexual autonomy. Here the sexual choices agents make *do* matter; their desires and preferences behind their choices must have the right content, which is when the choices further one’s sexual autonomy and help the agents sexually flourish which, in turn, would thereby constitute their overall well-being. People cannot make *any* sexual choice they want. After all, certain choices can lower one’s well-being. Therefore, some choices are illegitimate because certain choices—certain “deformed desires”—do not lead one to flourish.

The type of consent that corresponds to substantive autonomy is what I call consensual idealism.¹⁹ Under this position, representatives argue that consensual minimalism is necessary but not sufficient for sexual activity to be ethical. Rather, there is a moral requirement that people ought to acknowledge and be responsive to each other’s needs, desires, and feelings. A representative of this position is Yolanda Estes. She agrees consent is a necessary condition for moral sexual behavior yet adds two additional criteria: “each sexual partner exhibits concern for the other’s interests and needs insofar as their wellbeing includes and extends beyond their sexual wellbeing” and “each sexual partner attend[s] to the other’s desires.”²⁰ Starting with the first, without having a concern for the other’s interests and needs, the sexual interaction could undermine well-being. She points out that “sex without desire results in sensual or emotional dissatisfaction at best and physical or psychological trauma at worst.”²¹ Not paying attention and not having any interest in the partner’s needs and desires shows a lack of respect. In shorter, non-committed sexual relationships, it becomes more imperative for more transparent, explicit, and specific communication.

For the second criterion, to attend to the other's desire is to know what the other person wants. There must be communication, though not necessarily verbal, which provides the partners enough knowledge to determine whether there is a reasonable, reciprocated consent and an understanding of each other's concern and desire.²² Communication cannot be rushed or it risks neglecting the other's desires. Estes states:

We can take time to gain some sexual knowledge of our partner by proceeding cautiously and unhurriedly in the initial stages of a sexual relationship. This increases the chance of correctly interpreting and addressing expressions of consent, expectation, and desire. Before, during, and after sexual interactions, we can solicit more explicit, specific expressions of our partner's thoughts and feelings; observe our partner's reactions carefully; and reflect diligently on what we hear and see. This enhances the possibility of reciprocal consent, concern, and desire while improving our sexual technique and our opportunity for a repeat performance.²³

“Enthusiastic Consent”

One condition to consider within the framework of substantive autonomy is the popular phrase “enthusiastic consent.” What is striking is that there are no investigations of “enthusiastic consent” among philosophers. After a search on philpapers.org and academia.edu, I could not find academics who defend “enthusiastic consent” as a necessary (nor a sufficient) criterion for consent. Those who require enthusiasm as a necessary condition are various sex educators, sex and relationship coaches, and Planned Parenthood.

Project Yes notes that sex must start with enthusiastic consent which means “being as excited and into someone else's enjoyment as we are excited and into our own enjoyment.”²⁴ Planned Parenthood states that “When it comes to sex, you should do stuff you WANT to do, not things people expect you to do. If someone doesn't seem enthusiastic (meaning happy, excited, or energized), stop and check in.”²⁵ In 2014, McGill University held a Forum on Consent and declared that real consent “must be loud and clear. Sex without enthusiastic consent is not sex at all. It's sexual assault or rape.”²⁶ Thus, a weak “yes” or a nonchalant “yes” is not good enough. The “yes” must be “loud and clear.”²⁷ Feminist writer and activist Jacklyn Friedman states that a “yes means yes” philosophy means that only valid consent is enthusiastic consent, which means that “you shouldn't do anything that your partner isn't actively excited about (or at least excited to try).”²⁸ Even pop icons like actress Jameela Jamil declared that when it comes to consent, “make sure the other person is not just willing, but damn well enthusiastic.”²⁹ And “CONSENT SHOULDN'T BE THE GOLD STANDARD. That should be the basic foundation. Built upon that foundation should be fun, mutual passion, equal arousal, interest and enthusiasm.”³⁰

Despite the popularity of enthusiastic consent, some thinkers have implicitly questioned it. Quill Kukla notes that we can consent to sex where we feel ambivalent or game to do an activity but not enthusiastic about doing, such as when we know our partners enjoy an activity, but we find the activity neutral.³¹ Lily Zheng, a former columnist for *The Stanford Daily*, argues that enthusiastic consent assumes various norms, and these norms play into hegemonic masculinity. Enthusiasm for men, Zheng argues, “manifests itself as confidence, social aptitude and extroversion. So how do shy men express ‘enthusiastic consent?’”³² Introverts may have a harder time expressing their enthusiasm. Moreover, race plays a role. Considering that Asian masculinity is depicted as passive, desexualized, and sexually compliant, is their enthusiasm different from a white man’s enthusiasm? Black women are hypersexualized to the point where they are perceived as already enthusiastic, even if they really are not.

Adding to Zheng’s analysis, gender also plays a role. Heterosexual, cisgender men are always socialized to desire sex to perform their masculine gender. Thus, enthusiasm to consent—let alone enthusiasm to have sex—comes easy for heterosexual, cisgender men.³³ For heterosexual, cisgender women, they are socialized to not explicitly show their sexuality,³⁴ let alone show that they desire sex. Enthusiasm may be harder to come by due to their socialization. Moreover, even if they were to desire sex, they may be reluctant to show their enthusiasm, again due to socialization and fear that enthusiasm may give them an unfavorable reputation.

Asexual and queer people do not follow the heteronormative scripts and so their cues on interpreting, giving, and receiving enthusiasm may be different. An asexual person who goes by the name of “Siggy” declares that he cannot imagine shouting “hell yes” to consent.³⁵ Asexual people sometimes are involved in sexual relationships. They do so because they know their partners enjoy sex, and so some asexual people will have sex with their partners to cement their relationship. Nevertheless, Siggy notes that while they consent to sex in a healthy relationship, asexual people may not be particularly “excited” to have sex, nor do they experience “hotness” when it comes to consent. Nevertheless, they consent to sex because they know their partner enjoys sex.³⁶

Finally, while there may be enthusiasm for those at the beginning of their sexual relationship, the enthusiasm lessens over time as the partners get to know each other. “If consent is only granted with a loud, emphatic ‘YES,’ a coy or shy sexual response becomes a complex question of permission. It’s unnecessary. Especially since in many marriages, for example, enthusiasm wanes as the years go on—but that doesn’t mean men are abusing their wives.”³⁷ Indeed, no enthusiasm does not mean the sex is unethical; it could mean that the novelty has worn off, but the sex is still pleasurable and enjoyable. We can even imagine a stereotypical long-term happily married couple where one person asks whether to have sex or not, and the other person unenthusiastically responds: “yeah, sure.” There is little to no enthusiasm, but this does not mean that there is sexual assault happening. To add to the list, sex workers, those

who have sex to maintain the relationships (i.e., maintenance sex), and those who have sex purely for the sake of reproduction, would not meet this criterion.

