

# A LINE ON LIFE

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## Consenting Adults \*

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What does it mean to be a **consenting adult**? Our first impression relates only to sexual activities. However, as adults, we can also give our consent for financial agreements, medical treatments and to be research subjects. The process of consent is not simple. It involves much more than the ability to say "yes."

First, "**consent requires knowledge**." You shouldn't give your permission, unless you understand the terms of your consent. This is why you should read any contract before you sign it. You also need to ask your physician about options for treatment – and the benefits and risks of each option – before you consent to a given treatment. Ethically, researchers need to inform subjects about their procedures along with the risks and the benefits in terms that their potential subjects can understand. Children are protected by law, because we assume that they do not have the knowledge needed for informed consent.

Informed consent is also needed in sexuality. People are told to "*just say no*" to extramarital intercourse. With the risks of sexually transmitted disease (STD) and unwanted pregnancies, this is good advice. However, even with the risks, some will still have sex. Does their activity constitute informed consent? To engage in a sexual act, informed consent involves more than knowing about your sexual "*plumbing*." Participants need to understand the benefits and risks of their acts, along with the meaning of their participation to themselves and others. Some people ignore the risks of love-making. However, saying "*It can't happen to me*" is a fantasy – denying the painful reality that can occur.

To give informed consent, those who push for sexual participation need to be **honest**. Many men lie to get their partners to have sexual intercourse. In one study, 35% of men who endorsed traditional, sexist values indicated that they had lied to their partners to obtain sex. Even among men who espouse nontraditional, egalitarian values, 20% still said they lied to their partners for sex.

In addition, **consent "is meaningless unless it is given freely"**. Each person at each incident "*must be free to say yes or no*." Slavery has been outlawed. Financial contracts are void, if they have been signed under coercion. Even mental patients are being given the right to refuse treatment. (However, there is a question whether the patients can make an informed decision with their disorders.) Criminals in prison cannot be legally forced to participate in research.

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**As consenting adults,  
we have the right to say "yes"  
and the right to say "no."**

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The same freedom should exist with sexual activity. Even in marriage, a woman should not be a sexual slave. Just because a woman has freely consented to engage in sex previously, this does not obligate her on subsequent occasions. Engaging in sexual activity should be a voluntary decision. If you truly care about someone, this means that you are concerned about what they want – or do not want.

In too many marriages sexual activities are coerced. Beside physical force, wives are subjected to financial coercion. Take the relationship in which the wife – who earns much less than her partner – declines sexual activity. He may threaten divorce or desertion. Either action would leave her (and her children) at risk of a lower standard of living, even poverty or homelessness. Under these conditions, how can consent be free from coercion?

Especially with sexual activity, this consent needs to be **explicit**. In contrast, consent is frequently *inferred* from non-sexual behavior. Some men wrongly assume that women want sex, if they dress "*provocatively*," ask the man for a date, got to his apartment or even drink alcoholic beverages. Some men mistakenly assume that paying for a date gives them the right to have sex. Others erroneously believe that – if women allow some sexual behavior like petting – she is obligated to "*go all the way*." Many men wrongly believe that when a woman says "*no*," she really means "*yes*." These inferences lead to date rape.

In 1993, the problem of **date rape** became so great at Antioch College, a very strict *Sexual Offense Policy* was adopted. Consent was defined as "*...an ongoing process in any sexual interaction. Verbal consent should be obtained with each new level of physical and/or sexual contact/conduct*." In other words, both partners must explicitly say "*yes*" to each step in the sexual interaction. This policy has received strong reactions. (It was even featured on the *Saturday Night Live* TV show!)

The president of Antioch College, Alan Guskin, believes that the reaction is not just to sex. It is that the students are required to *talk about sex* before they engage in sexual activity. In a culture that has taboos about openly discussing sexual matters, sincere discussion of sex is difficult. In contrast, the policy promotes "*talking about it with someone whom you desire; getting consent before having sex; having to think about the sexual acts you are about to do*."

At the University of Kansas, only 28% of students indicated support of a policy that would label sexual activity as rape – if explicit verbal consent is not given. In comparison, 61% agree that sex should be labeled as rape, if verbal objections were expressed.

What guidelines for sexual consent will you use? If you are starting a new relationship, it is wise to obtain verbal consent at each level. (However, even Antioch College has an exception – when sexual activity is "*mutually and simultaneously initiated*.") Once you have developed an ongoing relationship, you can agree on what is comfortable for both of you. For example, you might move from "*assume no unless yes is stated*" to "*assume yes unless no is stated*." However, once "*no*" is stated, it needs to be honored.

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\* Adapted from Charlene Muehlenhard's "The Complexities of Sexual Consent," *SIECUS Report*, Vol. 24, No. 2, pages 4-7.

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