

# INTRODUCTION: A FEMINIST CONVERSATION ON CONSENT AND SEXUAL VIOLENCE: CONTINUUM, CONTRADICTION, OR CONUNDRUM?

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## Consent and Sexual Violence: The (Apparent) Contradiction

“Sex without consent is rape” (Amnesty International 2019): this formula has become crystallized in dominant discourses on sexual violence. In this formulation, consent and sexual violence are positioned as contradictory realities. Consent, it seems, is simple – *as simple as tea*, as promoted by the well-known Thames Valley Police campaign (2015). Elevated to the core norm of sexual ethics, consent has become central to multiple initiatives aimed at preventing sexual violence (Beres 2018; Schowengerdt et al. 2021).

Yet, as soon as we move beyond the slogan and ask further questions, problems begin to emerge: What is sexual consent? Whose consent matters? What counts as sex – and who defines it? Can there truly be a simple dividing line between sex and sexual violence in a culture that facilitates, normalises, and even sexualises violence?

These are some of the critical questions that have animated feminist debates and research for decades. Although sexual consent does not have a single, unequivocal definition in research (Beres 2007), the literature on consent is extensive. Philosophers, political theorists, legal scholars, and critical psychologists (e.g., Pateman 1980; MacKinnon 1989, 2016; Cahill 2001; Gavey 2005; West 2009; Alcoff 2018; Lamb et al. 2021) have highlighted the limitations of a liberal, contractualist

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understanding of consent. In various ways, these scholars have analysed the failures of consent and its compatibility with patriarchal structures.

### **Not a Fixed Frontier: Continuities Between Sexual Consent and Coercion**

Gavey's concept of the *scaffolding of rape* (2005) and her analysis of heterosex as embedded in dominant discourses are particularly insightful for our critical approach: individuals are never detached from the cultures they inhabit, and cultural codes and meanings shape the terrain of sexual interactions. Any approach to power dynamics that focuses solely on interpersonal exchanges without considering sociocultural contexts is therefore limited. To adequately address the persistent social problem of sexual violence, we must consider how contexts, circumstances, and power dynamics shape, facilitate, and promote sexual violence. Once we start unpacking power dynamics, it becomes clear that consent is not as "simple as tea" (Faustino 2020; Serisier 2023).

Multiple studies show how women's and men's socialisation contribute to the trivialisation of unwanted sex and acquiescence (e.g., Walker 1997; Gavey 1999, 2005; Bay-Cheng & Eliseo-Arras 2008; Fahs & Swank 2021; Faustino & Gavey 2022; 2024; Jeffrey 2024). Rather than a binary between sexual coercion and consent, this supposedly dividing line becomes far more porous once we consider the "myriad of coercive sexual acts that lie somewhere between rape and consensual sex" (Gavey 2005, 69) and the multiple factors that compel women to engage in sex they do not want or desire. Gender roles, in a way, *prescribe* consent for (women's) unwanted sex. Consent – supposedly an emancipatory concept – can lead to increased scrutiny of women's behaviour and, perversely, contribute to women's self-blame (Faustino & Gavey 2024; Jeffrey 2024; Faustino this issue). Consent, ultimately, appears to be a "false friend" (Faustino 2022).

### **Exploring the Consent-Conundrum**

In front of all these problems, a major question arises: What should we do with consent? Mapping the problems regarding consent, Ellie Anderson (2022) summarised three different outcomes: the first is "to reject consent altogether", advanced by authors such as Jonathan Jenkins Ichikawa (2020) and Joseph J. Fischel (2019). The second response "is to acknowledge a role for consent but dethrone it from its position as the ultimate norm guiding sexual ethics", exemplified, for instance, by Linda Martín Alcoff's work (2018). Additionally, Sharon Lamb, Sam Gable and Doret de Ruyter (2021) propose mutuality as a standard for sexual ethics that aims to move beyond the individualistic, contractualist foundations of consent. The third response "is to redefine consent": Anderson (2022, 2-3)

herself proposes redefining sexual consent (or returning to its original significance) as “feeling-with” one’s partner, an intercorporeal and interpersonal dynamic rather than as permission-giving. Manon Garcia’s *The Joy of Consent* (2023) revisits longstanding critiques and proposes a new understanding of consent as an *erotic conversation*.

