

8.26.22 draft syllabus – subject to change!

The Politics of Consent  
AAST 502-004/WS 510-004  
Fall 2022

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*Capitalism and racism do not function only through repression but also by consent. To imagine dissent—besides finding inspiration in the past and the present—I need to understand: how is consent fabricated?*  
- Françoise Vergès

Note: the course materials and ensuing discussions will frequently grapple with sensitive subjects such as sexual assault, abuse, racism, and violence.

### *Course description*

Feminist political theory, and political theory more broadly, has long been in the thrall of consent. This makes perfect sense: the idea of the fully rational and autonomous individual, in control of her actions and encounters, is an appealing one. Feminist thought in particular has worked to elucidate the boundaries, conditions of possibility, and meaning of consent and an array of related concepts, such as obligation, domination, and submission. Recent reckonings with sexual assault, such as the #metoo campaign, as well as the push for “affirmative consent” on college campuses, have recentered the question of consent in public discourse. Yet we have also seen the inadequacies of a framework of consent for dealing with difficult questions of intention and autonomy, as well as potentially harmful situations like the distribution of ‘revenge porn.’

The aim of this seminar is to think about consent, as well as its limits, in both the abstract realm of ideas and the concrete world of experience. Though consent plays a part in many different domains of life and kinds of relationships - such as legal contracts and medical decisions - we will focus primarily on sexual consent. What is the relationship between consent and coercion? Between consent and autonomy? How has consent functioned historically to protect specific classes of people, while leaving others, especially women of color, without its protection? How has consent discourse been deployed to control, demonize, and punish LGBTQ\* communities? In exploring these questions, we will turn to a variety of materials - academic and popular writing, but also television and music.

### *Reading schedule*

## **I. Introduction**

### **Week 1 (August 22) - Introduction to consent**

[Parul Sehgal, “Yes, No, Maybe So: A Generation of Thinkers Grapples With Notions of Consent,” \*The New York Times\* \(21 June 2021\).](#)

Emily Owens, “Keyword: Consent,” *differences* 50.1 (2019): 148-156.

Joseph Fischel, "Introduction: When Consent Isn't Sexy," in *Screw Consent: A Better Politics of Sexual Justice* (2019), pp. 1-30.

*Recommended:* [James Miller, "Consent," \*Political Concepts\* \(2012\)](#)

*Recommended:* [Rebecca Kukla, "Sex Talks," \*Aeon\* \(February 4, 2019\)](#)

## II. For and against consent

### Week 2 (August 29) - Against a standard of consent

Catharine A. MacKinnon, "Rape Redefined," *Harvard Law and Policy Review* 10 (2016): 431-477.

*Recommended:* Lorna Bracewell, "Beyond Barnard: Liberalism, Antipornography Feminism, and the Sex Wars," *Signs* 42.1 (2016): 23-48.

### Week 3 (September 5) - Labor Day - no class!

[Emily Bazelon, "The Return of the Sex Wars," \*The New York Times Magazine\* \(2015\)](#)

### Week 4 (September 12) - For affirmative consent

[Eliza Brooke, "How High School Sex Ed Is Changing Post-#MeToo," \*GQ\* \(2 March 2020\)](#)

[Jessie Patella-Rey, "Want to Figure Out the Rules of Sexual Consent? Ask Sex Workers," \*The Washington Post\* \(21 May 2018\)](#)

Jaclyn Friedman and Jessica Valenti, eds., *Yes Means Yes! Visions of Female Sexual Power and a World Without Rape* (2008), excerpt

### Week 5 (September 19) - Against affirmative consent

Janet Halley, "The Move to Affirmative Consent," *Signs* 42.1 (2016): 257-279.

Katherine Angel, "On Consent," in *Tomorrow Sex Will Be Good Again: Women and Desire in the Age of Consent* (2021), pp. 1-32.

### Week 6 (September 26) - From consent to autonomy

Joseph Fischel and Hilary O'Connell, "Crippling Consent: Autonomy and Access," in *Screw Consent*, pp. 135-171.

*Recommended:* Amber Jamilla Musser, "Consent, Capacity, and the Non-Narrative," *Queer Feminist Science Studies Reader*, eds. Cyd Cipolla, Kristina Gupta, David A Rubin, and Angela Wiley (Seattle: University of Washington, 2017), 221-233.