Beyond enthusiastic consent, there are two problems with consensual idealism. One problem is that some of the features set too high a standard. For example, suppose there is a new couple and they want to have sex. We can even assume that there is strong chemistry—even enthusiasm. However, once they start, there is a bit of awkwardness: they see each other naked for the first time, one of them may be self-conscious, they fumble during sex, which makes the experience sub-par, and perhaps one (or both) are thinking not directly about fulfilling the desires of the other, but more on the mechanics of sex, which detracts from their enjoyment. Both are disappointed when they end. Nevertheless, they want to give it another round at a later time. They did not mutually try to satisfy nor attend to each other's desires, nor did they exhibit concern for the other's sexual well-being. This is not the ideal sex act—which would be where both partners enjoyed the act and exhibited skill—but it does not make the act unethical.

A second problem—which relates to the last—is that people, especially when they are novices or feel uncertain about sex, may not know what they want. They may engage in various activities for curiosity, experimentation, or simply “just to try it out.” There is no mutual desire to be had since one is unsure what sort of desires one has. Indeed, young adults and adolescents are still figuring out their own sexual boundaries and values. If consensual idealism is the standard to reach, then very few young people and adolescents actually consent. Going back to enthusiastic consent, they may not enthusiastically say “yes” because they are not sure what they are enthused of, but they still want to have the sexual experience for the reasons mentioned above.³⁸

The criticisms of consensual idealism also reveal problems with substantive sexual autonomy. The higher the standard for sexual autonomy, the more stringent the conditions are to be autonomous. And the more stringent the conditions, the more expectations there are to be sexually autonomous. However, if we have too many expectations (such as living without oppressive contexts), then fewer people fit the conditions of being sexually autonomous. Considering that many young people are still figuring out their sexuality, substantive sexual autonomy would have to conclude that young people are rarely sexually autonomous. Indeed, the only people that could be sexually autonomous would be people without any oppressive circumstances. But because we are always in some sort of power structure, no one is purely sexually autonomous. And if no one is sexually autonomous, then no one can truly consent.³⁹

Another problem with any ideal theory is that it ignores context and a broad spectrum of cases as falling short in the same way. Elizabeth Sperry uses six cases revealing the problems with substantive autonomy.⁴⁰ Influenced by Sperry, I will change the cases a bit. Suppose Ann engages in sexual activities because her husband enjoys them. She wants to please her husband and does what she can to make sure his pleasures are heightened. Her “deformed desires” are so entrenched that she is not even aware of other possibilities. She is

unreflective of her desires. Barb also engages in sexual activities with her husband. Some of the activities bother her, but she enjoys watching her husband being pleased and feels a sense of accomplishment that “she did that” such that she feels more attractive and sexy. Barb reflectively decides that the inconvenience is worth it and reflects on her desires, yet bargains with patriarchy. Eve considers the priority of her male partner’s sexual pleasures as oppressive and corrupt. In any sexual activity with her male partners, she makes sure that her pleasures will happen and thereby rejects any deformed desires and does not bargain with patriarchy. Proponents of substantive autonomy will endorse Eve as being autonomous and Ann as being heteronomous. But what about Barb? Proponents would argue that since she does not meet the ideal conditions, she is also heteronomous since her desires and behavior align with patriarchal standards. However, she questions them, even if she retains them. Thus, even by retaining these desires, she is more autonomous than Ann. A theory of autonomy should explain *how* Barb is more autonomous than Ann and substantive theory has difficulty explaining that by retaining ideal standards.⁴¹

Relatedly, another problem is that substantive autonomy is what Serene Khader calls “promiscuous paternalism.”⁴² People’s choices give us clues to what they care about, and not paying attention to what oppressed people care about desensitizes us to their objections to strategies for feminist change.⁴³ If, however, their choices are replaced by opportunities to increase their well-being, their choices are still diminished. If some choices are illegitimate, then substantive autonomy is too restrictive even if those opportunities are for their well-being. Paternalistic interventions try to improve other’s well-being “for their own good” even if it ignores how people *feel* about the intervention. Applied to the sexual realm, some people consent to various sexual practices that are against the norm: BDSM, kink-behavior, fetishes, and role-play just to name a few. Suppose there was a stringent condemnation against these practices because it hinders people’s well-being. Therefore, people who choose to engage in these practices are dupes of their own oppression. And so, their choices are invalid. However, restricting people’s sexual choices risks ignoring people’s reasons for their choices without knowing the context. With the examples of Ann, Barb, and Eve above, let us say that Ann and Barb engage in BDSM where they play the sub, the participant who willingly gives control to the other partner which is usually the dom. This activity has had some contention among feminists because BDSM looks to replicate male domination, especially if the female plays the sub. Ann does so because it is what her husband likes. Barb does so because her husband likes it, and after reflecting on it, she feels neutral about it. There is no harm to her, but she engages in it because she enjoys the pleasure that her husband receives. Eve enjoys playing the sub and receives intense pleasure from the activity. And like above, she demands that her pleasures will happen. As from before, substantive sexual autonomy would have to commit to the idea that all three are oppressed and therefore are not really autonomous in choosing to play the sub. But are they not autonomous in the same way? Even *if* BDSM was oppressive, the context reveals that Eve is

less heteronomous than Barb and Ann. Ann would be the most heteronomous. And again, a substantive theory that holds to ideal standards would have difficulty explaining why Eve is less heteronomous.

WEAK SUBSTANTIVE SEXUAL AUTONOMY AND CONSENSUAL REALISM

With the problems of both procedural and substantive sexual autonomy, is there another route that keeps the advantages and discards the disadvantages? Diana T. Meyers offers a route within the procedural account but with an added oomph. Paul Bensen considers this position as weak substantive autonomy.⁴⁴ Weak substantive autonomy has normative constraints, not on the contents of people's preferences and values, but more on utilizing certain values that constitute autonomy. For Meyers specifically, her account is a skills-based view of autonomy⁴⁵ in that agents must have autonomy competency: a collection of agentic skills and capacities. The collection of agentic skills that Meyers has in mind include introspection, communication, memory, imagination, analytical reasoning, self-nurturing, and resistance to pressures to conform. "Embedded in these skills, I discern a panoply of epistemic and psychological values: perspicacity, resourcefulness, creativity, rationality, self-esteem, stability, resilience, tenacity, and corrigibility, to name a few."⁴⁶ These skills build self-definition, self-discovery, and self-direction which Meyers sees as necessary for autonomy. If traditional gender socialization compromises women's capacities to achieve full autonomy and damages their self-respect, this kind of socialization is oppressive.⁴⁷

One of the benefits of Meyers's view of autonomy is that autonomy comes in degrees depending on how the agent gains those capacities and exercises those skills. Moreover, Meyers asks whether all desires deserve the same weight. After all, if desires come about due to their oppressive circumstances, should those desires be given credence? If yes, then we seem to be feeding into the oppression. If not, then we would ignore those who have those desires, which disrespects them. Meyers answers that not all desires have the same weight. If the desires come about autonomously—meaning if the acquisition or endorsement of those desires came about through competent skills—then those desires should be given more weight than desires that have not been critically reflective because they are built into the social norms and expectations.

