

Queering consent: Romantic relationship scripts, rape myths, and the 'sex game gone wrong'

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Abstract

Consent is often positioned as the linchpin of sexual ethics and justice, framed within binary paradigms such as 'yes means yes' and 'no means no'. However, this fails to account for the complexities of power dynamics, ambiguous desires, and the interplay of verbal and non-verbal communication in sexual encounters. This paper critically interrogates how consent is constructed and mobilised in legal cases involving 'sex games gone wrong', where claims of consensual rough sex are often used to mitigate or exonerate acts of violence in which women are killed or injured by men. It provides an innovative intervention into these debates framed around the potentialities of queer approaches to consent and sexual encounters. Through in-depth analyses of Crown Court case transcripts, the paper reveals how heteronormative romantic relationship scripts and rape myths underpin consent narratives, often privileging male perspectives while erasing or discrediting those of women. Significantly, the paper draws on queer and BDSM scholarship to propose a 'queering' of consent: a deconstructive approach that unsettles traditional assumptions and embraces the ambiguity, imperfection, and intersubjectivity of consent. By challenging the legalistic and cultural orthodoxy of consent, this paper offers a more nuanced, ethics-driven framework that fosters sexual justice in both legal and socio-cultural contexts.

Keywords

Heteronormativity, consent, queerness, rough sex, rape myths

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Introduction

There is, without a doubt, something enchanting about consent. Despite an increasing body of work which draws attention to the limitations of thinking that conventional understanding of consent work well, when it comes to sexual encounters, there is something beguiling – comforting even – about the easy logic of ‘yes means yes, no means no’ and affirmative consent paradigms (Jozkowski, 2015). Debates about consent unfold against a background where there is a contemporary rise of what has become known as the ‘sex game gone wrong’. Sex games gone wrong, also known as ‘rough sex gone wrong’, are usually sexual encounters in which sadomasochistic themes - including bondage, restraint, spanking, biting, hair-pulling - might feature, but where these activities are desired by everyone involved in the encounter. This way, consent is the moral magic which offers legitimacy to acts which might otherwise be conceptualised as assaults (Hurd, 1996).

One of the reasons why sex games which have gone wrong receive so much attention in popular, legal, political and academic discourse is because of the rise in the number of deaths and injuries occurring as a result of strangulation or other rough conduct during sex (Edwards, 2023; Yardley, 2021). The campaign group ‘We Can’t Consent to This’ estimates that since 2009, there has been a 90% increase in incidences of women being killed by men during sex (MacKenzie, 2022; Moore and Khan, 2019). They note a total of 62 cases have come to court since 1972 where a woman has died during a sexual encounter which makes the claim that what took place was consensual. Thirty-two of these cases occurred in the last 10 years, and 17 in the last five (MacKenzie, 2022:153). Another reason why these sex games pose such a problem is that in England and Wales, at least, but also in much of the USA, Canada, and Europe, *there is no legal defence of consent to injury caused for sexual gratification*. And yet, claims that what took place in a rough sexual encounter was consensual appear to have traction when these cases come to court. These claims help to transform a murder charge to a conviction of manslaughter, to reduce the minimum term of the sentence that a defendant must serve, and to exonerate defendants entirely. What, then, is going on when consent is raised in mitigation in cases where a sex game has apparently gone wrong?

In order to answer this question, I interrogate the forms that consent takes in these cases and examine the discourses and assumptions that underpin it. I posit that consent is understood and expressed through heteronormative constructions of traditional romantic relationship scripts which rely on rape myths to cohere. Romantic relationship scripts are understood here as stereotypical interactions within a heteronormative encounter where, for instance, the male partner instigates sex and the female acts as gatekeeper. It is one which assumes men are more powerful than women and that women are submissive. It enshrines so-called traditional gender norms. Rape myths construct knowledge about sexual propriety, they are complicit in victim-blaming discourse, and they foster contemporary rape culture (Fanghanel, 2019). I argue that contemporary figurations of consent are insufficient in a project of nurturing sexual justice, particularly in the contemporary legal context. I explore what might be possible if we pursue a project of

queering – and indeed querying – consent in the service of fostering a better relationship with sex and consent in a socio-legal landscape.

This paper is structured in three parts. I begin by establishing how sex games which have gone wrong are understood, including an analysis of the insufficiency of consent, and the critical, queer and BDSM - oriented debates which help us with this. Then I set out how I acquired the source materials that I used to conduct this analysis. Finally, I demonstrate how heteronormatively infused romantic relationship scripts and rape myths drive understandings of consent in these cases, before considering what might be possible if we queery consent. That is, if we *interrogate and unsettle what it is that we know about consent*.

What is a sex game gone wrong?

The phenomenon of the sex game gone wrong has arisen in the English vernacular over past decades to describe cases where women have been killed or injured by men during a sexual encounter which was consensual. These so-called sex games which have gone wrong, sometimes called ‘rough sex gone wrong’, are sexual practices which comprise ‘a degree of force or aggression [which is] nonetheless consensual’ (Sowersby et al., 2022: 2). These are themes which are cognate with bondage and sadomasochism (BDSM), and so they are what I call BDSM-adjacent because they borrow from BDSM subcultures without being situated within the specific ethos and epistemology of those subcultures. I suggest that they are adjacent to BDSM, and not BDSM *tout court*, because as Weinberg et al. (1984: 381) remind us, one of the key social constituents of BDSM is that it is recognised by all parties *as BDSM*. That is, there should be a ‘shared understanding’ that what is happening *is* sadomasochistic practice. Nomenclature like ‘rough sex’, or ‘sex games’ might not describe the very conscious and deliberate practices that compose this subculture. What makes rough sex, rough sex and not an assault is, as in BDSM practice, the role of consent; the sense that what is happening was wanted by everyone involved. Yet, as Pitagora (2013) and Dunkley and Brotto (2020) note, other elements such as the use of safe words, negotiations about what will happen, what the limits of consent might be, and the role of aftercare also compose the ‘highly scripted and closely attended to cognitive arc in most BDSM interactions’ (Pitagora, 2013: 29). Playing sober, being attentive, at a deep and affective level, to how the other is feeling, and whether they are still capable of consent are also normative in BDSM practice (Sheff, 2021). When BDSM-adjacent activity is removed from the subcultural tenets that support it, it is possible that the ethics of care which are supposed to support BDSM practice are lost. Rough sex just becomes rough, even if it is wanted. Perhaps even calling it a ‘sex game’ that has ‘gone wrong’ erases the themes of violence that underpin these encounters.

