

A MEDIA EDUCATION FOUNDATION FILM



# Asking for It

The Ethics & Erotics of Sexual Consent

A lecture with DR. HARRY BROD

## FILM SYNOPSIS

The line between sexual consent and sexual coercion is not always as clear as it seems -- and according to Harry Brod, this is exactly why we should approach our sexual interactions with great care. Brod, a professor of philosophy and leader in the pro-feminist men's movement, offers a unique take on the problem of sexual assault, one that complicates the issue even as it clarifies the bottom-line principle that consent must always be explicitly granted, never simply assumed. In a nonthreatening, non-hectoring discussion that ranges from the meanings of "yes" and "no" to the indeterminacy of silence to the way alcohol affects our ethical responsibilities, Brod challenges young people to envision a model of sexual interaction that is most erotic precisely when it is most thoughtful and empathetic. This film is ideal for classes in gender studies, communication, and sociology, and especially useful for extracurricular programs and workshops.

### DR. HARRY BROD | Lecturer



Harry Brod is a child of Holocaust survivors and a child of the 60's. Both heritages shape his commitments to justice, much of which he has expressed in over twenty years of teaching, writing, and activism in the academic study of masculinities (where he is recognized as one of the founding figures of the field) and the profeminist men's movement (for which he has been a leading spokesperson). He is Professor of Philosophy and Humanities at the University of Northern Iowa.

His book *Superman is Jewish?: How Comic Book Superheroes Came to Serve Truth, Justice and the Jewish-American Way* will be published by Free Press (Simon & Schuster) in 2011. His most recent books are *White Men Challenging Racism: 35 Personal Stories*, co-authored with Cooper Thompson and Emmett Schaefer (Duke University Press, 2003) and *Brother Keepers: New Perspectives on Jewish Masculinity*, co-edited with Rabbi Shawn Israel Zevit (Men's Studies Press, 2010). He is the editor of *The*

*Making of Masculinities: The New Men's Studies* (Routledge, 1987) and *A Mensch Among Men: Explorations in Jewish Masculinity* (Crossing Press, 1988), co-editor of *The Legacy of the Holocaust: Children and the Holocaust* (Jagiellonian University Press, 2002) and, with Michael Kaufman, *Theorizing Masculinities* (Sage, 1994), and author of *Hegel's Philosophy of Politics: Idealism, Identity and Modernity* (Westview, 1992).

Dr. Brod served as Director of the Iowa Regent Universities Men's Gender Violence Prevention Institute and on the Board of Directors of Humanities Iowa. He was a member of the Iowa Governor's Task Force for Responsible Fatherhood and the American Philosophical Association's Committee on Public Philosophy. He received the Harry Cannon Award for Exemplary and Sustained Contributions to the Field of Men's Studies from the American College Personnel Association's Standing Committee for Men, as well as the Leadership and Service Award from the Men's Center of Saint John's University (Minnesota), and held a Fellowship in Law and Philosophy at Harvard Law School. He is the father of two children.

## HARRY BROD QUOTATIONS FROM *ASKING FOR IT*

“The only thing that’s yes is ‘yes.’ Just because there’s no ‘no,’ that doesn’t mean there’s a ‘yes.’ In order for it to be ‘yes,’ there has to be something said, consent has to be created. Now there’s a name for my view. It’s called the affirmative consent standard. For there to be consent, there must be some affirmation. Consent must be created.”

“Consent is not something you have. Consent is something the other person has to give you, and if the other person doesn’t give it to you, you don’t have it, no matter what you think the rules are supposed to be or what you think you’re entitled to.”

“If you don’t have the affirmative consent standard, you are endorsing a world in which other people have right of access to your body without expressly asking you for permission to have that access. That’s what you are saying if you don’t endorse an affirmative consent standard.”

“Someone wishing to initiate sexual activity has the epistemological responsibility to obtain knowledge that you had consent, not just ‘I thought...’, ‘It seemed...’, ‘I believed...’, ‘It sure looked like...’ What steps did you take to obtain knowledge? We assign epistemological responsibility for consent to the person who wishes to initiate sexual activity.”