I endorse Meyers's version of autonomy when applied to sexual autonomy. I will call it weak substantive sexual autonomy. To be sexually autonomous, certain competency skills are needed, such as knowing when one is ready, communication, the courage to say "no," the ability to accept a "no," and emotional intelligence. Sex educatory theorists Michelle Fine and Sarah McClelland point out that sexual agency includes skills such as asking for help, negotiating risk, engaging in critical analysis, and pursuing pleasure.⁴⁸ These skills, however, seem to be virtues (either moral or intellectual).⁴⁹ However, developing these skills as virtues is beyond the scope of this chapter, but it is worthy of research.

The Complexities of Sexual Consent

What view of consent comes from weak substantive sexual autonomy? The issue becomes complex after considering the latest empirical research discussing sexual responses and how they vary between males and females.⁵⁰ Let me briefly bring up three differences and suggest how these differences make consent more complex. The first difference discusses sexual concordance, which is the (mis-)match between one's subjective and one's physiological sexual responses. A plethysmograph machine detects physiological sexual responses (e.g., blood flow, penis erection, vaginal fluid). Meanwhile, people report whether they are subjectively aroused or not. If the subjective and physiological arousal match, then there is a sexual concordance. Empirical research suggests that men typically show a concordance 50 percent of the time, whereas women show a concordance 10 percent of the time. In the case of women, they will say they are not subjectively turned on, but their physiological responses suggest otherwise 90 percent of the time.

The second difference is the dual-control model, the description of modulating sexual arousal. There is the sexual excitation system, which Nagoski calls the sexual accelerator, and the sexual inhibition system, which she calls the sexual brake. Every person has this, and some accelerators and brakes may be more sensitive than others. The sexual excitation system notices relevant information in the environment to motivate arousal (e.g., partner's appearance, ways your partner makes you feel, novelty). The sexual inhibition system notices relevant information in the environment to dissuade arousal (e.g., stress, body image, trauma history, relationship conflict, sleep deprivation, reputation).

On average, men appear to have more sensitive sexual accelerators and women have more sensitive sexual brakes.⁵¹ Nagoski discusses that when we want to turn our partner on, we often think that we just need to press the accelerator more. However, since women are more likely to be attuned to their brakes, they may need to release the brake pedal so that sexual arousal can initiate. Simply turning people on is not merely a matter of touching or caressing, but setting up a context where they are comfortable and already set in a situation where they could be easily aroused. Or, as Nagoski puts it, "arousal is the process of turning on the ons and turning off the offs."⁵²

Finally, the third difference involves the genesis of sexual arousal. We often think of sexual arousal happening spontaneously: sexual arousal appears out of nowhere, and we want to have our sexual desires fulfilled, which Nagoski calls *spontaneous sexual arousal*. This narrative is so strong that we assume it is a universal human condition. However, Nagoski points out that spontaneous arousal typically works around 75 percent of men and 15 percent of women.⁵³ Conversely, other people typically have *response sexual arousal*, which is when arousal arises *after* the accelerator has been pressed and/or the brake pedal has been released. In other words, the person is in a state of arousal *in response* to a context that fosters sexual arousal. This form of arousal occurs in roughly 5 percent of men and 30 percent of women.⁵⁴

With these factors in play, consent becomes complex. For simplicity, let us call this woman who has these typical responses Tonya. She is more likely to engage in sexual relations when the context is set up just right. Moreover, Tonya's sexual desire is responsive rather than spontaneous. Thus, in Tonya's experience, she has difficulty initiating sexual encounters because she may not currently be in the mood. However, she could be, given the right physiology (i.e., possible sexual non-concordance) and the right context (i.e., the release of the brake pedal) from a good external source (i.e., responsive desire from her partner as opposed to someone with aggressive sexual tactics). In this sense, perhaps a playful nudge, a soft persuasion, a positive pressure,⁵⁵ or a helpful sway would be ethically permissible. With these complexities and context, there is no problem with consent being *positively* brought out.⁵⁶ Indeed, if we could imagine an ideal society without any unethical sexual actions, the helpful sway would be unproblematic to bring forth ethical sexual conduct.

What makes this experience more complex is that of young female adolescents. Most young adolescents are novices when it comes to sex and, for many young women, discussing and thinking about sex, especially sexual pleasure, is still taboo. Thus, many young women may not know their boundaries—what sort of pleasures they have, what they desire, or what they are willing to do. At the beginning of many sexual experiences, Tonya may feel awkward at first. However, she consents to sex because of the context, which enables her arousal mechanisms and thus increases her desire.

With Nagoski's discussion in mind, I claim Tonya's experiences reveal the complexity of sexual encounters and sexual consent, but traditionally most of the literature has focused primarily on women such as Monica, as manipulated actors in the encounter. To show the difference, suppose we had a young woman going on a date with a man. The date seems wonderful, and both parties seem to be enjoying themselves. Later that evening, the man tries to initiate some sexual contact. He is not doing it aggressively, but he is making his intentions known. The young woman is not against having any sexual relations with him, but she does not desire to have sex right then. He displays more arousal techniques. She may experience a mixture of feelings such as awkwardness, stress, vulnerability, self-consciousness, joy, pleasure, detachment, connectedness, and nervousness. Moreover, she may feel unsure because part of her enjoys the experience, and another part of her is hesitant to engage.⁵⁷ At some point, his efforts to arouse her succeed in acquiring her permission to initiate the next level of sexual intimacy, even if she remains unsure of herself. During the sexual act, she continues to consent, but she is dissatisfied with the experience: maybe his technique is unimaginative, and to be honest, he half-heartedly focuses on her. It is an awkward experience, but she tells herself that if they continue to see each other, his technique could improve, they will be more familiar with each other's bodies, and overall, things may get better. This is not the worst sexual experience that she has had, but it is undoubtedly lackluster. Eventually, however, this woman starts to feel more at ease and relaxes. She can slowly get into the flow of the sexual experience, even if it was not

enjoyable from the beginning. She may not be in the mood or turned on, but she could be if she sees some potential in future encounters, or she may be aroused throughout the sexual encounter. She may consent to the act, even if she is presently not aroused. Or, to make it even more complicated, her lack of experience may mean she does not know what turns her on, so she may be confused as to whether she is aroused or not, but she still consents nevertheless.

