

What to do about #MeToo? Consent, autonomy, and restorative justice: A case study

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Abstract

This article asks: Is it possible to craft a form of engaged, anti-carceral, feminist political practice that carves out a space for sexual negotiation, exploration, sex positivity, and changing conceptions of consent in an era shaped by hypermediation and, for the purposes of this paper, #MeToo? Five British based academics working in the areas of sexuality studies, law, media studies, and sociology were interviewed on this topic so as to better understand contemporary scholarly attitudes and where current research stands. Each scholar was asked a series of questions around consent as a legal and normative regulator of sexual relations—including its drawbacks, their views on other models of consent—including communicative consent, embodied consent, sexual autonomy—the possibilities for alternative forms of justice, inclusive of prison abolition and restorative justice as they relate to sexual violence, and the kinds of feminism(s) they see developing from this.

KEYWORDS

#MeToo, consent, feminism, restorative justice, sexual autonomy

1 | INTRODUCTION

The subject of sexual assault and the precarity of consent as it relates to the subjects of race, gender, sex, class, power, and justice, is a matter of significant consequence to our contemporary society. This is reflected in the thousands of journal articles, books, journalistic and social media output covering #MeToo produced over the past four years which has resulted in academics, journalists, and the

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commentariat holding polarised conclusions about its meaning for both survivors and offenders (De Benedictis et al., 2019; Mendes et al., 2018; Ozkazanc-Pan, 2019; Zarkov & Davis, 2018). Wading into this debate holds dangers both for the writer, for whom the likelihood for backlash is strong, and the reader, for whom the visceral impact of sexual assault might feel infinitely removed from dry debates around consent, sexual relationality, and criminal jurisprudence.

This project began with the question of how consent as socio-legal construct that developed out of conceptions of contract and property, wherein women were considered the property of their father and then their husband, was being deployed in contemporary discourse around #MeToo as well as in the dominant “feminist” analysis of sexual assault (Bevacqua, 2000; Jaffe, 2018). This, coupled with underlying racial dynamics connected to carceral feminism and the overpolicing of Black bodies, evolved into the question: *Is it possible for contemporary conceptions of (affirmative/enthusiastic) consent to exist alongside sex positive left feminism while also embracing restorative justice over incarceration?* Reading, watching and monitoring a copious number of articles, books, video clips, documentaries, media hot takes, Twitter debates and threads, Instagram profiles, Youtube videos, and Facebook updates produced some interesting conclusions, yet it felt as though they required a kind of “hashing out” with contemporary scholars in the field also working on these issues.

2 | METHODS AND CONTEXT

As such, five British based academics working in the areas of sexuality studies, law, media studies, and sociology were interviewed so as to better understand contemporary scholarly attitudes and where the research currently stands. This project took shape in the context of an interdisciplinary research program aimed at eliciting conclusions and insights as to whether a model of sexual relationality that is pleasure driven, co-determined, *perhaps* consent based, and embodied can exist alongside a progressive model of criminal justice—namely—one that hinges on prison abolition and restorative justice. The orienting question of these conversations was:

Is it possible to craft a form of engaged, anti-carceral (as in non-punitive/jailing), feminist political practice that carves out a space for sexual negotiation, exploration, sex positivity, and changing conceptions of consent in an era shaped by hypermediation and, for the purposes of this research, #MeToo?

These one-on-one dialogues were approximately an hour in length and began with a probing question about ideal feminist sexual practice, followed by a review of the interviewees' understanding and critique of consent as a regulatory ideal, their opinions on alternative models of sexual relationality (e.g. sexual autonomy, sexual integrity), their thoughts on the role of sex positivity (inclusive of power relations, the dialectics of desire, pleasure and risk), and (anti) carceral feminism, and, finally, a lengthy discussion of their evaluation of restorative justice and prison abolition as a feminist ideal—even with respect to gendered sexual violence. All of these questions were framed in the context of the #MeToo movement/moment with particular attention paid to how consent has been deployed, other models of sexual relations disregarded, and incarceration presented as the ideal punishment. The role of social media, what I have termed “mediated cathartic confessionals,” and the failings of the criminal justice system were other topics discussed throughout.