“Now, I don’t promote the affirmative consent standard because it is going to lead to hotter sex. That would be a peculiar position for me to put myself in. I promote the standard because of safety and justice and equality, and that’s the bottom line. Nonetheless, I do want to emphasize that the anti-sexual assault message is not an anti-sex message. In fact, it may, for the first time, promote eroticism because it can promote safety in erotic situations that you don’t have if you don’t have an affirmative consent standard.”

“If you have been initiating sexual activity when you have been too drunk or high to know if you have consent, then you have not been a safe sexual partner. If you have not assaulted or raped anybody yet, you’ve just been lucky so far. So, here’s the bottom line: Never mind the other person -- we can talk more about that -- if you have been initiating sexual activity when you are too drunk or high to know if you have consent and somebody asks you or you ask yourself, ‘Have you ever sexually assaulted or raped someone?’ the only honest answer you can give is, ‘I don’t know,’ because, by definition, you don’t know. If you have been initiating sexual activity when you are too drunk or high to know if you had consent, then you don’t know if you have sexually assaulted or raped someone.”

“I speak personally as a male: If I see another male drunk, about to go off with what looks like a sexual conquest, instead of congratulating him, my obligation to my classmate, teammate, fraternity brother, co-worker, friend, simply person with whom I share the planet, my obligation is to pull him aside and say, ‘You don’t want to do this. You don’t want to wake up the next morning not knowing, for the rest of your life, if you have sexually assaulted or raped someone.’”

“It is possible to change the culture of the society to actually make society safer for all of us in sexual situations. I do not believe that all is fair in love and war. I do not believe we check our ethical selves at the door when we enter the bedroom or the boardroom or the battlefield or whatever it is. I believe we live with ethical integrity everywhere, all the time, and that is the challenge with which I leave you.”

## FACT SHEET

According to the law, sexual assault is “sexualized contact (sometimes referred to as carnal knowledge) with another person without consent and by force (compulsion).” This force doesn’t have to be physical – it can also be through fear, deception, coercion, or the use of intoxicants such as alcohol and drugs. However, sexual assault laws vary by state and can include laws about age of consent (sometimes called statutory rape laws), types of sexual assault, and level of punishment for the different types of sexual assault.<sup>5</sup>

- Every 2 minutes, someone in the U.S. is sexually assaulted.<sup>3</sup>
- 1 out of 3 women worldwide has experienced rape or sexual assault.<sup>1</sup>
- 17.7 million American women have been victims of attempted or completed rape.<sup>2</sup>
- About 3% of American men – or 1 in 33 – have experienced an attempted or completed rape in their lifetime.<sup>2</sup>
- In 2007, there were 248,300 victims of rape, attempted rape, or sexual assault.<sup>3</sup>
- 89% of sexual assaults are committed by someone the victim knows.<sup>1</sup>
- While about 80% of all victims of sexual assault are White, minorities are somewhat more likely to be attacked.<sup>2</sup>
- Victims of sexual assault are:<sup>2</sup>
  - 3 times more likely to suffer from depression.
  - 6 times more likely to suffer from post-traumatic stress disorder.
  - 13 times more likely to abuse alcohol.
  - 26 times more likely to abuse drugs.
  - 4 times more likely to contemplate suicide.
- Sexual assault is one of the most underreported crimes. Sixty percent of instances of sexual assault go unreported.<sup>4</sup>
- Males are the least likely to report a sexual assault, though they make up about 10% of all victims.<sup>4</sup>

If a rape is reported, there is a 50.8% chance of an arrest.

If an arrest is made, there is an 80% chance of prosecution.

If there is a prosecution, there is a 58% chance of a conviction.

If there is a felony conviction, there is a 69% chance the convict will spend time in jail.

So even in the 39% of attacks that are reported to the police, there is only a 16.3% chance the rapist will end up in prison.

Factoring in unreported rapes, about 6% of rapists will ever spend a day in jail.