Traditionally, the woman I just described is considered Monica's experience. However, the experience easily could have been Tonya's. There may be differences between how men and women desire sex but, as Nagoski's work suggests, these differences seem to have some biological basis.⁵⁸ Even if men initiate sex more often than women, there is ethically no *prima facie* wrong happening. Specifically, Nagoski points out that it is normal to feel ambivalence around sex and that a stimulus can hit the accelerator and brake pedal simultaneously, particularly if the person has learned that sexuality is a threat. For example, inexperience could be considered a "threat" of sorts in that people may experience being turned on but not be quite sure if they should continue.⁵⁹ We can compare this to inexperienced dancers who may accidentally step on each other's toes, say "sorry," and continue dancing, with everyone still enjoying themselves.

Tonya's and Monica's sexual experiences have been conflated and I suggest three components to show the differences. First, Monica's autonomy and integrity are weakened due to her motivations.⁶⁰ A study from Emily Impett and her colleagues shows that the *motivations* for engaging in sex with a partner when one does not specifically desire sex are important. In this study, there are two types of motivations: approach goals and avoidant goals. Approach goals are goals that one pursues to reach a positive outcome, whereas avoidant goals are those one pursues to avoid a negative outcome. In the sexual domain, approach goals could be obtaining pleasure, helping a partner obtain pleasure, and increasing or maintaining relationship satisfaction. Avoidant goals could be avoiding sexual or relationship conflict, a partner's loss of interest, or relationship tension. The study suggests that when someone consistently pursues avoidant goals in their relationship, they are more likely to experience a breakup, find the relationship dissatisfying, or be less satisfied with their sexual experiences over time. In short, consistently pursuing avoidant goals can be detrimental to maintaining relationship satisfaction.⁶¹ Monica's motivation was to avoid a scenario, whereas Tonya wants to approach a scenario.

The second missing component comes from what Ann J. Cahill argues is the nuance between coerced sex and reluctant sex. Cahill considers the sexual experiences motivated by consistent avoidant goals to be "unjust sex." Monica's experience is not explicitly sexual assault because there was consent, but the situation did not present her with options that engage her autonomy skills, let alone promote her well-being. In fact, Monica is presented with a dilemma in which she chooses sex because it is the least bad option. In these scenarios, Monica is a victim of "unjust sex."

So, what is the marker between sexual assault and the “grey area” of unjust sex? Cahill states that “sexual assault entails a sexual interaction where one person (the assailant) either overrides the will of another (the victim) or exploits the situation wherein the victim’s will is inoperative.”⁶² Unjust sex, the sex in the gray area, would be where consent was given reluctantly, where the woman may have had a split will during which she was hesitating and less than willing.⁶³ Could this description help make a distinction between Monica’s and Tonya’s experiences? In both scenarios, the women are hesitating, reluctant, and may have a split will. They are both unsure of the experience. However, the difference is that Monica is less than willing, yet feels she has no choice but to consent.⁶⁴ Tonya is willing, more than willing, or taking a chance and choosing to engage in the sexual interaction. She may also feel unsure, but she has the option to opt-out if she wishes.⁶⁵

For the third missing component, Monica and Tonya are sexual agents but expressed differently. My influence also comes from Cahill who states:

A sexual subject does not merely have sexual agency prior to any given sexual interaction, as a kind of freestanding capacity or resource; rather, both the existence and the quality of that sexual agency emanates from sexual (and other) interactions. ... For me, agency in general is both deeply embodied (and thus profoundly affected by bodily interactions with other subjects, specific environments, objects, and discourses of inequality) and fundamentally, not peripherally, intersubjective.⁶⁶

Monica’s sexual agency is not intersubjective but is reduced to the man’s sexual agency in an unethical way because her contribution to the sexual action is an afterthought, as a way to cross off the checklist of what counts as consent. Again, it is worth quoting from Cahill:

the woman’s agency is deployed *only* to be used against her. Or, to be more precise, the woman’s agency can be deployed only to facilitate a specific sexual interaction whose content (that is, the particular acts that will make up the interaction) is predetermined and remains largely unmarked by the specific quality of the woman’s sexual subjectivity. Her sexual agency is employed in a weak way, as a mere accreditation of the sexual interaction that is being offered to her. Because her agency is merely providing a kind of ethical cover to the interaction being offered, the interaction itself does not enhance either her sexual agency (that is, it does not empower her to become more knowledgeable or forthright about her sexual needs, desires, and interests in the context of this particular relationship) nor, most likely, does it broaden her sexual subjectivity by creating more possibilities. In this sense, the interaction most likely does not contribute positively to her sexual becoming or flourishing. Thus, her sexual agency is hijacked, used not to forward her interests, but in fact to undermine them, particularly those interests that are related to her always-developing sexual subjectivity.⁶⁷

On the other end of the spectrum, Tonya's interests are not ignored but taken as a factor to consider. Her experiences may be treated with respect, but they may also be treated with reckless indifference or ignorance. There may be confusing moments, but this is primarily due to the ongoing relationship she has with her partner, her familiarity with her body and her partner's body, whether she is comfortable or awkward, whether she is stressed, and so on. Nevertheless, she may continue to act in the hopes that it may get better. Overall, she may be able to flourish sexually. In some cases, she enjoys the act; in others, she may find the experience wanting, but she does not consider the act violent or assaultive, nor does she regret or even consider it "unjust," unlike Monica, who cannot flourish. If, over time, Tonya feels consistently unsure about her sexual actions but still consents, it is possible that she would slowly lose her sexual well-being and that the act would increasingly become "unjust sex," in which case, she may end up like Monica.⁶⁸

To sum up this section, there is a plurality of ways to look at consent, but the addition of looking at how desires and arousals function biologically and looking at the context of the encounter requires us to take this reality into account. Therefore, I call my position "consensual realism."⁶⁹ The realism is not looking at the principles of consent first and apply them to people's experiences. Instead, we start by looking at Tonya's experiences, which include her desires, interests, and the context of the sexual encounter. Consensual realism is above the minimum standard and above what Ann Cahill calls "unjust sex" since any sexual activity within that field would be unethical. Moreover, consensual idealism is too rigid in its principles in that it ignores the context and how well the people know each other. With that, my position lies between consensual minimalism and consensual idealism, which is where Tonya's experiences lie.