The academics interviewed were chosen based on their research profiles, publication record, availability, proximity (they took place face to face), and their willingness to engage in a lengthy exchange of ideas on these issues (see Figure 1 for bios). They included: Dr. Hannah Frith, Principal Lecturer in Critical Psychology, Gender and Sexualities in the School of Applied Social Science at Brighton University, Dr. Nikki Godden-Rasul, Lecturer in Law at Newcastle University, Dr. Anna Carline,

<i>I aim to explore the possibility of crafting a feminist approach to and theory of sex and sexual relations that is generally supportive of the objectives articulated by the #MeToo movement but is also anti-carceral, both with respect to feminism and the State, supportive of prison abolition, and engaged in a politics of sex positivity that is broadly queer and transgressive.</i>
1. Core question to orient the conversation:
<i>Is it possible to articulate a form of engaged, anti-carceral, feminist political practice that carves a space for sexual negotiation, exploration, and sex positivity within the context of changing conceptions of consent?</i>
2. Ideal feminist political practice around sexual relations (governance feminism issue)
3. Sex and consent: affirmative – paternalism/enthusiastic/negotiated/communicative (implied/verbal)/voluntariness; consent versus assent
4. Sexual autonomy – co-determine sexual relations/human flourishing/democratic and hedonic/relational autonomy/sexual agency
a. Social material opportunities to exercise intimate/sexual choice
b. Risk as productive
5. Anti-carceral feminism (race and consent) - state
6. Sex-positivity (homophobia)
7. Prison abolition/restorative justice: culturally relevant responses, centers the offended party (not a crime against State), engages more parties
a. <i>Restorative justice: collectively identify and address harms and obligations in order to heal and repair relations.</i>
b. <i>Address harms/responsibilities</i>
c. <i>Non-Adversarial</i>

FIGURE 1 Questions

Senior Lecturer in Law at Liverpool University, Dr. Sarah Cefai, Lecturer in Gender, Sexuality and Cultural Studies at Goldsmiths, University of London, and Dr. Gareth Longstaff, Lecturer in Media, Culture and Heritage at Newcastle University. Given the sensitive nature of these topics, and consistent with requests from participants, anonymity surrounding who said what has been maintained. This not only allows for some level of authority, but also precludes the risk associated with attribution as it relates to such a contentious topic (Mason, 2017). All participants were given an early copy of this article and an opportunity to provide feedback. The objective of this approach was to generate productive insights and elicit thick descriptions of social phenomenon as a starting point for further research in line with qualitative analyses.

This article began with a discussion of my primary research question with particular attention paid to the subjects of sexual consent, sex positive/queer sexuality, feminism, and restorative justice so that the reader can better understand the conversations that follow. Each scholar was asked a series of questions (see Figure 2) around consent as a legal and normative regulator of sexual relations—including its drawbacks, their views on other models of consent—including communicative consent, embodied consent, sexual autonomy—the possibilities for alternative forms of justice, inclusive of prison abolition and restorative justice as they relate to sexual violence, and the kinds of feminism(s) they see developing in the future.

The questions themselves were all open ended reflective questions allowing for the conversational co-construction of accounts (Rapley, 2001). This approach relies on a model of talk-in-interaction methodology wherein,

Dr. Hannah Frith, Principal Lecturer in Critical Psychology, Gender and Sexualities in the School of Applied Social Science at Brighton University
Expertise in the study of sexuality, gender, and embodiment (critical sexuality studies). Focus on creative, qualitative research methods and practices.
Dr. Nikki Godden-Rasul, Lecturer in Law at Newcastle University
Expertise in the study of sexual violence, restorative justice and feminist legal theory. Focus on changing conceptions of harm and mediated violence (e.g. revenge porn)
Dr. Anna Carline, Senior Lecturer in Law at Liverpool University
Expertise in criminal law around sexual offences, feminist legal theory. Focus on the use of novel and interdisciplinary legal methodologies applied to sexual violence.
Dr. Sarah Cefai, Lecturer in Gender, Sexuality and Cultural Studies at Goldsmiths, University of London
Expertise in the study of feminist culture theory and identity. Focus on whiteness and lesbian sexuality using affect and immanent methodologies.
Dr. Gareth Longstaff, Lecturer in Media, Culture and Heritage at Newcastle University.
Expertise in sexuality studies, pornography, and representation (particularly sexual representation). Use of psychoanalytic methodologies and queer theory to examine sexual subjectivity.