**Week 7 (October 3) - In-class peer review workshop**

**III. Consent and...**

**Week 8 (October 10) - The racial contract - *midterm paper due***

Angela Y. Davis, "Rape, Racism, and the Capitalist Setting," *The Black Scholar* 12.6 (1981): 39-45.

Emily Owens, "Consent: Sexual Violence in Liberalism's Void," in *Fantasies of Consent: Black Women's Sexual Labor in 19th Century New Orleans* (2015), PhD dissertation, pp. 53-82.

*Recommended:* Saidiya Hartman, "Seduction and the Ruses of Power," *Callaloo* 19.2 (1996): 537-560.

**Week 9 (October 17) – Reproduction**

Myla Vicenti Carpio, "The Lost Generation: American Indian Women and Sterilization Abuse," *Social Justice* 31.4 (2004): 40-53.

Jess Whatcott, "No Selves to Consent: Women's Prisons, Sterilization, and the Biopolitics of Informed Consent," *Signs* 44.1 (2018): 131-153.

*Recommended:* [Marian Jones, "Empty Choices," \*Verso blog\* \(June 16, 2022\).](#)

**Week 10 (October 24) – Refusal**

Audra Simpson, "Consent's Revenge," *Cultural Anthropology* 31.3 (2016): 326-333.

Bonnie Honig, "The Bacchae's Arc of Refusal and the Tragedy of the City" and "Fabulation and the Right to the City: Hartman with Arendt," in *A Feminist Theory of Refusal* (2021), pp. 1-11 and 72-100.

**Week 11 (October 31) - Pornography**

Nancy Bauer, "Pornutopia," in *How to Do Things with Pornography* (2015), pp. 1-11.

Amia Srinivasan, "Talking to My Students about Porn," in *The Right to Sex: Feminism in the Twenty-First Century* (2021), pp. 33-72.

**Week 12 (November 7) - Power**

Amia Srinivasan, "The Right to Sex" and "Coda: The Politics of Desire," in *The Right to Sex*, pp. 73-122.

*Recommended:* [Andrea Chu Long, "On Liking Women," \*n+1\* \(2018\)](#)

### **Week 13 (November 14) – Pedagogy**

bell hooks, “Eros, Eroticism, and the Pedagogical Process,” in *Teaching to Transgress: Education as the Practice of Freedom* (1994), pp. 191-200.

Amia Srinivasan, “On Not Sleeping with Your Students,” in *The Right to Sex*, pp. 123-149.

*Recommended:* Jennifer C. Nash, “Pedagogies of Desire,” *differences* 30.1 (2019): 198-218.

*Recommended:* Max Liboiron, Introduction, *Pollution Is Colonialism* (2021), pp. 1-37.

### **Week 14 (November 21) - Thanksgiving - no class!**

### **Week 15 (November 28) - Individual meetings about final papers**

#### *Required books*

Amia Srinivasan, *The Right to Sex: Feminism in the Twenty-First Century*

#### *Optional books*

Joseph Fischel, *Screw Consent: A Better Politics of Sexual Justice*

Readings not linked in the syllabus are available on Box ([shorturl.at/MY078](https://shorturl.at/MY078)). You will need your UA credentials to log in.

#### *Assignments*

##### Class citizenship (25%)

This class will be discussion-based and so regular attendance, preparation, and participation are required. Regular attendance will facilitate the development of our class community, which will in turn improve the quality of our discussions. There will be ample opportunity for participation, both in class discussions and in smaller groups. Other forms of engagement, like asking questions, volunteering to read passages aloud, and meeting during my office hours, also count toward this! Students will be asked to fill out a self-evaluation of their preparedness and participation that will be taken into account in grading.

##### Discussion lead (15%)

Everyone will be responsible for offering a critical introduction to the week’s readings and initial discussion questions once over the course of the semester. Guidelines will be distributed in class.

##### Discussion posts (20%)

Everyone is responsible for submitting nine posts to the course discussion board over the semester. There are no posts due weeks 3, 7, or the week you lead discussion. Each post should be in the range of 400-500 words; they are due by 11:59 the evening before class.

**Your post should pose a specific question you would like to discuss about the week's reading(s) and give your preliminary thoughts about it.** You might address ideas or arguments you found confusing, intriguing, or with which you disagreed, or you could relate the reading to events in the news, other classes you've taken, or things you've read. The posts do not need to discuss the readings comprehensively but should instead focus on a particular issue, theme, or even paragraph.