Adopting from Kukla, autonomy itself is not all or nothing; it comes in degrees. There are paradigmatic examples of being autonomous or not, but there are thresholds when one is *sufficiently* autonomous.⁷⁰ Likewise, I suggest that since sexual consent correlates to these different theories of autonomy, there are various conditions when consent takes place. This brings up the question as to whether consent comes in degrees. Since weak substantive sexual autonomy can accommodate degrees, and since consent relates to autonomy, consensual realism also comes in degrees which stipulates that we should have a heavy dialogue to determine the ethics of fringe cases.⁷¹

Tonya's experience will change depending on the context, but the context will inform whether the interaction is ethical or not. For example, suppose Bob is with Tonya and they are in tune with each other's bodies and can easily read each other's body language. Let us also suppose that they have been in a relationship for a long time; the background of the relationship would give them the experience and context of how to engage in a sexual way that is fun, exciting, and caring. Since Bob and Tonya have known each other for a while and know how to turn each other on, it is almost as if they can do it automatically to gain pleasure for themselves and for each other. Because they know what

they are doing, the context suggests that there is a low bar to hurdle. Therefore, they may affirm each other's consent, even to the ideal realm, and they can do so easily.

Now consider Tonya and Jess. They are at the beginning of their sexual relationship, so they have not yet developed the experience of what turns them on, their limits or boundaries on what is appropriate, or what they can do to enhance the experience rather than it leading to awkwardness. Because of this context, there is a higher bar to hurdle. Both Tonya and Jess have to put in extra effort for a mutually enjoyable sexual encounter, which could mean check-in with each other, be more sensitive to the reactions and body language of each other, display a more caring attitude to make everyone more comfortable, and communicate beforehand to ensure each other's boundaries, or at least have a good certainty that pleasure will not be diminished.

Finally, as another example, Tonya may be of two minds about a sexual act, even if she completely trusts a long-term partner. Suppose Tonya has been seeing Kim for quite a while. They trust each other and enjoy being with each other. They have had a sexual relationship that is both satisfying and pleasurable. Kim suggests trying a new activity that is somewhat adventurous and risky (e.g., anal sex, swinging, bondage, or a threesome). Tonya has never thought about the activity except in the abstract. Part of her never thought she would want to participate in it, but she has never categorized the activity as an absolute "no." So when Kim presents an opportunity to try out this new activity, Tonya is not quite sure. The hesitancy, however, is not from her not wanting to do it, but from the idea that she has never thought about wanting to do it. Thus, Tonya is partially intrigued, curious, and game to try it out.⁷² At the same time, she is not entirely sure since she is dismayed at the request, worried that the negative consequences could outweigh the benefits, and made to be in a vulnerable position.

Tonya decides to do it even though she is of two minds. Notice that this does not equate to having second thoughts. Having second thoughts entails regret or going along with the activity "just to get it over with." Being in the state of two minds, on the other hand, means she is actively going along with the activity and says "yes" to the activity, but the "yes" is not an excited one. Let me be clear. Tonya is not being coerced and manipulated into the activity. The "no" can easily be used without awkwardness. The "yes" that Tonya states is active and not an acquiescing "yes." The phenomenon of being in two minds comes about by the novelty of the activity, which can have a combination of excitement (incentivizing her to do the activity) and uncertainty (which makes her skeptical about doing the activity). If, on the other hand, this was repeated over time and she said yes just to go along, or if she felt like she had to say "yes" to avoid awkwardness or relieve pressure, then she may become like Monica over time.

CONCLUSION

Taken altogether, sexual consent is nuanced and more complex than we think. It is not just a “yes” or a “no” for many encounters. Indeed, when most people have sex, they hardly explicitly garner a “yes” or state a “no.” Instead, we are searching for clues and giving clues to see if it is ok to proceed, slow down, or stop. Most sexual initiations happen non-verbally. If many sexual interactions happen non-verbally, then we need to teach consent based on giving/receiving clues, and that, of course, depends on the reality of the context.⁷³ The context is varied and open, but this means that it requires more careful thought and attention to our sexual avenues to determine ethical sexual activities and distinguish between sexual assault, “unjust sex,” and permissible sex.

NOTES

1. These discussions involve what consent *is*. One view is the attitudinal account, which states consent is given by having a mental attitude. Consent is, therefore, a psychological attitude toward that act. Another view is the performative account, which states consent is given by communicating (either verbally or non-verbally) and intending to do the act.
2. Berit Brogaard (forthcoming). “Sex by Deception.” In John M. Doris & Manuel Vargas (eds.), *Oxford Handbook of Moral Psychology*. (Oxford: Oxford University Press).
3. For an account of deception and how that undermines consents, see Tom Dougherty (2013). Sex, Lies, and Consent. *Ethics* 123 (4):717–744.
4. Rebecca Kukla. “That’s what she said: The language of sexual negotiation.” *Ethics* 129, no. 1 (2018): 70–97.
5. Jonathan Jenkins Ichikawa. “Presupposition and Consent.” *Feminist Philosophy Quarterly* 6 no. 4 (2021).
6. There are other names for this type of consent. This would be in the tradition of what Soble has called “thin externalism.” See Alan Soble. “Sexual use and what to do about it: Internalist and externalist sexual ethics.” *Essays in Philosophy* 2, no. 2 (2001): 37–54. We could also call this Thin Kantian Respect since consensual relations stem from Kant and the concept is “thin” because there is a minimal need as to what counts as consent.
7. I am ignoring various cases where consent is not always necessary for morally permissible sexual contact exemplified by Wertheimer. His cases are interesting, but they are beyond the scope of this essay. Moreover, I am also ignoring whether consensual minimalism or consensual idealism (“Substantive Sexual Autonomy and Consensual Idealism” section) solves the Kantian problem of moral sexual relations.
8. Thomas Mappes. “Sexual Morality and the Concept and the Concept of Using Another Person,” in *Today’s Moral Issues*, 7th Edition, Ed. by Daniel Bonevac (McGraw-Hill, 2013), 66–72.
9. See Alan Wertheimer. *Consent to sexual relations* (Cambridge University Press, 2003).