FIGURE 2 Study Participants

Interviews were taped and transcribed (copious notes were taken throughout the interviews) and responses placed in the question-driven thematic categories of consent, #MeToo, power, rape/assault, autonomy, restorative justice, carceral, prison abolition, race/racism and queer/heteronormative. From these categories, and as requested by two of the interviewees, names and direct quotations were dropped and summations of key points/observations/analysis extracted from each category.

3 | FINDINGS AND DISCUSSION

One of the most significant symmetries between all the interviewees was how quickly the discussion moved away from the #MeToo movement and towards conversations that oscillated between more abstract and/or model driven assessments of consent and justice using concrete examples that were legal, anecdotal, or intuitive. This was not, however, indicative of a removal, absence, or discounting of the events surrounding #MeToo, but a feeling that in these debates one needed to take a step back before re-engaging with the embodied nature of movement itself. This movement between levels of analysis is indicative of feminist methodologies wherein various standpoints, “moral and political as well as epistemological and ontological” (Stoetzler & Yuval-Davis, 2002, 317), highlight marginalization and hierarchy while also being oriented towards imaginative envisionings both with respect to #MeToo and beyond.

4 | SEXUAL CONSENT

In asking what the participants thought of how consent as an ideal model of sexual relationality in the context of #MeToo has developed, it was requested that they consider and articulate arguments both

for and against before reaching a conclusion on their position (which I realize had likely taken shape already). For the purposes of this project, and in the way of providing context, I began by discussing the history of consent as well as its development into the affirmative or enthusiastic consent model made popular by universities. Namely, I asked whether the fact that consent is rooted in a property model wherein it is believed that one can “bargain over my own physical personhood in a contractual agreement,” is fundamentally flawed (Alcoff 2018, 224). The association with women as property and rape as a property crime is thus fundamentally linked to consent as contract (Hasday, 2000; West, 2010).

On the whole, all the participants were critical of consent with respect to how it has been deployed in media representations and academic discussions of #MeToo. First and foremost they cited the way in which its property roots have led to an erasure of female sexuality with the effect of perpetuating unequal power relations wherein the woman “gives” consent and the man “takes” it. This asymmetry is not accounted for in our current legal environment but constitutes almost every sexual interaction.

Also discussed in detail was how the property model is itself imbricated in the protection of the static bounds of bodily integrity and is thus liberal at its core. This approach thus assumes a conception of self that is volitional, legally protected, constituted by the equal exercise of free will and popular sovereignty, and is thus consistent with liberal feminism and neoliberal political structures (Cooper, 2018; Cowling, 2017; Haag, 1999).

An interesting conversation occurred with one of the interviewees around the much lauded “Wheel of Consent” made popular by Betty Martin which operationalizes what kinds of communicative entanglements should occur when two or more people engage in any act of touch. Martin’s model asks participants to consider who is doing the touching and who it is for (y-axis) and where it stands with respect to gift giving (for you or for another) (Martin, 2020). While not discussed in detail, this model is interesting in that it thematizes pleasure and comfort and has been used to train sex workers and surrogate partners.

Turning back to topics that comprised the bulk of the conversations, all participants highlighted the ways in which liberal models of consent are gendered and raced as well-being constrained by oft ignored structures rooted in a history of colonial and patriarchal violence. A particularly interesting exchange occurred around the roots of consent as it relates to race and slavery wherein Black women were thought to be unable to give consent as a result of their slave status—and Black men who were pathologized as less than human and a danger to white women. This brought much needed context to the history of consent (Bardaglio, 1994; Escobar, 2019).