Commentators note that for some participants in these practices, the sex games that have gone wrong are different to rough sex, which is also different to BDSM (Burch and Salmon 2019; Herbenick et al., 2021; Vogels and O’Sullivan, 2019). Rough sex does not always go wrong, and nor does BDSM. Sex games that go wrong, by definition, do. Gallagher et al (2022) and Sowersbury et al. (2022: 2) agree that these encounters tend to be characterised by some use of force or aggression including hair pulling, biting, being

tied up, and slapping, and so on. Though not the same as BDSM, these acts borrow symbolically and practically from BDSM tropes (Gallagher et al., 2022: 2). As [Gavey and Brewster \(2025\)](#) note, there is no single agreed understanding of what rough sex comprises. In this indeterminacy, the concepts slide over each other creating a conceptually murky terrain when these cases come to court, which obscures the complexity of consent regimes.

Despite concerted activist and scholarly activity which seeks to legalise a consent defence in cases of BDSM, it remains impossible to consent in law to violence incurred for the purposes of sexual gratification. The law in England and Wales is famously set out in [R v Brown \(1993\)](#) and more recently confirmed in the Domestic Abuse Act 2021 which states that ‘consent to serious harm for sexual gratification is not a defence’ (s71), where ‘serious harm’ includes grievous bodily harm, wounding, or actual bodily harm. This is a judicial precedent that has influenced the legal status of BDSM in other Commonwealth jurisdictions including Canada and Australia and which is echoed in many legal contexts around the globe. The law as it was established in Brown has been subject to much critical commentary ([Cowan, 2013](#); [Giles, 1994](#)), and in 1994 the Law Commission itself even posited that subject to restrictions on degree of harm, there were some injuries which ‘if carried through with the consent of the victim no criminal law system would wish to punish’ (1994:40). This, they acknowledged, was a contentious position to adopt, and was one that they ceased pursuing by 2001. Even though this did look like it heralded a potential shift in the legal terrain, high profile cases where women were killed during an apparently consensual but violent sexual encounter garnered public and political interest and so what happened instead was an explicit rowing back from this position in the form of the Domestic Abuse Act 2021. This leads us where we are now in England and Wales.

If it is not possible to consent in law to injury for the purposes of sexual gratification, we have to be curious about what is going on in cases where exactly just such a claim is made in order to try to account for the actions of a defendant, particularly when that claim successfully exonerates defendants or mitigates their actions.

The problem of consent

Where a consent defence is possible in the context of sexual encounters is, clearly, in the case of rape and sexual assault. In England and Wales, consent is defined by s74 of the Sexual Offences Act 2003 as something to which someone agrees by choice and having the freedom and capacity to make that choice. Consent is something that is freely given, that is informed – people know what they are consenting to – and they are capable of giving consent (they are not incapacitated by drugs or alcohol, they are over the age of consent, they are not asleep or unconscious or lacking in mental capacity). Discourses around ‘good’ consent have, in the mainstream, prioritised affirmative consent strategies in consent campaigns and education. This emphasis on consent that is considered, thoughtful, explicit and freely given tends to neglect how people use, communicate, and understand consent ([Beres et al., 2004](#)). [Fischel \(2019\)](#) points to the ‘Tea and Consent’ campaign of 2015 which circulated worldwide and analogised making someone tea with having sex with them ‘if someone said yes to tea round your house last Saturday, that

doesn't mean they want you to make them tea all the time' (Thames Valley Police, 2015: 2.07). This, and other campaigns and slogans (Consent is Sexy, I Heart Consent, Yes means yes, no means no') centre affirmative, explicit consent practices as a gold standard of dealing with consent: 'Consent. It starts with a conversation' (Cheshire Police, 2024: 1.11). And yet, what is widely recognised is that consent practices rarely function in this way (Beres et al., 2004; Hickman and Muehlenhard 1999; Jozkowski, 2015). The significance given to non-verbal cues is underestimated in dominant consent discourses, even if this is also how consensual encounters can, and do, unfold (Willis et al., 2019), particularly in non-heteronormative contexts (Buggs and Hoppe, 2023). Indeed, within a conventionally heteronormative encounter, the need for explicit verbal consent can be considered to be less important because of the cultural dominance of heteronormative romantic relationship scripts in which 'it is clear to everyone what would happen' (Beres, 2022: 145) even as it is also held as a 'gold standard' of consent. A legalistic definition of consent has been described as the 'least crappy' standard for permissible sex (Fischel, 2019: 16) but it is widely recognised as an insufficient way to talk about sexual practices. People consent affirmatively to sex that they do not want, and, more tabooedly, do not consent affirmatively to sex that they go on to find amazing (Angel, 2022; Cheves, 2023; Fischel, 2019).