10. Jan Steutel and Doret J. De Ruyter. "What should be the moral aims of compulsory sex education?" *British journal of educational studies* 59, no. 1 (2011): 75–86.
11. Raymond Belliotti. "A Philosophical Analysis of Sexual Ethics." In *Journal of Social Philosophy*, Vol. 10, No. 3 (1979): 8, my emphasis. Belliotti never considers that masturbation is a way to "fulfill certain desires which we cannot fulfill by ourselves," unless he means some sexual interaction with *another* person. Moreover, unless Belliotti is very broad when he says, "satisfy the expectation of the other," he also seems to ignore cases of prostitution, maintenance sex, pity sex, or peace-inducing sex, just to name a few instances of sexual encounters.
12. Robin West. "The Harms of Consensual Sex," in *The Philosophy of Sex*, 6th Edition. Ed. by Nicholas Power, Raja Halwani, Alan Soble. (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2013), 387–394.
13. We can ask why do they engage and consent to sex if they do not consider the sex desirable nor pleasurable? Here are some of the answers I have received: you do not want to offend them, you do not know that you can say no, general insecurity, you have developed the habit of caring more about their pleasure than your own in an abstract sense, it kind of feels good but might be slightly painful because of dryness or minor yeast infection and you do not want to bring it up because it's not cool, you dislike them so much and think the encounter might end faster if they just cum and fall asleep, you have other stuff going on that you are trying to ignore but cannot and you already started having sex but do not want to talk about your deep-seated issues at that time.
14. Lois Pineau. "Date Rape: A Feminist Analysis," in *The Philosophy of Sex*, 6th Edition. Edited by Nicholas Power, Raja Halwani, Alan Soble, 461–484. (Lanham, MD: Rowman & Littlefield Publishers, Inc., 2013).
15. Cf. Pineau, 465–466.
16. Vanessa E. Munro. "Constructing consent: Legislating freedom and legitimating constraint in the expression of sexual autonomy." *Akron Law Review* 41 (2008): 950–951.
17. Morten Ebbe Juul Nielson. "Safe, Sane, and Consensual—Consent and the Ethics of BDSM," in *International Journal of Applied Philosophy*, 24(2), 2010, 271.
18. Natalie Stoljar. "Feminist Perspectives on Autonomy," *The Stanford Encyclopedia of Philosophy* (Winter 2018 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/win2018/entries/feminism-autonomy/>.
19. We could perhaps also call this "thick Kantian respect." Munro calls it "consent-plus." This would be in the tradition of what Soble calls "thick externalism."
20. Yolanda Estes. "Mutual Respect and Sexual Morality." *College Sex-Philosophy for Everyone*. Edited by Michael Bruce and Robert M. Stewart. (Wiley-Blackwell, 2010), 212.
21. Estes, 212.
22. Cf. Estes, 213.
23. Estes, 214.
24. Project Respect. "Consent." Accessed October 6, 2020. <https://www.yesmeansyes.com/consent/>. Does this mean that if we are not excited and into our own enjoyment, then we do not have to be excited and into someone else's enjoyment?

25. Planned Parenthood. "Rape and Sexual Consent | Information for Teens." Accessed October 6, 2020. <https://www.plannedparenthood.org/learn/teens/sex/all-about-consent>.
26. Robyn Urback, "To McGill Activists, a 'Yes' Doesn't Mean Consent," National Post (National Post, February 27, 2014), <https://nationalpost.com/opinion/robyn-urback-to-mcgill-activists-a-yes-doesnt-mean-consent>.
27. There are no details on whether consent must be verbal or nonverbal. Presumably, nonverbal consent can be clear, but can it be "loud?" I will leave that to the linguists.
28. Jaclyn Friedman. "'Yes Means Yes' and Enthusiastic Consent." Our Bodies Ourselves, September 12, 2014. <https://www.ourbodiesourselves.org/book-excerpts/health-article/yes-means-yes-enthusiastic-consent/>.
29. Jameela Jamil, "What We Need to Learn from the Aziz Ansari Clusterfuck." *Jameela Jamil—Diary of a Goon*. January 15, 2018. <https://jameelajamil.co.uk/post/169720263620/what-we-need-to-learn-from-the-aziz-ansari>.
30. Jamil website.
31. Quill Kukla, "A Nonideal Theory of Consent," A nonideal theory of sexual consent." *Ethics*, 131 no. 2 (2021): 270–292.
32. Lily Zheng. "How to Ace Sex: Why Enthusiastic Consent Doesn't Cut It." *The Stanford Daily*, November 5, 2014. <https://www.stanforddaily.com/2014/11/04/how-to-ace-sex-why-enthusiastic-consent-doesnt-cut-it/>.
33. It could be the case that it comes easy for all men (as opposed to women), but it comes easier for heterosexual, cisgender men. Gay men and trans men may express enthusiasm easier than women, but we cannot say without quantitative data.
34. However, it is a double bind since they cannot show that they are completely asexual.
35. Sigg. "I'm Not Enthusiastic about Enthusiastic Consent." *The Asexual Agenda*, March 5, 2019. <https://asexualagenda.wordpress.com/2019/03/05/im-not-enthusiastic-about-enthusiastic-consent/>.
36. There are many types of asexuals where they feel no sexual attraction, but they still have sexual desires. In which case, they may not mind having sex and still gain pleasure from it. On the other end of the spectrum, some asexuals have total sexual aversion and feel disgusted having sex. Using notes from Sigg, I am mostly discussing the former and not the latter. In the description above, I am also assuming that the sexual relationship is good, all else being equal.
37. Urback.
38. Another model to consider is the affirmative consent model. The default has been "no means no" which states that sex is ethical unless there is a "no" present. Affirmative consent changes the default in that a "yes," rather than a "no" or silence, is seen as necessary for the moral transformation that changes an act of sexual aggression or assault into a permissible engagement with the other sexually. This model has gained traction, and since there is a higher bar to hurdle, it looks as if it is tied up with consensual idealism. However, I do not see this being incompatible with consensual minimalism. One can still obtain a "yes"—even enthusiastically—without explicitly focusing on the other's sexual needs and desires. Consensual minimalism and idealism tell us the content of consent where the focus is on the ethical portion of consent; the affirmation model tells us when it is permissible to proceed by focusing on how a token