In addition to being fundamentally racist, this early legacy of the consent framework treated women as “in need of patriarchal protection” (Quigley, 2016, 2), thereby reconstituting its role as a patriarchal construct and, as one participant noted, reflective of an inherently masculine model of desire. The heteronormativity of consent also came up several times wherein concerns about how consent has been used to policy non-normative and/or subversive sexual practice were highlighted. Gay sex, BDSM, and polyamory push the boundaries of consent and have been regularly criminalised. One interviewee in particular made the case that oftentimes consent is undercut by the play, excess, and risk associated with “nighttime economies” such that risk and the pleasure/danger dyad rendered it a somewhat quaint construct. Sexual practices including bear backing, mediated hook-ups, gay porn, and the concomitant rise of homonormativity adds further layers of complexity to this debate. Dean Durber, for example, examines how laws around consent have evolved and unpacks the way in which it sits uneasily with the norms in the gay male community vis-à-vis the age of consent (Durber, 2002). He cites Daniel Tsant who argues that:

Beyond traditional models of consent, also discussed was the difference between the protection of bodily integrity versus the achievement of sexual autonomy as a part of lived experience (Alcoff

2018). Sexual autonomy became a key subject focused on in all of the interviews. Most participants agreed with Jennifer Nedelsky's contention that autonomy is much more capacious model on which to base sexual relations in that it aims at cultivating frameworks of sexual practice that "foster rather than undermine autonomy" while also being based on an ethos of equal participation, co-determination, and erotic flourishing (Nedelsky, 1990, 168). All agreed with the basic definition of sexual autonomy as the relational and materially based opportunity for realizing sexual choice and noted that this makes the force requirement in cases of rape immaterial (the question become whether a particular sexual interaction fostered sexual autonomy and whether decision-making was constrained) (Fischel, 2019). However, autonomy was also critiqued as lacking a mechanism for legal translation and a means by which to foster necessary cultural change. One interviewee in particular pointed out that sexual autonomy might not adequately challenge the liberal model of individual decision-making. This is particularly the case when autonomy is reduced to a kind of choice feminism which builds on postfeminist assumptions such that gendered "power disparities, material inequalities, relational dynamics, and socio-sexual norms" are ignored (Munro, 2008, 925). Models of sexual autonomy have also been criticized as engaging in the "downplaying of background conditions, cultural context, and social structure" which then "dehistoricizes and atomizes" sexual subjects (Fischel, 2019, 144).

Postfeminism also came up in the context of affirmative and enthusiastic consent which are both paradigms of consent that are common on university campuses. Affirmative consent rests on the assumption that sex must be based on symmetrical relations of power. It requires that consent is, one, active and ongoing; two, incorporates the recognizable "yes means yes" model; and three, and is "hedonic"—meaning that it circulates pleasure equitably (Burmakova, 2013; West, 1987). By way of illustration, Ohio's Antioch College's policy, which remains similar to its policy in 1991 when affirmative consent was the butt of jokes, declares that for sex to be consensual it must be willing, verbally agreed to, and specify sexual conduct. It also asserts that participants must have "a shared understanding of the nature of the act to which they are consenting" (Antioch College, 2014, 43). The postfeminist aspects of affirmative consent are made manifest in its discounting of structural gender imbalances, embrace of a "compulsory (sexual) agency" (Gill, 2009, 363–365), and adoption of a "neoliberalist notion of the inherently free and hyper-responsible citizen" (Burkett & Hamilton, 2012, 805).

All of the scholars interviewed brought up problems with this model on the basis that it eschews the embodied nature of sexual practice and elides the role played by "indirect affirmatives" which comprise much of sexual communication. Affirmative consent, as one interviewee stated, ignores the fact that sex can be undesired but consented to (even if unenthusiastically)—particularly in the context of a marriage or a committed relationship. Also discussed was the ways in which affirmative and enthusiastic consent reproduces the mind/body split wherein it is the rational individual charged with verbally conveying consent that is in charge. This buttresses the argument that this conception of consent assumes a disembodied subject. Lacey's model of sexual integrity similarly highlights the need for sexual personhood to encompass the "bodily and affective aspects of sexual life more directly" (Lacey, 1998, 118; Hunter & Cowan, 2007).

