

Expanding Consent: An interview with Jaclyn Friedman

Colette Perold

(excerpt)

Allow me to introduce you to Jaclyn Friedman. A performer, poet, writer, and activist, Jaclyn is most recently co-editor of the groundbreaking anthology, *Yes Means Yes: Visions of Female Sexual Power & A World Without Rape*. Program Director of the Center for New Words in Central Square, Jaclyn organizes workshops, open-mics, speakers, political discussion, concerts, book groups and a slew of other events and activities all related to creating spaces “where women’s words matter.” Jaclyn also worked as Program Director of the LiveSafe Foundation, which organizes its advocacy around self-defense and reducing violence. I first saw Jaclyn speak when I went to the book reading of her new anthology at the YMCA in Central Square. I left there with tears in my eyes, breathing a little easier. I was overwhelmed by this book’s impact on my own life and its un-apologeticness around positive female power. Yet I also knew I was on the brink of understanding just how pervasively the reverberations of this anthology that wholly re-theorizes our current rape culture would be felt. I quickly contacted Jaclyn for an interview. We met in the yard one rainy Sunday morning, and proceeded on a tour of a variety of freshmen common rooms to find a quiet place to record the interview. After running into studious groups of freshmen sprinkled throughout, we finally found the only quiet, unlocked, unoccupied room in the yard: the garbage room of Weld. That’s right. I interviewed Jaclyn Friedman amongst bags of trash. Jaclyn was an amazing sport, and once I was over my embarrassment, we began one of the most inspiring hours and a half of my thinking life. So sit back, relax, and be prepared to have your mind blown¹.

CP: Can you explain the history of your title, “Yes Means Yes”? Where does this framework come from, and what are you trying to suggest with it?

JF: I think most people are familiar with the concept “no means no,” and that’s not an accident. A lot of activists worked a lot of decades to get the concept of “no means no” into the mainstream consciousness. “No means no” is to say that when a person says “no” to a sexual encounter or a sexual advance, you ought to stop. It’s very basic at this point. And still needs work today. I don’t think it’s a fully universally accepted concept unfortunately. But the problem with “no means no,” as important as it is, is that it doesn’t go far enough. And most of the time when we’re talking about “no means no,” we’re talking about men needing to listen to women’s “no’s.” And when we leave it there, it underlines all of the sort of diseased ideas about sex and sexuality that we have in our culture, which is that women are the keeper of the “no,” women want to say “no,” women don’t like sex, only bad women give it up, and men only want “yes.” It leaves all of those messed up dynamics in place. So “yes means yes” is about suggesting that none of us can have a complete independent sexuality – a full healthy sexuality – unless we have access to “yes” and “no” equally.

CP: What is the feminist model of enthusiastic consent and how does it tie into “yes means yes”?

JF: So “no means no” has brought forward this idea that if a woman says “no” – and I’m saying woman here in particular because that’s the construct that most of us imagine around “no means no” – you have to stop. And the corollary to that that you hear very often is, “Well, she didn’t say no.” That leaves what people consider a very blurry area where a lot of people do things that they know their partner isn’t into or doesn’t want, but will do anyway because they can “get away with it.” And what we’re saying is that those things are still sexual assault and rape. Unless you have enthusiastic consent, which is more than just the absence of “no,”

consent is not complete. When all you're relying on is the absence of "no" to equal consent, you leave out coercion, you leave out the possibility that someone is panicked or terrified, or even that the person is confused in the moment about what they want and isn't given the space to figure it out. A healthy sexual encounter – one that is free of coercion or violence – requires enthusiastic consent, which means it's your responsibility to make sure your partner is having a great time. Not just that they're willing or will let you, but that they really are excited about doing whatever it is you want to do with them. And that also is where that "yes meaning yes" comes in. And that requires a culture where women are allowed to want to have sex without being ashamed or blamed for that.

CP: How might extreme gender roles lead to a culture of rape?

JF: I think that the commodity model is a good framework for this. The commodity model is this: sex is a thing. It's something that women have. They have The Sex. And they're supposed to keep The Sex as long as they possibly can, because they can only give it away once for something of worth. After they give it away once, it has much less value, so they have to make the best trade they possibly can for their Sex, because it's really valuable, and they only get to give it away once. So they have to play keep-away with The Sex until they find the ultimate trade, which is "a good husband." That involves money and a ring [ed: thanks Beyonce] and whole bunch of other social constructions. On the other hand, on the other side of the commodity model are the men, and they're tasked with getting The Sex for as little as they can, because this is a capitalist model. Supply and demand. It's a very standard market, right? So that is where you get coercion and pressure and all of those "grey areas" because men are trying to trick women into it or sweet talk them into it or get them drunk to sort of convince them to give The Sex away without the sort of "husband" part. Now few men stop to think in this model, "Do I want The Sex? Do I want sex from this particular woman? Do I want sex right now?" Men are told from very early on, "You must get The Sex. Get it however you can. Get the best kind you can." And that's about valuing peoples' looks, peoples' skin color, peoples' youth, a whole bunch of stuff. So how a woman looks, and how she presents herself, her race, her body type – those things all play into the value of her Sex as well as whether or not it's ever been given away.

