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11-9-2020

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### Recommended Citation

Laina Y. Bay-Cheng, *Laina Y. Bay-Cheng, No Choice But “Yes”: Strategic Consent to Unwanted Sex*, (2020).  
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## Blog 7

### Laina Y. Bay-Cheng, No Choice But “Yes”: Strategic Consent to Unwanted Sex



*Photo courtesy of the author.*

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**Introduction:** One of the most widely-used comprehensive sex ed curricula in the U.S. is entitled, *Making Proud Choices!* Echoing this cheerleading (and imploring) sentiment is the sex ed program offered youth in Maryland’s juvenile justice and child welfare systems, *Power Through Choices*, which includes the lesson, *Creating the Future You Want*.

#### No Choice But “Yes”: Strategic Consent to Unwanted Sex

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**Keywords:** Activism, Advocacy, Community, Equality, Equity, Discrimination, Patriarchy, Interlocking System, Police Brutality, Inequality, Misogyny, Racism, Economic injustice, Oppression, Social Injustice, Sexuality, Sex, Unwanted Sex, Sexual Health Care, Marginalized young women, Interlocked sexism, Poverty, Adultism, Public policies, Social systems, Reformation.

One of the most widely-used comprehensive sex ed curricula in the U.S. is entitled, *Making Proud Choices!* Echoing this cheerleading (and imploring) sentiment is the sex ed program offered youth in Maryland’s juvenile justice and child welfare systems, *Power Through Choices*, which includes the lesson, *Creating the Future You Want*.

But is choosing really such a superhero power that it can leap structurally, materially, and ideologically entrenched – across systems *and* generations – misogyny\*racism\*economic injustice\*age-based oppression in a single bound? This rhetoric may mean to be inspiring, but I see it as an insidious displacement of responsibility and an insulting simplification of young people’s lives and agency ([Bay-Cheng, 2019](#)).

In advocating for a Capabilities Approach to reckoning with social injustice, philosopher Martha Nussbaum warns against a being fooled by a “simulacrum of choice.” After all, as she points out:

*Many women who have, in a sense, the “choice” to go to school simply cannot do so: the economic circumstances of their lives make this impossible.* (Nussbaum, 2000, p. 227)

We could play a depressing game of Mad Libs with this sentence when it comes to young women’s sexualities, substituting “go to school” with any number of sexual or relational behaviors and “economic” with any number of social or structural conditions:

*Many women who have, in a sense, the “choice” to **[initiate or refuse sex / use condoms / get complete and confidential sexual health care / pursue, maintain, or end a relationship / etc.]** simply cannot do so: the **[economic / sociocultural / legal / geographic / familial / etc.]** circumstances of their lives make this impossible.*

The fallacy of choice is laid bare in the sexual lives of marginalized young women. I think about young women I’ve crossed paths with in clinical and research settings and their consent to unwanted sex.

- One high school student I worked with used to go home with her 30-year old manager, whom she described as pathetic but harmless, on nights when she was worried about her parents’ substance use and the usually ensuing violence between them or toward her (i.e., what she called “drama at home”).
- One young woman in college recalled staying in a relationship with an abusive boyfriend throughout high school, which she spent in foster care, and for the first several months of college while she made the transition to independent and undergraduate living. She explained how without family ties or other support, “he was kind of that stable thing for me at that point.”
- Another young woman, 16 and living in a group home, talked about her 20-year old boyfriend, who had a job, an apartment, and a car. As she anticipated aging out of the child welfare system, she saw living with him as her best option. But she also talked about how he wanted to have sex without condoms and in ways she didn’t enjoy. She usually consented because as she put it, “it isn’t the worst thing in life” and more to the point, “I can’t afford to lose him.”

These young women were not playing to the teen girl (stereo)type of making melodramatic declarations or impulsive decisions. Quite the opposite, they offered bald, plainly-stated assessments of their

situations and limited options. Interlocked sexism, racism, poverty, and adultism had closed off almost all points of access to resources, leaving them few paths forward except through sexual relationships with men.

Consenting to unwanted sex, to unprotected sex, to sex with adult men to whom they were not attracted or with men who were abusive, may not top a list of “proud choices,” but it was the one available to them. Neither the envisioned ideals of [enthusiastic](#), [affirmative](#) consent nor directly compelled, we need to recognize their consent as *strategic*.

Strategic consent was how these young women worked to “create the futures” they wanted: without family violence; with intellectual stimulation and career opportunities; with a sense of stability and home.

Contrary to sex ed’s magical thinking and individual injunctions about choice, Nussbaum (2000) argues,

*[I]t is not sufficient to produce good internal states of readiness to act. **It is also necessary to prepare the material and institutional environment** so that people are actually able to function. (p. 235)*

“Preparing the material and institutional environment” so that young women don’t have to consent strategically to unwanted sex means reforming public policies and social systems so that they have independent and direct access – unmediated by parents or partners – to resources in the present and prospects for the future.