Aya Gruber summarizes and builds on the critiques of affirmative and enthusiastic consent noted in the interviews by arguing that:

...rather than abandoning the consent framework, they turned to affirmative consent, which purported to build a better consent mousetrap and thereby vindicate "sexual autonomy." Situating affirmative consent reform as a mere means to improving the liberal consent inquiry has obscured the very motivations behind expanding the catch-all—the empirical and normative beliefs about how sex happens, how it should happen, the

benefits and harms of sex, and the role of criminal law in regulating sexuality. This Article brought those claims into the open, where they should be, as a preface to a clear, communicative, and unambiguous negotiation over the content of rape law (Gruber, 2016, 458).

After a thorough discussion of consent and alternative models of sexual relations, all participants, in their own way, had drawn attention to the fact that sex is an act, relationship, identity, and socio-biological practice that has been historically constructed under conditions of unequal power relations, religious piety, fear, racism, and heteronormativity. One participant emphasised the “inarticulateness of sex” and drew attention to the ways in which desire pushes up against normative (and legal) boundaries, while another highlighted how desire and risk can be pleasurable with play, excess, and danger taking on productive roles in sexual experience. Craig connects this insight around desire, inarticulateness, and excess to the subject of consent and liberal choice by observing that “[t]he irreducibility of human sexual experience makes it very difficult to generalize about sexual reciprocity. It would be sophomoric to suggest that only sex and desire that is other regarding is autonomous” (Craig, 2014, 110; Sealy-Harrington, 2014).

Perversion was also brought up in several of the interviews—particular with respect to who the consent model leaves out and how this might produce regimes of control and surveillance re Foucault (Foucault, 1990). The productive knowledge produced in a “perverse” sexual interaction was identified as (potentially) *constructively* boundary destroying. This resonates with Judith Butler's notion of non-integrative excess (Butler, 1997), and psychoanalytic approaches to sex that highlight the ways in which sex is driven by irrational, unconscious and repressed desires that make it unregulable (Benjamin, 1998; Berlant, 2012).

These insights echoes work in the area of BDSM in which kink and BDSM are presented as transgressive practices that have the capacity to subvert gender norms, normalize, to the extent that is desirable, the nonconforming, and centre the pleasure of women—even when that might involve acts of submission. Banerjee, Merchant, and Sharma, drawing on Gayle Rubin's (1992) work, refer to this as “breaking the charmed circle” in which “heterosexual, monogamous, married, cisman and ciswoman engaging in peno-vaginal penetrative sex is at the top of the hierarchy and sadomasochism is on the periphery as a deviant sexual practise” (Banerjee et al., 2018, 314). Two other related topics which came up, but was not discussed in detail due to time constraints, was how the abject might fit into the consent and autonomy models and the how the consumption of alcohol and drugs problematizes the relation between pleasure and danger as well as consent and nonconsent. These are areas which require further probing—particularly on the subject of the abject wherein Kristeva's work, as well as that of Warner (2000), interrogates and celebrates the abject and abject sex as having the ability to disturb the organized self and ambiguate cleanliness, flows, “border, positions, rules, the inbetween, the ambiguous, the composite” (Kristeva, 1982, 4). This spills into discussion of unfreedom, pleasure, and consent found in the work of Hortense Spillers who asserts that:

“Queering consent” was introduced several times in these discussions with particular attention paid to how “queering” as a verb and epistemological tool can be positively used to destabilize the boundaries of heteronormative sex (Beresford 20142014). However, one participant noted the very real danger that “queering” could (or perhaps has) become the new term *de jure* used to characterise the practice of mild interrogation rather than deconstructive and situated acts that involves a “heightened reflexivity...,” the turning “against [one's own] implicit foundational assumptions and metanarratives” such that “sexual differences and meanings” come to be understood as “a constitutive part of social organization and change” (Seidman, 1997, xi).