The insufficiency of consent figured in 'legalistic binary terms wherein consent is a contract rendered null unless both parties explicitly...enthusiastically, and soberly communicate' what they want, also hides a murkier problem with consent discourses (Webber et al., 2024: 360). As Hickman and Muehlenhard (1999) and Jozkowski and Peterson (2013) demonstrate, actual consent negotiations between young people in heterosexual encounters harbour far more grey areas in the run up to sex. The inability or unwillingness to say 'no' becomes read as a latent 'yes', use of body language to manoeuvre into a sexualised encounter, reliance on miscommunication and mistake to penetrate without discussing it first, all enable sex to happen under a guise of consent: where consent was possible but where it was not specifically sought out, or was not specifically refused (O'Byrne et al., 2008). This is sometimes understood as an 'epistemology of ignorance', or willed unwillingness to see what people mean beneath what they say (Beres 2022: 138). Under this guise, legalistic, verbal consent imperatives – in particular the emphasis on 'yes' and 'no' – enable consent to act as an alibi for questionable sex where 'she didn't say no...', rather than as an arbiter of what might be sex that is wanted.

Another insidious quality of consent as it is framed in legalistic and some educational and activist discourses, is the way that it is laced with heteronormativity, ethnocentrism, ageism, ableism and other exclusionary norms which determine who gets to say 'yes', who gets to say 'no', who gets to ask, and who get to have their answer heard and understood. As we will come to see in the cases that I analyse here, consent negotiations are rooted in neoliberal concerns (Bay-Cheng and Elisio-Arras, 2008; Burkett and Hamilton, 2012; Powell, 2008). They rely on gendered norms to operate, the logic of traditional romantic scripts in order to make sense, and they make meaning through rape myths. I have argued elsewhere that within a heteronormative dynamic, the forms of activism which valorise 'yes means yes' expressions of consent rely on a feminine

response to a masculine request. They cast women as passive in the seduction encounter: passive, but also as gatekeepers, bearing the final responsibility for whether sex happens (Fanghanel and Lim, 2017). These dynamics, in which women do not initiate sex, but wait to be approached by men, realign femininity with submissiveness, and masculinity with hypersexual prowess (Halley, 2016).

These dynamics in part obscure the intersubjective imperatives that Jozkowski and Peterson (2013) point to. Women, culturally socialised not to make a fuss, socialised to please, can find it hard to refuse an approach because they are bound by the ‘cultural scaffolding of rape’ (Gavey, 2018). Instead, women can find different ways to say ‘no’ to sex; ways which do not use the word ‘no’, but which can be understood as refusals (Kitzinger and Frith, 1999; O’Byrne et al., 2008). Equally, they might refuse to refuse in order to maintain the relationship, to make someone else happy, or to protect themselves from different forms of violence (Bay-Cheng and Elisio-Arras, 2008: 387).

Neoliberal imperatives foster in women an obligation to both be responsible for themselves and their safety in a sexual encounter, and to accept the blame if things go wrong. Alongside this, it is a different neoliberal project of the self through which the imperative to be sexually self-knowing, to be sexual empowered, to be open-minded and game which holds women to constructs of a sexual self who is ‘hetero-sexy’ because she is free, and free because she is hetero-sexy (Angel, 2022; Dobson, 2011; Srinivasan, 2021). The tensions between these twin binds to be responsible and to accept the consequences on the one hand, and the obligation to be attractive, sexy and empowered on the other, make it hard for women in these encounters to speak their victimisation if it goes wrong (Burkett and Hamilton, 2012). These tensions fuel rape myths about sexual assault – who does it? To whom does it happen? This proliferates victim-blaming, and sustains unequal power relations within a heteronormative imaginary. And we see these dynamics play out in cases which come to court where a consent claim is made in a sexual encounter that has ‘gone wrong’.

In part, in response to the insufficiency of these consent discourses, different voices emerge to interrogate what we are talking about when we talk about consent. These critical consent scholars ask what might be possible if consent was imagined beyond the limits of the legalistic, binary definitions of consent (Webber et al., 2024), if we accommodated the ambiguous and indeterminate in what forms consent (Angel, 2022). These formulations emerge principally from queer scholarship and BDSM scholarship (which, in its way, might also be queer). Taking their framework of the ‘four Cs’ (consent, care, communication, caution) as a starting point, Williams et al. (2014) posit that within a BDSM encounter what constitutes consent is complex. They suggest that consent occurs at different levels – surface consent (yes, we agree to play together), scene consent (this is what we agree to do in the encounter, this is what we will not do, this is the safe word), and deep consent (this is what I really want/do not want/ do not know if I want), and that in an encounter, paying attention to the interplay and difference between these levels of consent requires that participants attend carefully to each other, that they attend to the verbal and non-verbal communication, that they check in and, in the words of Beres (2022) ‘tune into’ what each other wants. Indeed, they ‘come together to feel’, reflecting the etymology of the word consent.

Here, from a queer and pro-BDSM perspective, [Bauer \(2021\)](#) posits that the complexity of consent requires that the line between ‘pushing boundaries and respecting limits’ of what someone wants to do requires navigation, and that this navigation takes work. This is the case both in a BDSM encounter and in an encounter that is not BDSM. Here, consent practices are always imperfect, and this imperfection is OK. In an erotically charged encounter, communicating consent or non-consent can happen through body language, through eye contact, through the shifting of bodies in the bath-house ([Buggs and Hoppe, 2023](#)). The sober, affirmative, enthusiastic, considered consent that is figured in consent campaigns or evoked in legal definitions is less workable here. Indeed, in cultures of casual or anonymous sex, the non-verbal might be everything ([Cheves, 2023](#)). Consent, worked in this way, can fall out of the heteronormative dynamics where the man asks, and the woman agrees or refuses ([Bauer, 2021](#)). In these encounters, everyone has a stake in what is going on. Everyone is responsible.

These queer expressions of consent emerge from literature about LGBT + communities and cultures, in which different imperatives are at play, when compared to non-LGBT + encounters. Yes, these analyses are about queer sex and queer bodies, but they are also about queer consent. In this context, ‘queer’ - meaning ‘oblique, perverse, odd’ - becomes something that *we can do*, in addition to something *that we can be*. Thus, to queer consent, using some of the tools presented to us by these LGBT literatures, would ask us to consider consent askance – obliquely – as if it is something strange, and not something taken for granted or ‘normal’ ([Halperin, 1995](#); [Jagose, 1997](#)). We can adopt this critical lens beyond queer identities, in order to scrutinise contemporary orthodoxies about consent and sexual practice, more broadly. Queering consent in the context of how it appears in court enables us to critically interrogate how consent is composed, what assumptions construct it, and to understand how it ‘works’. To query it, if you will.