Midterm assignment: annotated playlist (20%)

1. Create a free Spotify or Tidal account and create a public playlist of six songs.
2. In a single Word document, submit:
  1. the URL for the playlist (for Spotify: [instructions here](#))
  2. the lyrics to each of the songs, in the same order as they appear on the playlist. (If you find the lyrics online, please make sure that they are correct.)
  3. a six-page analysis of the way consent and associated concepts (such as obligation, domination, submission, coercion, equality, etc.) are treated in the songs (that's one page per song).

Final assignment (20%)

Students will be required to submit a final paper on a topic of their choosing. They will meet individually with Professor Gallagher during week 15 to discuss.

*Grading rubric*

A (100-90): demonstrates careful and thorough reading of the text; answers all parts of the question(s); provides a clearly articulated thesis; outlines the way in which thesis will be explicated; defends and supports thesis in the body of the paper using textual evidence; considers counter-arguments, if appropriate; argues, does not summarize; structurally elegant; writing is clear and straightforward. Excellent work.

B (89-80): demonstrates familiarity with the text, though may rely more on lecture and discussion than on own reading, or may demonstrate a cursory reading; provides a solid thesis but may not explain how it will be defended, support it thoroughly with textual references, or develop arguments as fully as they ought to; may make selective use of text to support claims; structurally, individual points may feel disconnected from one another. Writing is clear but with room for improvement. Good, but not excellent, work.

C (79-70): a weak, if appropriate or topical, thesis that either does not require a strong defense or relate entirely to the original question(s); demonstrates minimal passing acquaintance with the material; evidence may be drawn primarily from lecture; substance of paper may tend toward summary of the text rather than critical engagement; does not attend to counter-arguments; individual paragraphs may be well-crafted but the paper overall lacks a sense of cohesion and attention to detail. Fair, but not good, work.

D (69-60): does not provide a clear thesis; may not respond to the question(s); does not support claims with evidence; emphasizes opinion or summary over analysis; paper lacks structure; does not otherwise demonstrate mastery of the concepts presented and analyzed in class; lack of organization makes paper difficult to follow; neglect of grammar, style, and writing.

F (59-0): does not provide a thesis or respond to the question(s); may be purely opinion or summary of text(s); no attempt to convey an interpretation of the material; lacking structure, coherence; no attention paid to grammar, style, and writing.

#### *Policy on missed exams and coursework*

A two-day extension can be requested for the midterm or the final paper, as long as it is done at least 48 hours in advance of the regular due date, via email.

Late assignments will lose one-third of a letter grade (i.e., an A- becomes a B+) for every day that they are late, including weekends, except in cases of illness or other documented emergencies. It is always better to turn things in late than not turn them in at all!

Assignments not submitted will receive an F. All assignments must be submitted in order to pass the course. I reserve the right to alter any reading or writing assignments during the semester.

#### *Attendance policy*

This class will be discussion-based and so regular attendance, preparation, and participation are required. Regular attendance will facilitate the development of our class community, which will in turn improve the quality of our discussions. If you are sick, check in with me when you're feeling better. We'll ensure you are caught up.

#### *Recording policy*

Without prior approval from the instructor of this course, students may not record course content and/or post course content publicly, including on social media sites. Students who record and/or post course content without instructor approval may be referred to the Office of Student Conduct for disciplinary action.

#### *Academic resources*

Please feel free to consult with [the UA Writing Center](#). For questions about formatting, grammar, and other more technical aspects of writings, [the Purdue Online Writing Lab](#) is the best online resource.

The Gender and Race Studies Department works with Dr. Sarah Sahn ([sfsahn@ua.edu](mailto:sfsahn@ua.edu)), a Research & Instructional Services Librarian. Dr. Sahn can help with refining a topic and making a research plan, figuring out how best to search for information on a specific topic and identifying the best databases, locating specific resources, and citing them properly. She can also help with citation managers (especially Zotero). Students are welcome to make appointments to meet with her in person or in small groups. She can also meet via video conferencing or answer questions over email.

#### *Office hours*

If you'd like to meet with me, send me an email with three or four times when you will be available to meet over the next week and I will get back to you with a confirmation. If you are absent, it is a

particularly good idea to make sure you're caught up. Please know that you do not need to be struggling to come to office hours! I am happy to discuss particular readings, written assignments, how our work connects to other classes, or the class in general.

#### *Academic integrity*

You are expected to be familiar with - and adhere to - the official Academic Misconduct Policy provided in the UA Catalog.