In all of the interviews, once these more abstract and theoretical conversations around the history of consent and its shortcomings had been exhausted, we came around to the subject of #MeToo specifically and concerns were fielded with respect to how the movement was in danger of eliding many

of the complexities we had discussed. Specific cases, inclusive of Harvey Weinstein, Bill Cosby, Aziz Ansari, and Jian Ghomeshi, were considered with concerns expressed around the Ansari case in particular (Airey, 2018; Jaffe, 2018). This case, which sparked a lot of controversy, was generally agreed to have been a paradigmatic example of how gender roles, class difference, heteronormativity, hegemonic masculinity, and an impoverished and confused understanding of consent had conspired to create the conditions under which a comedian felt as though it was permissible to push his date into engaging in sexual activities she felt she had made clear that she was not comfortable with (Hindes & Fileborn, 2019). Monika Lewinsky was brought up in the context of #MeToo as a limit case in which feminist agency and power clashed. Also discussed was the fear that the “hashtag-ness” of the movement risked commodifying a social movement, as was the fact that the focus on fame risked marginalizing the experiences of poor and racialised women whose concrete experiences of harassment and assault were being ignored. Who #MeToo represents and why constituted a frequent refrain while the role of technology (particularly social media) was brought up by all interviewees as an ambivalent tool that could serve both as a means of activism and catharsis and a dangerous site of harassment. One of the interlocutors highlighted how social media had become an obvious outlet through which to express the lack of accountability experienced by women, but warned that it risked becoming more performative than substantive and by engaging in the superficial trial by media rather than enacting social change.

While no hard and fast solutions were reached, a common position that consent could act as a baseline of acceptability, coupled with cultural change, robust sex education, a more capacious understanding of gender, and the inclusion of non-normative sexual practices where desire, particularly feminine desire, and pleasure is centred, was commonly held.

Also agreed upon was the way in which #MeToo, as well as #TimesUp, were an inevitable outcome of the UK and US justice systems in particular which have proven incapable of dealing with the unique nature of sex and sexual violence. This led us into a discussion of the second component of my question, namely, whether it was possible to embed models of restorative justice, rather than retributive justice, into conversations around sexual assault and rape. As stated in the introduction, a specific concern with #MeToo and #TimesUp is that it assumes the legal system is the best or only means through which to realize justice (Tuerkheimer, 2019; Wexler et al., 2019).

This carceral turn was as presented to the interviewees as indicative of a particular strain of feminism embraced by #MeToo which, when coupled with neoliberal hyper-criminalization, sees “law enforcement as a [*or the*] dominant intervention strategy” (Kim, 2018, 219), particularly in cases of sexual assault. Discussions revolved around the historical roots of carceral feminism in the anti-violence movement and the passage of specific laws in the 1990s that led to an “acceleration of the collaboration between the feminist anti-violence movement and the agenda of law enforcement” (Kim, 2018, 223; Richie, 2012). What is interesting about #MeToo is that it is presented as a thoroughly progressive movement rooted in feminist political practice but which, on the subject of justice, takes a conservative turn—which is curious given the plethora of research showing that incarceration disempowers survivors; criminalizes sex work, people of color and LGBTQIA folks; perpetuates a masculinist culture; makes misogyny worse; and encourages the belief that the state is best placed to address social problems (Halley et al., 2019; Taylor, 2018).

5 | RESTORATIVE JUSTICE

The final part of the interviews thus focused on how practices that can be identified as broadly in line with decarceration, including prison abolition and restorative justice, might fit into contemporary

feminist practice in light of #MeToo and given the distinctive status of sex and sexual violence. Carceral feminism came to the fore after the second-wave feminist concern with structurally entrenched gender inequalities, and a general distrust of the state, gave way to an embrace of criminal law, inclusive of mandatory minimums and sex offender registries, in the 1980s (Collins, 2015; Heiner & Tyson, 2017). Feminisms in the late 1990s and 2000s provided more space for feminist criticisms of the prison industrial complex; the efficacy of punitive law—particularly with respect to its inability to foster cultural change; and, the racialised, classed, and heteronormative results of harsher laws and sentences (Meiners, 2009; Whalley & Hackett, 2017). Intuitively however, given #MeToo's attempt to be more inclusive particularly on the subjects of race and social justice, prison abolition and decarceration would seem to be the more obvious fit.