Analysing impossible consent

In order better to understand what happens when consent claims are made in court, I have analysed fourteen cases in which this claim is made. I used LexisNexis, the Law Pages, and WestLaw to identify suitable cases. I did this by using their search function and key words including ‘BDSM’, ‘sodomasochism’, ‘sado-masochism’, ‘rough sex’ and ‘sex game’. These databases comprise cases from USA, Canada and the UK over past several decades. The limitation of using these databases for this type of research is that they only list cases that have been sent to the Court of Appeal or beyond. For this to happen, a Crown Court needs to have found a defendant guilty of a crime. As such, it does not capture cases where defendants are found not guilty, or where cases do not, for whatever reason, go to appeal. In order to mitigate this, I used the LexisNexis news searching function to identify press reporting of sex games gone wrong, applying the same keywords. This returned a larger volume of cases, including many that did not go to the Court of Appeal. I also limited by search to cases tried under and English and Welsh jurisdiction, as this is where the law concerning these sexual practices applies, for the purposes of this paper. The limitation here, is this only captures cases which have been reported about in the media. To mitigate this, I triangulated my findings with cases identified by ‘We Can’t

Consent to This' who use a similar methodology to catalogue incidences of these crimes, but I limited my search to those cases that took place under English and Welsh jurisdiction.

Searching through these Court of Appeal cases, it became apparent that their transcripts – though freely available – are less useful than those of the Crown Courts which are more explicit on the points of each case, and about consent in particular. Thus, I needed to acquire Crown Court transcripts of the cases that I identified. These are time-consuming and expensive to acquire. In order to obtain these, I needed to ask permission from each Crown Court to acquire a transcript. Usually, though not always, permission was granted. However, it also became apparent through this process that cases heard before 2010 would not be possible to acquire. Thus, my search became limited to cases after this date. In total, I identified and acquired fourteen cases in which women were killed or injured by men and a claim that what took place was consensual is made. It is important to note that in my initial research, I identified many more cases than these, including cases where men killed other men during a sexual encounter, and one where a woman killed a man as part of a consensual sex game. Though this is a gendered crime disproportionately killing and injuring women, and where the perpetrators are nearly always men, it is important to acknowledge that this is not the only story that can be told about these encounters. These other victims are, for the time being, overlooked in much research on this topic.

In order to analyse these cases, I used the judge's summing up statements to understand the forms that consent takes. Using the summing up is instructive, because the judge provides a summary of the facts of the case and key events for the jury to take into consideration. Of course, this only captures what the judge he or herself considers to be salient (and judges are at pains to explain this limitation) and not the whole case. It also ventriloquizes the actual words of the defendant, the defence, the prosecution and, where she is alive, the complainant. This alters what type or depths of discourse analysis is possible with these artefacts, but it does help us to see what the judge explains to the jury is important, and to read the themes and discourses within that. These summing ups varied in length from 10 pages to over 100 pages with an average of 34.2 pages per case. I used them to conduct a thematic and discourse analysis of how consent was operationalised in these cases and how it was put to work. What constituted consent? How was it evidenced? What discourses does consent rely on to have logical traction here?

For the purposes of this paper, I draw on three cases which help us to see how consent emerges, what it relies on, and how it works. Though I limit myself to three cases of the fourteen, the themes I identify here emerge across the sample which is more fully examined elsewhere (Fanghanel, forthcoming). The cases I focus on in this paper are set out below in alphabetical order. Two are anonymised, because the defendants were found not guilty or had their conviction overturned. One is not anonymised. There are no reporting restrictions on it, and I think it is important to give name both victims and perpetrators in cases of sex games which have gone wrong. The decision to name or not name defendants and victims in these cases is sometimes a complicated one. In the first two cases, below, not naming the defendant was *a condition of being able to reproduce the cases, here*. In the first case, the complainant was anonymised in the transcript anyway, so that decision

to anonymise was not difficult. In the second case, names are not anonymised in the transcript. That case was reported in the press, and naming the victim would have meant that it would not have been difficult to identify the identity of the defendant. Even though I would have liked to use the victim's name in order to honour her, it was impossible, for this reason. Details of the third case are accessible in the public domain, and the defendant and victim are named in the transcript. I chose to keep their names because naming, here, has the potential to afford dignity and humanity to the victim and to hold the perpetrator accountable. However, I am also aware of the pain and distress that the deaths and injuries suffered by the women in these cases will have caused them and people who know them. I know that reproducing elements of the cases here can compound this. Writing about these cases is not a decision that I have taken lightly. I have done so in order to cast a critical light on what conventional attitudes to consent do in these cases and I have done so with the intention of paying tribute to, and acknowledging, these women and others like them who have also been affected by these violences.

The cases

R v Gamma (2018): In 2020, Gamma's conviction for the rape of Enn was overturned by the Court of Appeal. At Crown Court, he had been found guilty of the rape of Enn whom he met on his way home from a night out in Central London in 2018. They went back to a house that he was looking after in south London. They proceeded to have sex and to engage in rough sex, some of which he filmed on his phone. This video evidence was used to evidence Enn's consent to rough sex. The practices included Gamma slapping Enn, restraining her, and adopting a dominant role in their encounter (telling her what to do, asking her to beg for sex).