But her ability to do the Sex never comes into play here. It's about an object. So men don't have very much agency in this either – they're just playing out a script. And women on the other hand, they're not saying, "Well maybe I want to give away The Sex! Maybe I feel like having The Sex right now!" One of the most insidious things that comes out of it is that once a woman consents to give away The Sex, however tacitly, even if she just leaves it unguarded and does not object if you try to take it, then it's all fair game. Maybe he sweet talks you into it, or gets you drunk until you say "no" fourteen times but on the fifteenth time you say, "Okay, fine, take it and stop bothering me." This is all fair game in the commodity model. And then once you've said yes, it's done, it's a contract, you've signed it. You can't change your mind in the middle, you can't say "yes" to part of The Sex.

CP: The essay in Yes Means Yes which deals with this is called "Towards a Performance Model of Sex," and it's by Thomas Macaulay Millar. In it, he proposes, in contrast to the commodity model of sex, the performance model of sex. What is he getting at?

JF: He says, and what I fully believe in, is that what we ought to have, and what really blows the whole thing open, is a mutual improv performance – a jazz performance, say, although it doesn't have to be jazz – where two or more people start jamming together, and they're taking cues from each other, and they're having a good time, until they stop having a good time, and then they stop jamming. Maybe they'll jam again, or maybe one person will go jam with

someone else now. If somebody kidnapped you and forced you to go play music with them, it would be a musical act in some literal way, but mostly it would be a kidnapping. And that's what rape is. And when you think of sex as a collaborative performance instead of this crass commodity exchange, it just explodes all of our bad assumptions about sex and rape, and how those interactions work, and shows a world of how they could work. If you're a huge fan of somebody's music, you still don't want their very first performance unless you're an obsessive completist, because it probably wasn't that good. They didn't know what they were doing yet. And yet we have this obsession with virginity and saving it. Which I mean let's face it – some of us had a pretty good time our first time and some of us didn't have a great time, but we've all had better sex than our first time after our first time, because there are things to learn! Both about what we like, how to communicate, what other people might like, there's a lot of things. This fetishization of newness and lack of knowledge and lack of experience is really sort of sick and twisted if you think about it from a performance model. The whole slut-shaming thing disappears, because you wouldn't tell a musician, "You're a slut because you play with too many people!" You'd think, "Wow, they're really into music because they're getting a lot of practice in. They clearly enjoy it." You'd think either, "I like their music," or, "I really don't like their music." All the baggage that comes along with the commodity model just falls away when you turn it on its head and think about sex for what it is – what it really actually should be – which is a collaborative, enthusiastic performance, between two or more willing partners.

CP: What are the limitations of this model of enthusiastic consent?

JF: Well, there are plenty of contexts in which consent is a non-issue. I mean there's an essay in the book about immigrant women and how this model does not help many of them because no one cares about their consent. No one is pretending they're consenting or asking them. That many are getting raped systematically as they enter the border from Mexico is considered by many people a price to pay. So much so that when many women cross the border illegally, they take birth control just so they don't get pregnant at the very least. And then there's rape as a weapon of war as well. Enthusiastic consent is not going to solve the question of rape. And I think that's really important to say. This is mostly about rapes that happen in a purportedly sexual context. What we're trying to do here is not to educate rapists out of raping. And I think that's really important to say because I think there's a sort of a myth that in a lot of rapes, especially those "drunken encounters between people who already know each other," the hook-up kind of rapes, the "grey rapes" – I hate that term – there's this common belief that it's hard to know what happens. Women are confused and men are confused, and it's totally possible that he thought it was fine and she didn't think it was fine and there was some miscommunication. But the research doesn't say that. The research shows that men who rape almost always do it repeatedly. Even in these college, drinking-hook-up contexts. And what that says is that men who do this know they're doing it. They may not use the word deliberately in their head. But they know that if they asked their partner, their partner would not be saying yes to it. Let's be clear: you cannot rape someone by accident. These men are under no illusions that the feeling is mutual. So they're clearly not interested in enthusiastic consent. What we want to do is educate the culture that allows for that to continue. So all the people who are on the juries and making the media and listening to the media and in the public conversation about rape who say, "Well, it was probably a miscommunication, it's really hard to know, because you know, well, she didn't say 'no.'" If we as a culture had enthusiastic consent as a threshold, then those jerks who are raping and saying, "Well, she didn't say 'no,'" would stop getting away with it. And that's what we're trying to accomplish here. I don't think you can educate rapists out of it that easily. I don't think they're confused.