In setting up the final part of the interview, I asked each interviewee what they thought about this disjuncture within #MeToo before initiating a discussion of restorative justice oriented alternatives. Most participants agreed that this contradiction was odd since social justice goals, as in the majority of contemporary social movements like Black Lives Matter, tended to veer away from prisons and incarceration as a viable solution. One concluded that this may be an outcome of the rise of the cultural neoliberalism. This argument echoes Mimi Kim's thesis wherein she traces the “path to strengthened criminal legislation and institutional investments in policies and practices led by police, prosecutors, and courts contributed to the shift from gender violence envisioned as a broad social and political problem to one defined more narrowly as a crime” (Kim, 2018, 222), and framed as an outcome of personal choice.

Particular attention in this section of the interview was paid to whether restorative justice options were feasible, desirable, and whether they fit with the general objectives of #MeToo. Restorative justice was introduced as a process and movement that aims to:

...address the needs and roles of victims of crime, offenders, and communities, rather than the legalistic system that holds offenders purely in relation to violation of the state and law. Victim needs include a sense of increased involvement and empowerment with the criminal justice process, including learning the facts contributing the crime and allowing healing through the telling of their story. Offender needs center around having the offender empathize with the victim and take responsibility for their actions. The community is involved as a “secondary victim” and is encouraged to have their voices heard, while also contributing to how a safer, healthier community can be achieved (Zehr, 2015).

The non-adversarial nature of restorative justice; its focus on centring survivor needs; the requirement that responsibility be taken by the perpetrator; the collaborative way in which plans are developed to address harm (e.g. through restitution, community service, education, reparations); the addressing and repair of harms against survivor and community, were discussed in detail (Van Wormer, 2009). Also outlined, as some were not as familiar with the principles of restorative justice, was the kinds of processes currently being used in Canada, the US, and Australia including mediation, community reparative boards, family-group conferencing and/or circle sentencing (Bazemore & Umbreit, 2001; Zehr, 2015).

All interviewees were enthusiastic about the potential for restorative justice to work as an alternative in the context of sexual violence—particularly when given some background information from studies that had found high rates of satisfaction, less fear on the part of survivors, and less recidivism (Hopkins & Koss, 2005; Miller & Iovanni, 2013). A brief example of how Indigenous peacemaking circles used in Canada had been successful in dealing with gendered violence, when coupled with a broader project of decolonization, were seen as particularly persuasive. While statistics were not



discussed in detail, although they were provided, it bears noting that small scales studies are available and have been generally positive (Kasparian, 2014; Koss, 2014). A notable example is the RESTORE (Responsibility and Equity for Sexual Transgressions Offering a Restorative Experience) program. Restorative justice outcomes outside of gender-based violence in a number of countries have also had positive outcomes (Angel et al., 2013; Gilligan & Lee, 2005; Strang et al., 2013).

Interviewees noted that restorative justice might more adequately allow for complexity and provide the scope to do thing differently—particularly given the rates at which the current legal system had failed (in part due to its rigidity). A Foucauldian line was taken by one of the interviewees with respect to how restorative justice might provide the means by which power could work differently, i.e., *for* the survivor and in line with the transformation away from a mode of “pacification, which works by codifying and taming...through the imposition of particular knowledge as truth” (Avelino & Rotmans, 2009, 548; Haugaard, 2002, 185), and towards one in which space is opened up to new perspectives and alternatives forms of justice. The problems associated with the adversarial nature of the criminal justice system was brought up by two of the interviewees and restorative justice judged to be a viable alternative. The need for a fundamental change from retribution to healing seen as important by participants. Notably, and in line with earlier conversations, queer justice was brought up by one participant as broadly in line with the objectives of restorative justice and feminist praxis—particularly in relation to its ability to reimagine and renegotiate principles of justice in prosocial ways.

However, when it was remarked that criticisms of such approaches also had to be considered including the lack of robust empirical evidence (much of existing research is anecdotal); the possibility that survivors may be pressured by their community to reconcile; how the definition of “traditional” justice might be misrepresented/romanticized; concerns around the safety of survivors; and the danger that the community might fail to hold the perpetrator fully accountable (Smith, 2011; Stubbs, 2010), other avenues of thought opened up.