R v Lambda (2013): Lambda and his cousin, Dee, were involved in a sexual relationship. Over the course of a few weeks he would travel to meet her in her hometown and they would take drugs and have sex together. During this time, Dee lived alone. She had had a troubled past and was estranged from her children. Lambda and Dee had only just got back in touch with each other again as adults. They exchanged an array of erotic, highly charged text messages detailing extreme acts of BDSM that they wanted to do to each other. On one such occasion in April 2013, Dee's partially dressed body was found hanging by a rope from a skylight window in her bedroom. Lambda was asleep in bed next to her. He was charged with gross negligence manslaughter, a crime which he denied. He said what happened was an accident – something that Dee did to herself – and he was found not guilty.

R v Tenniswood (2016): In 2016, Edward Tenniswood, 52, met India Chipchase, 20, outside a nightclub in Northampton, UK. She was drunk – so drunk that she kept falling over and had been refused entry to the club – she was crying and distressed at having lost contact with the friends and boyfriend. Various night staff had tried to place her into a taxi to go home, but she refused. Tenniswood offered to help her. He explained: “I'm going to get a cab home and have a drink at my place and you're welcome to come, if you want”. She said yes, her demeanour changed, and she had a half smile on her face' (14)¹. There, they had consensual sex ‘they both undressed themselves and they had sexual intercourse.

It was, he [said], entirely consensual and was, he said, a very warm, natural, loving thing' (19). Tenniswood then squeezed Chipchase's neck with, he said, her consent. She died that night, and he was found guilty of murder, and is serving a minimum term of 30 years.

Spotting consent black holes

These cases all concern instances where participants have been in a sexual relationship with each other for just a short time. In two of the cases, the parties had just met that evening. Each of the cases involved the use of drugs or alcohol. The case of Gamma concerns practices which might be considered to be explicitly sadomasochistic-themed. The other two involve death by compressing the neck and play with power dynamics of dominance and submission. They might be aligned with a form of breath play which is recognised within the BDSM community as a practice that is inherently dangerous (Wiseman, 1997) and one that experts warn should only be engaged in with 'extreme caution' (Sheff, 2021: 767). As Herbenick et al. (2021, 2022) and Yardley (2021) have noted, strangulation or choking (which is also a form of neck compression) during sex has not just become more mainstream; it has become normative. This means that whilst breath play may be cognate with BDSM practice, it is actually likely to be more common and more normative outside of BDSM practice, rather than within it. In their normativity, these acts have become part of the 'modern mythology of everyday kink' (Gavey, 2024: 3); the idea that everyone is having sex in this way and that sex in this way is somehow what is expected or compulsory in the contemporary heterosexual encounter. Women are asked to accommodate choking as part of their hetero-sexy performances of self. Thus, the type of breath play going on in the cases of Tenniswood and Lambda are far removed from a sexual subculture in which consent negotiation, care, clear communication, and calculation of risks taken whilst sober and in control are valorised (Williams et al., 2014).

Consent is mobilised in each of these cases – sometimes it works to influence the outcome of the case, and sometimes it does not appear to – and its presence in the narratives of each of the cases tells us something about how consent is imagined, what work consent is put to, and what discourses consent relies upon to have coherence.

In these cases, consent is presented as a mere given; there was consent because she consented. To examine how consent is evidenced, therefore, we need to look for indicators of consent or clues that something is supposed to be consensual. Because consent is taken for granted, when we are looking for it, it is like we are looking for consent 'black holes'; something that is only visible because of the matter that surrounds it and which thus shows it to us. Here, it is the assumptions that compose consent which reveal its heteronormativity, including its reliance on romantic relationship scripts and rape myths.

The heteronormativity of consent

Traditional romantic relationship scripts in which a masculine dominant actor pursues a sexual encounter, and a feminine, submissive actor accepts or refuses it, are laced with heteronormativity. Here, the male is cast as active, the female passive and the seduction scripts unfold in the same way.

Edward Tenniswood casts himself as India Chipchase's saviour in his account of what happened between them. Chipchase was very upset and very drunk in late January 2016 when Tenniswood encountered her outside a nightclub. He tried to console her about the fact that she had lost her friends and offered to take her to his house for a drink. Once there:

He said she fell, and he tried to catch her. He reached out for her, she reached out for him, and she got hold of his neck and his right forearm which he says explains the scratches which were found on his body in these locations... After they were upstanding, he said she kissed him full on the lips, a French kiss, which he reciprocated. (17)

What unfolds in this account is an exemplar of the romantic relationship dynamic; she falls, he catches her, she holds onto him by his neck. They kiss. The kiss is instigated by her. Later, 'he gently kissed her. She reciprocated and it developed into a full-on kiss' (18). No need to express their intentions, the romantic relationship of being taken in the moment and 'just knowing' what the other wants, prevails. There is no need to discuss, or negotiate, because a well-known and well-rehearsed heteronormative romantic relationship script is playing out (Beres, 2022). The romantic magic of 'just knowing' what the other wants without needing to articulate it, evokes the lovers who are fated to be together. Later, whilst they are having sex, action becomes BDSM-adjacent and Tenniswood chokes Chipchase. He evidences her consent to this, thusly:

He cupped her face and kissed her. It was while he was cupping her face in that way that she put her hands on top of his, moved them down until they were around her neck, then put pressure on his hands, and he responded by squeezing... They had sexual intercourse again, he's described it as more standard love-making but, in the course of it, he cupped her face again, was kissing her, and he said the same happened as before, in that she moved his hands down and applied pressure to his hands which he took up by squeezing her neck. (19)

Once more unspoken, and evoking masculine strength and nurture against feminine passivity, Tenniswood describes tenderly cupping her face whilst she directs the squeezing by moving his hand to her neck herself:

He said to India, "You're naughty," and she said, "Not that bad," and she buried her head in his chest... (19)

Emphasising their size difference, she rehearses feminine docility – in response to the infantilising 'naughty' she responds, coyly, that she is 'not that bad' – and hides herself in his chest. These dynamics align so closely with conventional romantic relationship scripts that they operate as proxies for consent. They operate to show that consensual sex with strangulation was something that she silently encouraged in response to his chivalresque, almost paternalistic, behaviour.