**15 of 16 walk free.**

5

---

<sup>1</sup> George Mason University Sexual Assault Services. 2005. "Worldwide Sexual Assault Statistics." *George Mason University Sexual Brochures*:  
<http://www.gmu.edu/depts/unilife/sexual/brochures/WorldStats2005.pdf>

<sup>2</sup> Rape, Abuse & Incest National Network. 2010. "Who are the Victims? Breakdown by Gender and Age." *RAINN Sexual Assault Statistics*:  
<http://www.rainn.org/get-information/statistics/sexual-assault-victims>

<sup>3</sup> Rape, Abuse & Incest National Network. 2010. "How Often Does Sexual Assault Occur?" *RAINN Sexual Assault Statistics*:  
<http://www.rainn.org/get-information/statistics/frequency-of-sexual-assault>

<sup>4</sup> Rape, Abuse & Incest National Network. 2010. "Reporting Rates." *RAINN Sexual Assault Statistics*:  
<http://www.rainn.org/get-information/statistics/reporting-rates>

<sup>5</sup> National Center for Policy Analysis. 1999. *Crime and Punishment in America*.

<sup>6</sup> Kinsey Confidential. 2010. "Sexual Assault and Consent: General Information and Definition." *Kinsey Confidential: Sex, Love & Relationships*:  
<http://kinseyconfidential.org/resources/sexual-assault/>

## CREDITS

Director & Editor | Sut Jhally  
Associate Producers | Scott Morris & Jason Young  
Production Assistance | Loretta Alper  
Director of Photography | Tom Robertson  
Additional Camera Operators | Andrew Killoy, Scott Morris & Jason Young  
Sound Design | Andy Turrett

September 2010 • 38 minutes • Digital/HD/1.78:1 • Color • NTSC • Beta/DVD/DVcam • Aspect Ratio  
4:3 • Stereo • English/English Subtitles

## ABOUT THE FILMMAKERS

### **SUT JHALLY** | Director & Editor

Sut Jhally is a Professor of Communication at the University of Massachusetts-Amherst, and founder and executive director of the Media Education Foundation (MEF). He first gained national recognition for his film *Dreamworlds: Desire, Sex & Power in Music Video* when MTV threatened him with a lawsuit over copyright infringement. The resulting press storm led to numerous requests for the video, and provided the rationale for MEF's founding in 1991. In the time since, Jhally has been the executive producer and/or director of more than 45 films produced and distributed by the Media Education Foundation, including the critically acclaimed *Peace, Propaganda & The Promised Land* and *Hijacking Catastrophe*. He is the author of *The Codes of Advertising* and *The Spectacle of Accumulation: Essays in Cultural Politics*, co-author of *Social Communication in Advertising and Enlightened Racism*, and the co-editor of *Cultural Politics in Contemporary America*. A recipient of the Distinguished Teaching Award at UMass (2000) and the UMass Chancellor's Medal (2005-2006), Jhally is regarded as one of the world's leading scholars in the areas of advertising, media, and consumption.

### **MEDIA EDUCATION FOUNDATION** | Educational Distributor & Producer

The non-profit Media Education Foundation (MEF) is the nation's leading producer and distributor of educational videos designed to inspire students and others to reflect critically on the structure of media industries and the content they produce. Founded in 1991, MEF's mission is to answer the challenge posed by the radical and accelerating corporate threat to democracy.

## CONTACT INFORMATION

For press, bulk purchases, and marketing and distribution inquiries, please contact:

Kendra Hodgson | MEF Director of Marketing & Distribution  
TEL 413.584.8500 ext. 2203  
EMAIL [kendra@mediaed.org](mailto:kendra@mediaed.org)

Alexandra Peterson | MEF Marketing Coordinator  
TEL 413.584.8500 ext. 2205  
EMAIL [alex@mediaed.org](mailto:alex@mediaed.org)

For interviews or to arrange speaking engagements, please contact:

Harry Brod | Professor, University of Northern Iowa  
[Harry.Brod@uni.edu](mailto:Harry.Brod@uni.edu) or online at [www.harrybrod.com](http://www.harrybrod.com)