- consent can be communicated. In short, *consensual minimalism and idealism tell us what consent is; affirmative consent gives us the conditions to make consent valid*. This model does not erase all the problems of whether someone consented or not, but it does get rid of various defenses used by aggressive men to prove there was consent: “She didn’t say anything, so it was ok,” “She kissed me back, so it was ok to go forward,” and so on.
39. Catherine MacKinnon takes this view, but I argue that we should reject the high standard rather than accept MacKinnon’s view. This does not mean we should reject her criticisms, which have fair points. However, we can accept her criticisms without choosing these two options.
 40. Elizabeth Sperry. (2012). “Dupes of Patriarchy: Feminist Strong Substantive Autonomy’s Epistemological Weaknesses.” *Hypatia*, 28(4), 887–904. doi:10.1111/hypa.12007. She discusses the problems of feminist strong substantive autonomy specifically in contrast to weak substantive autonomy.
 41. Are there reasons substantive autonomists do not say that Barb is more autonomous than Ann? After all, Barb is closer to the ideal than Ann. While true, strong substantive autonomists hold that external circumstances *and* the right psychology are necessary conditions to be autonomous. Since Barb is in a patriarchal circumstance and does not have the right psychology since she “bargains with patriarchy,” she is therefore not autonomous. I thank David Boonin for bringing this to my attention.
 42. Serene J. Khader. “The Feminist Case Against Relational Autonomy,” *Journal of Moral Philosophy* (2020): 2, doi: <https://doi.org/10.1163/17455243-20203085>.
 43. Cf. Khader, 22.
 44. To be clear, Meyers is somewhat of an advocate of the “weak substantive” position, but she does not see her position as value-laden that is between the value-neutral position (procedural autonomy) and the value-saturated position (substantive autonomy). Rather, she sees her view as a value-neutral position (hence falling closer to the proceduralist camp), but she invokes an autonomy that utilizes value, namely autonomy competency skills. Indeed, she claims that all theories of autonomy are value-utilizing even if they hold to a value-neutral position. So while her position is nuanced, I will place her in the “weak substantive” camp for brevity. See Diana Tietjens Meyers, “Review of Personal Autonomy in Society by Marina Oshana,” *Hypatia* 23:2 (2008): 206 and Diana Tietjens Meyers. “The Feminist Debate over Values in Autonomy Theory.” In *Autonomy, Oppression, and Gender*, edited by Andrea Veltman and Mark Piper, 114–140. (Oxford University Press, 2014).
 45. Diana Tietjens Meyers, *Self, Society, and Personal Choice* (Columbia University Press, 1989), 56.
 46. Meyers, “The Feminist Debate over Values in Autonomy Theory,” 121.
 47. See Catriona Mackenzie and Natalie Stoljar. *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self*. (NY: Oxford University Press, 2000), 18. Indeed, Meyers points out that resistance is necessary for autonomy.
 48. Cf. Michelle Fine and Sara McClelland. “Sexuality Education and Desire: Still Missing After All These Years,” in *Harvard Educational Review*, 76 (2006): 327.
 49. The ability to communicate well could be the virtue of truthfulness, wittiness, and friendliness combined with *phronesis* of what to say at the right time. The

courage to say no is the virtue of courage. The ability to receive a “no” could be the virtue of humility and patience. Emotional intelligence and to know when one is ready is using *phronesis* such that people can display their emotions and sexual interactions at the right place at the right time. Other virtues could be temperance, generosity, and care.

50. I am indebted to Emily Nagoski’s *Come as you are: The surprising new science that will transform your sex life*. (Simon and Schuster, 2015) for this discussion from which I am taking most of this information. This is not to say that *all* males will follow a specific sexual response path and that *all* females will follow another specific sexual response path. Nagoski points out that these are averages.

A disclaimer: the studies that Nagoski provides—and therefore the rest of the essay—will be confined to heterosexual people. There is too little research on whether the sexual desires and functioning are the same for cisgender, heterosexual people, and those in the LGBTQ+ community. They very well could be, but for accuracy, the subjects in the studies are heterosexual. Fortunately, some psychologists taking note of this gap are conducting studies to understand the experiences of the LGBTQ+ community and whether their sexual functioning and well-being are the same as cisgender, heterosexual people.

51. Cf. Nagoski, *Come As You Are*, 60. Hereafter *CAYA*.
52. Nagoski, *CAYA*, 61.
53. Cf. Nagoski, *CAYA*, 225.
54. Cf. Nagoski, *CAYA*, 225. Another note: only about 6 percent of women lack both spontaneous and responsive desire. The remainder of the percentage numbers is context dependent.
55. I am indebted to Patricia Marino’s discussion on this in her paper. Patricia Marino. “Affirmative Consent and Female Desire.” Presentation, Pacific American Philosophical Association, Seattle, WA, April 10, 2017.
56. Contrast this with how Kate Manne describes men’s entitlement to sexual consent where consent is *negatively* brought out. See Kate Manne. *Entitled: How male privilege hurts women* (Crown, 2020), Chapters 3 and 4.
57. It would make sense for someone to feel a wide range, even contrary, emotions. From the dual-control model, sexual interest and desire can be ambiguous.
58. To be clear, even if men typically initiate sex more often than women, this may not be ethically problematic as long as other conditions are in play: following the rules of consent, making sure that both partners are mutually respected, and feeling comfortable to say “no.”
59. Cf. Emily Nagoski, *Come As You Are Workbook*, 26.
60. This is not to say that Monica should be *blamed* for her weakened autonomy and integrity. I am offering a descriptive account of what is happening.
61. Cf. Emily A. Impett, Amy Muike, and Natalie O. Rosen. “Is It Good to Be Giving in the Bedroom? A Prosocial Perspective on Sexual Health and Well-Being in Romantic Relationships.” *Current Sexual Health Reports* 7, no. 3 (2015): 185. doi:10.1007/s11930-015-0055-9.
62. Cahill, “Unjust Sex vs. Rape,” 8.
63. Cf. Cahill, “Unjust Sex. vs. Rape,” 8.
64. Cf. Cahill, “Unjust Sex vs. Rape,” 9.
65. This is different than experiencing sexual assault where the encounter goes *against* the will of the victim.
66. Cahill, “Unjust Sex vs. Rape,” 9.

67. “Cahill, “Unjust Sex vs. Rape,” 10.
68. Taking note from Marino’s paper where I suggest Tonya may hope that her experiences get better over time, and Monica may hope that things do not get worse.
69. I am indebted to Aubrey Spivey for coming up with this term.
70. Kukla’s conditions for a sufficient sexually autonomous person are (1) the choice is not manipulated nor coerced, (2) the action flows from the agent’s motivations, and (3) the agent has enough normative responsiveness and reflective capacities to be open to recognize reasons not to do what she is choosing to do. From my account, I take Kukla’s conditions as the agent’s choices must be voluntary, stemming from the agent’s self-definition, and stemming from competency skills.
71. Kukla has a list which they argue is neither necessary nor sufficient for consent. Rather, the list is to scaffold consent and that when some on the list are lacking, we need more of the others. The list includes trust, a concrete ability to exit at will, competent uptake, social contexts that do not undermine the agency of people’s sexual choices, avoiding activities that undermine agency, meaningful epistemic agency, redress if their consent was violated, and being socially connected. I consider this a good list as part of the context to see if the agents consented.
72. This fits into another criterion that Meyers considers necessary for autonomy, which is the person’s judgment to act on his or her judgments: “Though people may change their minds as a result of making an experiment based on their own deliberations, refusing to try out a creditable possibility compromises autonomy” (Meyers, *Self, Society, and Personal Choice*, 83–84).
73. However, if it happens non-verbally, people also need to be taught how to use their words comfortably when the time comes. See Alice Dreger. *The Talk: Helping Your Kids Navigate Sex in the Real World* (CreateSpace Independent Publishing Platform, 2016), 55.