The role of silence also plays a part in the heteronormative dynamics between Gamma and Enn. Here, as with Tenniswood and Chipchase, the two met each other at the end of a night out. After the encounter, Enn claimed that Gamma raped her and physically

assaulted her. She said that she was frightened and only accepted to have sex with Gamma because she was scared: 'I cried, if I made any noise, then he would say, erm, 'If you move or if you make any noise, then I'll just make it worse for you' (4). Gamma was found guilty of the anal rape of Enn at Crown Court. The conviction was overturned at appeal, in part based on the following filmed evidenced of Enn's consent:

G: Put your face up, keep your eyes closed

E: [demonstrates]

G: Tell me you'll do anything you want

E: I'll do anything you want

G: Do you know what happens if you miss obey?

E: [shakes head]

G: You're shaking your head [slaps her]

E: No, don't, don't, don't

G: Close your eyes. Hands behind you. Now.

E: [demonstrates]

G: Arse in the air

E: [demonstrates]

G: Stay there for me

G: Say, "Please"

E: Please

G: Louder, I can't hear you

E: Please

G: Good

[G inserts penis]

E: Ouch, ouch, ouch. Please, don't. No, please, no. Ouch [crying].

E: Please, don't, please, don't

G: Do you want me to stop?

E: [shakes head]

G: Say it clearly, say it clearly

E: No

G: No, you don't want me to stop. You want me to keep fucking you. Say it clearly for me

E: Mm-hmm [nods head]

G: Good girl (4)

Gamma takes the dominant role and instructs Enn, in her role as submissive in this encounter: 'hands behind you... arse in the air'. Gamma is able to rely on this expression of consent to overturn his conviction. In this film, Enn indicates that she does not want him to stop, and she does so only at his behest. He instructs her to 'say it clearly'. The incitement to verbal consent filmed in this way acts as Gamma's alibi. And yet this film also shows Enn's reluctance or uneasiness with what is happening. Her only spontaneous expressions - 'No, don't, don't, don't' and 'Please, don't. No, please' - appear to revoke consent, or to articulate non-consent. Everything else that she does and says in this encounter is in response to his directive. It could be that Enn simultaneously wants and does not want what is happening (See [Hoppe, 2023](#); [Cheves, 2023](#)). It could be that, as she said, she consents only because she is 'scared' not to. It could be that she loves what is happening and her reticence is part of the BDSM-adjacent game in which she is being forced against her will (known as rape play). Ultimately, the fact of her verbal agreements override her non-verbal cues (crying, expressing that she is in pain) and her verbal entreaties to stop.

In a heteronormative encounter where consent is has to be given freely where everyone involved is able to express what they want, an assumption that everyone is on an even playing field emerges. The exchange between Enn and Gamma here is at best ambivalent yet the dominance of affirmative consent prevails. Gamma is able to rely on it to prove that he did not rape Enn, and the court agrees, and he is exonerated. Attending to the materiality of this consent, we can start to see that it might not be so straightforward. If in Enn is scared, if Enn is intimidated by the reality of being in a strange house, alone, with a man she does not know, the consent that she gives might be strategic, or constrained. It works, legally, but is it good enough?

In the case Lambda and Dee, consent appears to be expressed far more explicitly through a series of text messages. The pair lived in separate towns and in the run up to their meetings would exchange sexually explicit text messages: 'I scare myself the sort of dirty sex I'm into, it would warp your mind' (23), she says. The dialogue continues:

"Our seedy, dirty secret turns me on bad. I'm gag for your big throbbing knob up me. You can fuck everyone [sic] in my body till they bleed". He replies, "Gonna burn you good this time, not some little shit arse burn". She then says to him, "Expect the same proper burns, then I'm into torture to [sic], you know". He responds, "Don't worry, I got loads of things I want to do to you' (27).

These messages exemplify the communication between the two. In the summing up, their explicit text messages detailing rough sex are read to the jury, and these comprise tens of pages of text. The ongoing back and forth of these sexual fantasies or desires paint a picture of, indeed, enthusiastic desire for rough sex. Though not formal negotiations of

consent that we might expect to see in sadomasochistic encounters, this effusive back and forth is put to work, in this case, as *evidence of Dee's consent*. Yet, Lambda's defence is that this was all Dee's desire, that he, himself had no interest in it. In summing up, the judge says to the jury that:

There was talk of little else but sex, alcohol and drugs in those texts, you may feel. The defendant told you he had no interest in sadomasochism and all the text messages were written when he was in drink. (18)

Lambda explained that when they met 'there was sex, oral sex and normal sex' (34). On the last of these encounters, Dee's neighbour 'heard Dee say, "Get off me, get off me" three times. The noises that preceded that were some unexplained bangs as if someone was falling onto the floor...single bangs' (35). Later, the same neighbour went to check on Dee, noticing that the door to her flat was open. On entering the bedroom, she found Lambda asleep in Dee's bed. Dee was hanging from a skylight in her bedroom. The rope that she was hanging from had come from the boot of Lambda's car. He had no memory of Dee saying 'get off me', or of the bang, or any idea how Dee came to be tied up with this rope. Lambda argued that what Dee did, she did to herself as a form of 'sexual asphyxiation'. Painting a picture of Dee, the judge continues:

She had an interest, it would seem, in sadomasochist sex. He has told you he did not. She plainly acted as, at least, a part-time prostitute. He had no problem with that conduct. (18)

And later:

The result is that it appears Dee had interests in sadomasochist sexual activity which included tying up and choking and other similar activities including sexual asphyxiation, see, for example the text messages and the belt that was found under the bed afterwards. You remember, it was that item that looked somewhat similar to an elaborate dog lead (22).