In the legal sphere, the centrality of consent is evident, for instance, in the Istanbul Convention (2011), a landmark document in the fight against violence against women (Duarte 2013; Ventura 2015; 2018). The Convention states that “Consent must be given voluntarily as the result of the person’s free will assessed in the context of the surrounding circumstances”. Assessing the surrounding circumstances is key (although often minimized), whether in intimate interactions, dating settings, or even the sex industry (Tranchese & Sugiura 2021; O’Bryan 2024; Tranchese 2024).

In the aftermath of #MeToo, which sparked international debates on sexual violence, consent gained renewed prominence in academic (e.g., Hindes & Fileborn 2020; Bernardini 2025) and media environments (Sehgal 2021), as well as within legal contexts. High-profile cases – such as the Pelicot trial in France (Garcia 2025) – have further triggered wide-ranging attention to sexual consent, both within and beyond legal frameworks.

However, the reliance on the liberal framework of consent – as merely an expression of autonomous choice – to distinguish between ethical and problematic or violating sex, as well as lawful from unlawful sexual behaviour, does not protect women; rather, it sets them up for failure by creating an evidentiary burden they are rarely able to meet. Consent, as currently framed, is an inadequate tool for addressing sexual violence because it fails to account for the ways in which patriarchal power structures shape women’s sexual subordination. The emphasis on “choice” provides a false sense of “equality” that fundamentally weakens the recognition of sexual violence within the broader context of male domination. Victim-survivors are often required to prove beyond doubt that they did not consent, a task made nearly impossible by the lack of witnesses that usually characterises rape cases. Combined with widespread victim-blaming narratives and persistent rape myths (Ventura 2018; Tranchese 2024), the legal system’s reliance on consent as the primary measure of harm can contribute to the perpetuation of impunity for sexual violence. Both in the ethical and the legal spheres, consent seems, at least, insufficient and problematic.

### **This Special Issue: A Contribution for a Feminist Conversation**

For this thematic issue, we sought to explore diverse approaches to consent and sexual violence and the ways in which they intersect. We extend Garcia’s notion of *conversation* to the epistemological level: we envision this special issue as

a conversation about consent, its limits, and potential alternatives. For this reason, we chose to open and close the issue with interviews with feminist scholars and authors. The articles offer varied perspectives and provide insights into consent and sexual violence across different cultural contexts (Portugal, United States, Mexico and Brazil).

We begin with an interview with Sharon Lamb by Maria João Faustino. In this interview, Sharon Lamb discusses the popularization of sexual consent in a neoliberal context, the backlash to #MeToo, and the persistence of victim-blaming. She explores the concept of mutuality and its potential to overcome the limitations of sexual consent.

The second article of this special issue, "Perceptions of Consent Among College Students: The Effects of Perpetrator, Target, and Perceiver Gender", by Frank Kotey, Maureen C. Kenny and Jasmin Hernandez, explores how perceptions of consent are shaped by gender. The study examines the perceptions of sexual scenarios among college students at a South Florida university. Undergraduate students responded to an online survey (n=565) that presented ten coercion scenarios, focusing on the interaction between participant gender and perpetrator-victim gender combinations. Ordinal logistic regression revealed significant gender differences, with men being less likely than women to identify specific scenarios as nonconsensual. The authors underscore the need for targeted consent education and accountability policies.

The next four articles concern different settings in the Portuguese context. Further exploring perceptions in academic settings, the article "*#MeToo e academia*" [*#MeToo and Academia*], by Maria Helena Santos, Maria João Faustino, Carla Cerqueira and Júlia Garraio, analyses the perspectives of women academics on #MeToo. The interview-based study with eighteen women revealed diverse and heterogeneous discourses about the #MeToo movement: Although it was seen as a catalyst for raising awareness and increasing the visibility of sexual harassment, criticisms and perceived limitations of the movement were also identified.