REFERENCES

- Belliotti, Raymond. 1979. A Philosophical Analysis of Sexual Ethics. *Journal of Social Philosophy* 10 (3): 8–11.
- Brogaard, Berit. forthcoming. Sex By Deception. In *Oxford Handbook of Moral Psychology*, ed. John M. Doris and Manuel Vargas. Oxford: Oxford University Press.
- Cahill, Ann. 2016. Unjust Sex vs. Rape. *Hypatia* 31 (4): 746–761.
- Dougherty, Tom. 2013. Sex, Lies, and Consent. *Ethics* 123 (4): 717–744.
- Dreger, Alice. 2016. *The Talk: Helping Your Kids Navigate Sex in the Real World*. CreateSpace Independent Publishing Platform.
- Estes, Yolanda. 2010. Mutual Respect and Sexual Morality. In *College Sex-Philosophy for Everyone*, ed. Michael Bruce and Robert M. Stewart, 209–219. Wiley-Blackwell.
- Fine, Michelle, and Sara McClelland. 2006. Sexuality Education and Desire: Still Missing After All These Years. *Harvard Educational Review* 76: 297–338.
- Friedman, Jaclyn. 2014. “Yes Means Yes” and Enthusiastic Consent. *Our Bodies Ourselves*, September 12. <https://www.ourbodiesourselves.org/book-excerpts/health-article/yes-means-yes-enthusiastic-consent/>.

- Impett, Emily A., Amy Muise, and Natalie O. Rosen. 2015. Is It Good to Be Giving in the Bedroom? A Prosocial Perspective on Sexual Health and Well-Being in Romantic Relationships. *Current Sexual Health Reports* 7 (3): 180–190. <https://doi.org/10.1007/s11930-015-0055-9>.
- Jamil, Jameela. 2018. What We Need to Learn from the Aziz Ansari Clusterfuck. *Jameela Jamil—Diary of a Goon*, January 15. <https://jameelajamil.co.uk/post/169720263620/what-we-need-to-learn-from-the-aziz-ansari>.
- Jenkins Ichikawa, Jonathan. 2020. Presupposition and Consent. *Feminist Philosophy Quarterly* 6 (4): 4.
- Kukla, Quill (written as Rebecca). 2018. “That’s What She Said”: The Language of Sexual Negotiation. *Ethics* 129 (1): 70–97.
- . 2021. A Nonideal Theory of Sexual Consent. *Ethics*, 131(2): 270–292.
- Mackenzie, Catriona, and Natalie Stoljar. 2000. *Relational Autonomy: Feminist Perspectives on Autonomy, Agency, and the Social Self*. Oxford University Press.
- Manne, Kate. 2020. *Entitled: How Male Privilege Hurts Women*. Crown.
- Meyers, Diana Tietjens. 1989. *Self, Society, and Personal Choice*. Columbia University Press.
- . 2008. Review of Personal Autonomy in Society by Marina Oshana. *Hypatia* 23 (2): 202–206.
- . 2014. The Feminist Debate Over Values in Autonomy Theory. In *Autonomy, Oppression, and Gender*, ed. Andrea Veltman and Mark Piper, 114–140. Oxford University Press.
- Munro, Vanessa E. 2008. Constructing Consent: Legislating Freedom and Legitimizing Constraint in the Expression of Sexual Autonomy. *Akron Law Review* 41: 923–956.
- Nagoski, Emily. 2015. *Come as You Are: The Surprising New Science That Will Transform Your Sex Life*. Simon and Schuster.
- . 2019. *Come as You Are Workbook*. Simon and Schuster.
- Nielson, Morten Ebbe Juul. 2010. Safe, Sane, and Consensual—Consent and the Ethics of BDSM. *International Journal of Applied Philosophy* 24 (2): 265–288.
- Planned Parenthood. 2020. Rape and Sexual Consent | Information for Teens. Accessed October 6, 2020. <https://www.plannedparenthood.org/learn/teens/sex/all-about-consent>.
- Pineau, Lois. 2013. Date Rape: A Feminist Analysis. In *The Philosophy of Sex*, ed. Nicholas Power, Raja Halwani, and Alan Soble, 6th ed., 461–484. Lanham: Rowman & Littlefield Publishers, Inc.
- Project Respect. 2020. Consent. Accessed October 6, 2020. <https://www.yesmeansyes.com/consent/>.
- Siggy. 2019. I’m Not Enthusiastic about Enthusiastic Consent. *The Asexual Agenda*, March 5. <https://asexualagenda.wordpress.com/2019/03/05/im-not-enthusiastic-about-enthusiastic-consent>.
- Soble, Alan. 2001. Sexual Use and What to Do About It: Internalist and Externalist Sexual Ethics. *Essays in Philosophy* 2 (2): 37–54.
- Sperry, Elizabeth. 2012. Dupes of Patriarchy: Feminist Strong Substantive Autonomy’s Epistemological Weaknesses. *Hypatia* 28 (4): 887–904. <https://doi.org/10.1111/hypa.12007>.
- Steutel, Jan, and Doret J. De Ruyter. 2011. What Should Be the Moral Aims of Compulsory Sex Education? *British Journal of Educational Studies* 59 (1): 75–86.

- Stoljar, Natalie. 2013. Feminist Perspectives on Autonomy. *Stanford Encyclopedia of Philosophy*, May 02. Accessed October 20, 2020. <https://plato.stanford.edu/archives/fall2015/entries/feminism-autonomy/>.
- Urback, Robyn. 2014. To McGill Activists, a “Yes” Doesn’t Mean Consent. *National Post*, February 27. <https://nationalpost.com/opinion/robyn-urback-to-mcgill-activists-a-yes-doesnt-mean-consent>.
- Wertheimer, Alan. 2003. *Consent to Sexual Relations*. Cambridge University Press.
- West, Robin. 2013. The Harms of Consensual Sex. In *The Philosophy of Sex*, ed. Nicholas Power, Raja Halwani, and Alan Soble, 6th ed., 387–394. Lanham: Rowman & Littlefield Publishers, Inc.
- Zheng, Lily. 2014. How to Ace Sex: Why Enthusiastic Consent Doesn’t Cut It. *The Stanford Daily*, November 5. <https://www.stanforddaily.com/2014/11/04/how-to-ace-sex-why-enthusiastic-consent-doesnt-cut-it/>.