The jury are also told 10 times in the summing up that Dee has a history of risk of suicide and had tried to harm herself in the past. Drugs and alcohol also feature heavily in both Lambda and Dee's lives. What do the conjunction of these facts tell us about consent in this case? It is probable that Dee was interested in BDSM or BDSM-adjacent sex. A previous partner describes Dee as 'sex mad' in his evidence (22). We are also reminded that Dee was a sex worker, even though her sex work had no bearing on the events that led to her death. The conjunction of this information, coupled with evidence of her promiscuity and her lascivious desires expressed via text message paint a picture of sexual deviance which rehearses rape myths of who can be the proper object of rape and sexual violence. It is worth noting that the text messages between Dee and Lambda appear to be exchanged with equal enthusiasm. Sometimes he makes suggestions, sometimes she does, and yet it is he who is able to step away from the veracity of his words whereas those texts are indelibly hers. She is mentally unstable, she has sex for money, she has sex with her cousin – all facts which cast her out of what is legible as a 'normative' victim. In contrast,

the sex that Lambda is interested in is, in his words ‘normal sex’. Information about ‘sex toys’ and the ‘elaborate dog lead’ cohere to paint a picture of a woman whose sexual desires are excessive and out of control. In their analysis of queer consent practices, [Webber et al. \(2024: 378\)](#) note, citing [Ison \(2019: 161\)](#), that ‘when queers are perceived as sexually excessive and deviant, ‘it is only a short step to concluding that sexual assault is a part of a queer territory’’. If we change the word ‘queer’ to ‘women who like BDSM’, or maybe just ‘women’ full stop, we see the same rape myth-imbued logic emerge. She engages in sexual practices indiscriminately, which makes it hard for the jury to see her victim status.

These three examples show us how consent does not do the work that we hope it does. The heteronormative logics that run through these cases cast women as submissive, and men as dominant, yet, at least in the cases of Tenniswood and Lambda, it is the women who are framed as driving the action to which the men respond, and all three of them are, in some way, ‘asking for it’. In her analysis of ambivalent sexual desire, [Angel \(2022\)](#) notes the dangers inherent in deviating from traditional romantic relationship scripts where the male partner offers and female respondent gatekeeps. Asking for sex in the way that Dee appears to, brings with it the risk of retribution that we see, discursively, in the way that she is traduced in court. Asking in a non-verbal way conforms more closely to the dynamic of gendered romantic relationship scripts. Chipchase uses her hands, we are told, to drive the action. We also see in the case of Enn and Gamma, where consent and desire are at best, ambivalent for her, that heteronormative dynamics prevail to read an encounter as straightforwardly consensual. Those dynamics rehearse his dominance over her and enshrine the consent that he elicits from Enn – that he makes her speak – as the consent that prevails and that negates all of her previous refusals. These contentions highlight contradictions in how the fact of consent is accepted and indeed, who then bears the responsibility for giving consent.

Queer potentialities of consent?

Arguably, given that these three cases concern heterosexual couplings, it is not surprising that their consent discussions are heteronormative. Heteronormativity underpins inter-subjective logics in all areas of life, even, sometimes, within queer encounters ([Gaspar et al., 2021](#); [Namaste et al., 2021](#)). Certainly, it saturates court rooms and the law more broadly. It is the state in which we find ourselves. And yet, as I posit above, queerness can help us to analyse subjectivities, power dynamics, and normativities beyond queer lives.

Queer is deconstructivist: it unsettles and destabilises dominant ways of knowing and nurtures alternative potentialities. This means that the heteronormative logics – rooted in romantic relationship scripts and rape myths – that compose how consent is constructed, understood, and ‘known’ can be unsettled. [Bauer \(2021:772\)](#) points to this in the context of LGBT BDSM. A shared responsibility for consent between all parties queers dominant man initiator/passive woman gatekeeper dynamic which subordinates women’s sexual agency and responsabilises them if it goes wrong. Consent which is queer recognises that there is more to consent than ‘yes’ and ‘no’. It recognises that there are grey areas of consent, where people both want and do not want something to happen ([Buggs and](#)

Hoppe, 2023; Fanghanel, 2020). It recognises that sometimes people may not know what it is, exactly, that they want (Angel, 2022).

Queer consent also attends to the circumstances in which consent can be asked for, or refused, or given, or understood. Rather than imagining a legalistic, smooth, pure encounter in which all actors are equal, with equal access to knowledge about sex, with equal freedom to agree and to disagree, soberly, unconstrainedly, and agentially, queer understandings of consent look to the power imbalance between the actors. How do intersectional axes of identity collide with consent? How does economic, cultural, and material capital clash with the concept of a freedom that is freely given (Fanghanel, 2020; Fischel, 2019; Namaste et al., 2021)? Queer approaches encourage us to look to that which is so taken for granted that it is obscured, and to account for these dynamics in the giving, or not, of consent.

Part of the complexity of consent that queerness helps us with is with challenging these heteronormative scripts that underpin the logics of these cases. Moreover, when we queer consent, we unsettle that dynamic that we saw in these cases where the acts of asking for sex, or refusing to have sex become dangerous if they transgress the dominance of heteronormative dynamics of who gets to ask, who gets to answer, and how that answer is heard (Angel, 2022). Certainly, the non-verbal of consent that was evidenced in the case of Tenniswood is an expression of heteronormativity (Beres, 2022: 145), and when that normativity is destabilised we can see different ways that wordless entreaties can transform an encounter (Buggs and Hoppe, 2023). This approach might have complexified understanding of what happened between Gamma and Enn, for instance, beyond being something that she said ‘yes’ to, and towards being something that she *also did not want*.