In "*As relações de intimidade entre casais heterossexuais: do desejar ao consentir*" [*Intimate Relationships in Heterosexual Couples: From Desire to Consent*], Iolanda Fontaínhas and Ana Brandão examine the gendered dynamics of power in the sexual interactions of heterosexual couples in stable conjugal relationships. Drawing on 28 interviews, the authors discuss how gender expectations shape sexual practices and desires, resulting in more compliant and submissive sexual roles for women and pressure on men to display constant sexual appetite and readiness. Highlighting a continuum between sexual coercion and consent, the results suggest different experiences between women and men, shaped by power dynamics and social norms that blur the boundaries between voluntary and coerced sex.

Furthermore, the article "*A violência sexual nas relações de namoro entre jovens em Portugal: o consentimento para beijar e ter relações sexuais*" [*Sexual*

Violence Within Teen Dating in Portugal: The Consent to Kiss and to Have Sexual Intercourse], by Ana Simões Marques, Margarida Pacheco, Cátia Pontedeira, Camila Iglesias and Liliana Rodrigues, examines the prevalence and legitimization of sexual violence in dating relationships among young people in Portugal, focusing on consent. The analysis draws on a survey of 6,732 youths (average age of 15.16 years) who responded to a questionnaire. The data revealed a high rate of victimization (18.3%) and a normalization of sexually violent behaviours: 32.9% did not consider pressuring for public kissing as violence, and 10.2% legitimized pressure to have sexual intercourse. The results also revealed gendered patterns: girls reported higher rates of victimization, whereas boys were more likely to legitimize violence. The authors argue for the urgent need for early educational programs on consent and prevention of gender-based violence.

In “Violência sexual em Portugal: uma análise do discurso mediático na imprensa *online*” [Sexual Violence in Portugal: An Analysis of Media Discourse in the Online Press], Ana Guerreiro, Sara Lemos, Tatiana Mendes and Liliana Rodrigues analyse the media discourses on sexual violence in Portugal, drawing on 299 news reports published in 2021. The results showed that 95% of perpetrators are men and 87% of victims are women, with sexual abuse (50.5%) and rape (42.2%) being the most frequently reported cases. The study underscores the persistence of rape myths and victim-blaming in media narratives. These findings reinforce the need for an ethical journalism that prioritizes prevention, challenges myths, and counteracts re-victimization.

Mariana Vilas Boas’s article, “Image-Based Sexual Abuse: Changes in the Portuguese Criminal Framework,” offers a comprehensive legal analysis of the Portuguese legal landscape on image-based sexual abuse (ISBA) (McGlynn & Rackley 2017). It examines how the requirements of the EU Directive 2024/1385 and the Istanbul Convention could be implemented within the Portuguese judicial system, with particular attention to the criminalization of ISBA against adults. The author also suggests amendments to the Portuguese Penal Code to align national legislation with these European standards.

The last two articles of this special issue address different forms of resistance to rape culture. In “FORCE: A costura como prática feminista da arte contra a cultura do estupro e promoção do consentimento” [FORCE: Quilting as Feminist Art Practice Against Rape Culture and for the Promotion of Consent], Gabriela Traple Wieczorek examines the work of the collective FORCE: Upsetting Rape Culture. The article critically reflects on rape culture and gender violence in the United States and Mexico, centring on the Monument Quilt project, initiated in 2014. Drawing on an interview with artist and art educator Hannah Brancato, this article explores embroidery and sewing as feminist art practices that challenge sexual violence and promote consent.

Finally, the interview with Portuguese-Brazilian writer Tatiana Salem Levy, by Júlia Garraio, “A literatura é esse espaço da liberdade, onde a gente pode fazer

o que quiser” [Literature Is That Space of Freedom Where We Can Do Whatever We Want], closes the thematic issue. In this interview, Tatiana Salem Levy speaks about issues that run through her writing, such as the trauma of sexual violence and harassment, and family memories. She reflects on #MeToo and the potential of literature as a space for epistemological justice.

Perspectives on consent vary across the articles: Some rely on consent and advocate for its campaigning, while others unpack the subtle ways in which consent and coercion intertwine. This diversity illustrates the need for an ongoing conversation. We hope this thematic issue contributes to a timely and much-needed discussion on the tools, grammars and alternatives to prevent and combat sexual violence.

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