The need for empirical evidence was a key theme in all of the interviews as was the question of whether restorative justice could adequately deal with disparities in power and post-process accountability. Also considered was whether/how restorative justice might manage memory and rape trauma. This was not presented as a critique, since criminal justice does not do this well either, but something to consider. The potential lack of a cohesive communities or publics through which to hold perpetrators accountable was also cited, as was how this might work in the context of the workplace. The need for law as a point of departure—i.e., to set boundaries, expectations, systems of accountability—was brought up as something to consider.

As in the preceding conversation however, #MeToo was only returned to after these more theoretical conversations and debates had been exhausted. Overall, there was consensus that restorative justice was desirable and something to strive for, but that the, practicalities and legal changes that would be needed pose significant obstacles. A particularly insightful observation was made by one of the interviewees who noted that the “greyneess” of many of the #MeToo cases could be ideal for restorative justice to be put into practice. This might be particularly useful not only in creating the conditions for justice to be realized, but also in mitigating fears of trial by media, so-called “sex panics,” and the vagaries of cancel culture. Nora Stewart argues that this would be a way to extend the impact of #MeToo and draw it further into the public sphere such that “Victims would find resolution...” and “...Former offenders would gain both insight into their actions and a concrete legal channel through which to restore an earned reputational and professional stability” (Stewart 2018, 1720).

6 | CONCLUSION

Given these discussions, with five feminist, forward thinking members of the UK academic community, a number of fruitful conclusions and ways forward can be deduced. To reiterate, I went into these interviews with the objective of answering the following question:

Is it possible for contemporary conceptions of (affirmative/enthusiastic) consent to exist alongside sex positive left feminism while also embracing restorative justice over incarceration?

It is fair to conclude that the list of the shortcomings of the liberal model of consent (and which extends to affirmative consent and enthusiastic consent) discussed in each of the interviews it may have to be rethought. These limitations include its neoliberal bias, roots in contract law, neglect of relations of power, heteronormative bias, enforcement of gendered passivity, denial of women's pleasure, and tendency to criminalize raced populations disproportionately. Yet, given its rootedness in contemporary culture, two interviewees indicated that consent might serve as a starting point or baseline condition through which to evaluate and construct an ideal typical model, in a Weberian sense, of sexual relations.

It was agreed that sexual autonomy, embodied autonomy, sexual integrity, and other such models also offered fruitful ways forward—particularly in light of the attention they pay to embodiedness, human flourishing, capabilities, desire, risk, intersubjectivity, and affect as necessary conditions of just sexual relations. However, I left each of the conversations with the sense that none of the paradigms currently on offer (legal and other) were fit to deal with the inimitable uniqueness of sex as an inherently embodied and trust-requiring practice that exceeds legal strictures and normative boundaries while simultaneously being conditioned by risk, pleasure, and desire. The raced, classed, and gendered contexts in which sex occurs adds a further layer of complexity to this debate (Block, 2018; French, 2013; Kalof & Wade, 1995).

Sexual assault (inclusive of rape and other sex crimes) must factor into all of these conversations which, in the context of #MeToo (and with its reliance on the consent model), it has thus far failed to do. A similar ambivalence amongst the interviewees was present in discussions of restorative justice which, while it was generally agreed that the criminal justice system is woefully unfit for purpose, was regarded as an ideal to strive towards. While some interviewees were more enthusiastic about restorative justice than others, in the end there was consensus around its importance going forward. #MeToo, for all its productive messiness, was seen requiring alternatives like this since each participants communicated concern and confusion that a social movement that centred social justice could call for solutions that remained carceral.

Going forward, it would behove scholars, including myself to further probe the opportunities and potentials opened up by these fruitful set of conversations. My own work will be oriented to scaling up these interviews and pursuing a *sui generis* model of sexual relationality that captures the complexity of sex while also being applicable to everyday life. This approach will also have to center power, consider the role played by social media and social movements, and present a model of justice consistent with a restorative rather than punitive ethos. It is to this kind of work #MeToo needs to turn.

CONFLICTS OF INTEREST

There is no financial interest or benefit that has arisen from this research.

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