#### *Content note*

Given the nature of the course, some of the materials we read will deal with topics that may have personal resonance, such as misogyny, sexual violence, abuse, and racism. If there are specific materials or topics that you anticipate will be particularly challenging for you, I'd be happy to discuss any concerns you may have beforehand and, if necessary, find alternative materials.

If you ever feel the need to step outside during a class discussion, you may always do so without academic penalty. You will, however, be responsible for any material you miss. If you do leave the room for a significant time, please make arrangements to get notes from another student or see me individually to discuss the situation.

You will also undoubtedly be exposed to views and beliefs that differ from your own, both in the readings and in discussion. You're neither obliged nor encouraged to agree with, or accept, them; your responsibility is only to engage with them thoughtfully and respectfully.

#### *Accessibility*

I am committed to the full inclusion of all students. Students with disabilities are encouraged to register with the [Office of Disability Services](#) (204.348.4285; TTY 205.348.3081). If you have a diagnosis, ODS can help you document your needs and create an accommodation plan. By making a plan through ODS you can ensure appropriate accommodations without disclosing your condition or diagnosis to course instructors. Thereafter, you are invited to contact me by e-mail or schedule an appointment to discuss accommodations based on any kind of disability, whether apparent or non-apparent, learning, emotional, physical, or cognitive (if you wish to do so). If, at any point in the semester, you find yourself not able to fully access the space, content, and experience of this course, again, you are welcome (and not required) to contact me to discuss your specific needs.

If you are pregnant and will need accommodations for this class, please see the [University's FAQs](#) on the UAct website.

If you intend to be absent from class for religious observance, please see the [Guidelines for Religious Holiday Observances](#) and notify me in writing or via email during the first two weeks of the semester. I will work to provide reasonable opportunity to complete academic responsibilities as long as that does not interfere with the academic integrity of the course.

#### *Personal resources*

If you face challenges securing food or housing and believe this may affect your performance in the course, I urge you to contact the Dean of Students - specifically [the Office of Student Care and Wellbeing](#) - for support. Furthermore, if you are comfortable in doing so, feel free to notify me. This will help me to connect you with available resources.

For students dealing with anxiety, depression, distress, or other concerns, the [Counseling Center](#) can offer resources. They can be reached 24 hours a day at 205.348.3863.

[The Women and Gender Resource Center](#) (205.348.5040) provides free, confidential, and voluntary counseling and advocacy services to members of the UA community who are victims/survivors of interpersonal violence. Services are also provided to family and friends who have been impacted by the abuse, to Shelton State students, and to anyone who is victimized on the UA campus.

Resources outside of UA include [the National Domestic Violence Hotline](#) (1.800.799.7233) and [RAINN's National Sexual Assault Telephone Hotline](#) (1.800.656.HOPE); both of these organizations also offer a chat option.

As an instructor, one of my responsibilities is to help sustain a safe learning environment on our campus. I also have a mandatory reporting responsibility and am required to share with the University information regarding sexual misconduct or information about a crime that is related to me. I can, though, help connect you to resources like those above.

#### *Land acknowledgment*

The University of Alabama is located within the ancestral homelands of many Indigenous nations: Ma-Chis Lower Creeks, Poarch Band of Creeks, Echota Cherokees, Cherokee Tribe of Northeast Alabama, United Cherokee Ani-Yun-Wiya Nation, Cher-O-Creek Intra Tribal Indians, Southeastern Mvskoke Nation, MOWA Band of Choctaws, Piqua Shawnee Tribe.

Along with these federally and state-recognized tribes, there are many that have been removed, forcefully relocated to other parts of the southern United States: Seminole, Muscogee, Choctaw, Chickasaw, Cherokee, Quapaw Osage and Illinois Confederation. Their forced removal from Alabama and surrounding lands by the Trail of Tears and other removals, along with attempts to assimilate and eliminate these tribes have been detrimental to their preservation, culture, and population today.

We are grateful for their generosity and contributions to our communities, state, nation, and around the globe.

The local infrastructure and the larger Tuscaloosa community are built on Choctaw lands, while the surrounding region encompasses Creek territories as well. The histories of many Native nations are deeply rooted in Alabama, while the present and future lives of our neighbors--including the Poarch Creek, Mississippi Choctaws, and other tribal communities--remain closely connected to this land. In recognition of these relationships, Bama Indigenous Students Organization and Network (BISON) is committed to telling stories that reflect and preserve the experiences of all Alabamians, including Alabama's Indigenous people.



*Further reading*

- Kathryn Abrams, "Sex Wars Redux: Agency and Coercion in Feminist Legal Theory," *Columbia Law Review* 95.2 (1995): 304-376.
- Linda Martín Alcoff, *Rape and Resistance: Understanding the Complexities of Sexual Violation* (2018)
- David Archard, *Sexual Consent* (1998)
- Robin Bauer, "Queering Consent: Negotiating Critical Consent in Les-Bi-Trans-Queer BDSM Contexts," *Sexualities* 24, no. 5–6 (2021): 767-783.
- Larissa Behrendt, "Consent in a (Neo)Colonial Society: Aboriginal Women as Sexual and Legal 'Other,'" *Australian Feminist Studies* 15.33 (2000): 353-367.
- Holly Brewer, *By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority* (2005)
- Susan Brison, "What's Consent Got to Do with It?" *Social Philosophy Today* 37 (2021): 9-21.
- Michal Buchhandler-Raphael, "The Failure of Consent: Re-Conceptualizing Rape as Sexual Abuse of Power," 18 *Mich. J. Gender & L.* 147 (2011): 148-228.
- Judith Butler, "Sexual Consent: Some Thoughts on Psychoanalysis and Law," *Columbia Journal of Gender and Law* 21.2 (2011).
- Brenda Cossman, *The New Sex Wars: Sexual Harm in the #MeToo Era* (2021)
- Sarah Deer, "Decolonizing Rape Law: A Native Feminist Synthesis of Safety and Sovereignty," *Wicazo Sa Review* 24.2 (2009): 149-167.
- Michelle Madden Dempsey, "Coercion, Consent, and Time," *Ethics* 131.2 (2021): 345-368.
- Jennifer Doyle, *Campus Sex, Campus Security* (2015)
- Estelle Ferrarese, "The Political Grammar of Consent: Investigating a New Gender Order," *Constellations* 22.3 (2015): 462-472.
- Andrea Ford, "Attuned Consent: Birth Doula, Care, and the Politics of Consent," *Frontiers* 42.2 (2021): 111-132.
- Estelle B. Freedman, *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation* (2015)
- Pamela Haag, *Consent: Sexual Rights and the Transformation of American Liberalism* (1999)
- Corie J. Hammers, "Making Space for an Agentic Sexuality? The Examination of a Lesbian/Queer Bathhouse," *Sexualities* 11.5 (2008): 547-572.
- Jennifer S. Hirsch, and Shamus Kahn, *Sexual Citizens: A Landmark Study of Sex, Power, and Assault on Campus* (2020)
- Mary K. Holland, and Heather Hewett, *#MeToo and Literary Studies: Reading, Writing, and Teaching about Sexual Violence and Rape Culture* (2021)
- Alisa Kessel, "The Cruel Optimism of Sexual Consent," *Contemporary Political Theory* 19 (2020): 359-380.
- Q.R. Kukla, "A Nonideal Theory of Sexual Consent," *Ethics* 131.2 (2021): 270-292.
- Daniel Loick, "... as if it were a thing": A Feminist Critique of Consent," *Constellations* 27.3 (2020): 412-422.
- Catharine A. MacKinnon, "Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence," *Signs* 8.4 (1983): 635-658.
- Danielle McGuire, *At the Dark End of the Street: Black Women, Rape, and Resistance - A New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power* (2010)
- Charles Mills, *The Racial Contract* (1997)
- Carole Pateman, "Women and Consent," *Political Theory* 8.2 (1980): 149-168.
- Carole Pateman, *The Sexual Contract* (1988)
- Anne Phillips, *Our Bodies, Whose Property?* (2013)
- Hanna Pitkin, "Obligation and Consent--I," *The American Political Science Review* 59.4 (1965): 990-999.
- Hanna Pitkin, "Obligation and Consent--II," *The American Political Science Review* 60.1 (1966): 39-52.

Milena Popova, *Sexual Consent* (2019)

Toby Rollo, "Imperious Temptations: Democratic Legitimacy and Indigenous Consent in Canada,"  
*Canadian Journal of Political Science/Revue canadienne de science politique* 52.1 (2019): 1-19.

[Amia Srinivasan, "Does anyone have the right to sex?," \*London Review of Books\* 40.6 \(22 March 2018\).](#)

Emily Tilton and Jonathan Jenkins Ichikawa, "Not What I Agreed To: Content and Consent,"  
*Ethics* 132.1 (2021): 127-154.