In order for this non-verbal element to help to foster better sexual encounters, a practice of ‘tuning in’ to what people want and do not want becomes necessary (Beres 2022). This requires that everybody is ‘present mentally and emotionally’ and attends to the subtle, deep consent that Williams et al. (2014) describe. Of course, non-verbal consent is more ambiguous than the verbal. It is easier to miss, to misinterpret, to misunderstand. The non-verbal is weaponised in some of these cases. In the case of Tenniswood, Chipchase’s death is explained by the defence as being because she pushed things further and encouraged him to squeeze her neck. Enn’s verbal and non-verbal refusals are weaponised too. Gamma does not have to listen to them, *because she has also said yes*. It is harder to point to as evidence, or not, of consent. It is vague. It is easier to wilfully ignore (Jozkowski and Peterson, 2013). Consent that is queered, then, becomes a recognition that consent negotiations are often imperfect; that consent ‘can never be established beyond doubt’ (Bauer, 2021: 777). But even holding space for an imperfect reality of consent counters a contemporary heteronormative imaginary in which there is a perfect ‘yes’, a perfect ‘no’, a perfect understanding of these ‘yesses’ and ‘nos’, or a perfect ‘just knowing’ that requires no words.

Queering consent

When we query consent, we do two things: we interrogate it – hold it to account – and we denaturalise it to look at how it is composed. Thusly, we undo some of the enchanting

grasp that it has on how sexual practices are thought about. When we query consent, we take into consideration the messy, murky and grey areas of what consent looks like. By querying consent, we unsettle its privileged position within sexual encounter. It is by querying consent, that that we can analyse what takes place between, for instance, Gamma and Enn, or Tenniswood and Chipchase and interrogate how satisfactory these expressions of consent are. It is by querying consent that we notice the heteronormative assumptions that underpin how Gamma, Tenniswood and Lambda express consent; how these are imbued with romantic relationship scripts about who asks, who says ‘yes’ or ‘no’, and what happens when women deviate from these scripts. When we ask question of how consent is constructed and how that construction is complicit with rape culture, we also start to see some of the problems with consent both as it is, and as it is imagined to be. When consent is heteronormative, it serves the purposes of only some people. It sustains dominance and subordination at a socio-cultural and legalistic level. It enshrines injustices meted out through ableism, patriarchy, misogyny, racism and other expressions of oppressive force into the very legal landscape of sexual justice.

One of the implications of querying consent is that consent makes demands of us. When we query consent, we are asked to do the work of unsettling the status quo. It asks us to shun the comforting panacea of consent as ‘good enough’. It also requires that sexual partners develop a commitment to an ethics of care – that they want to get it right – in order to work. As the work of, [Jozkowski and Peterson \(2013\)](#), [O’Byrne et al. \(2008\)](#), and [Burkett and Hamilton \(2012\)](#), shows us, there is something very convenient about being able to wilfully misread consent in sexual encounters. The murkiness gives bad faith somewhere to hide. Even if querying consent helps us to see through this murkiness, it also relies on us wanting to see what we find there; a reluctant consent, an unwanted encounter, an orgasm – faked – just to bring an end to it ([Beres et al., 2004](#); [Buggs and Hoppe, 2023](#); [Namaste et al., 2021](#); [Thomas et al., 2017](#)).

Legalistic conceptions of consent inadequately reflect the murkiness of consent. They may be the ‘least crappy’ way to deal with sex crimes in court, but when building a culture of sexual justice, we need to ask for more. In each of the cases that I have presented here, the way in which consent has been evidenced reveals a more complicated dynamic which is collapsed into a simplistic yes, or no. This reflects a reality which requires that legal systems are reliable, definitive, lacking in ambiguity and yet what we are left with does not resonate with how consent functions, both in these cases and in sexual encounters, beyond them. If we oxymoronically normalise the querying of consent we hold the capacity to engage more deeply and authentically with what is going on in these encounters, to shed light on power dynamics which compromise consent, and to engage more carefully with considerations of how and when and in what form consent is enough, or ambiguous, or excessive. It also requires us to make peace with imperfection and to come to terms with realisations that are destabilising; that what we thought was a gold standard of sexual ethics is, in fact, not enough. More than this, that we have to work for it, we have to ask more of ourselves, and ask for much more than we are given by institutions of power and justice. But if consent is so important, maybe this is the work that needs to be done, anyway.

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1. Numbers in brackets indicate page number of the transcript.

References

- Angel K (2022) *Tomorrow Sex Will Be Good Again: Women and Desire in the Age of Consent*. London: Verso Books.
- Bauer R (2021) Queering consent: negotiating critical consent in les-bi-trans-queer BDSM contexts. *Sexualities* 24(5-6): 767–783.
- Bay-Cheng LY and Eliseo-Arras RK (2008) The making of unwanted sex: gendered and neoliberal norms in college women’s unwanted sexual experiences. *The Journal of Sex Research* 45(4): 386–397, Webber, V., McCready, S., Yurkovich, C., Dietzel, C., Feicht, B., Joy, P., & Numer, M. (2024).
- Beres MA (2022) From ignorance to knowledge: sexual consent and queer stories. *Feminism & Psychology* 32(2): 137–155.
- Beres MA, Herold E and Maitland SB (2004) Sexual consent behaviors in same-sex relationships. *Archives of Sexual Behavior* 33: 475–486.
- Buggs AG and Hoppe T (eds) (2023) *Unsafe Words: Queering Consent in the# MeToo Era*. New Brunswick, NJ: Rutgers University Press.
- Burch RL and Salmon C (2019) The rough stuff: understanding aggressive consensual sex. *Evolutionary Psychological Science* 5(4): 383–393.
- Burkett M and Hamilton K (2012) Postfeminist sexual agency: young women’s negotiations of sexual consent. *Sexualities* 15(7): 815–833.
- Cheshire Police (2024) Consent campaign – the bus, YouTube. <https://www.youtube.com/watch?v=AjjYBNI-380>
- Cheves A (2023) Consent in the dark. In: Buggs AG and Hoppe T (eds) *Unsafe Words: Queering Consent in the# MeToo Era*. New Brunswick, NJ: Rutgers University Press, 41–53.
- Cowan S (2013) The pain of pleasure: consent and the criminalisation of sado-masochistic assaults. In: Chalmers J, Leverick F and Farmer L (eds) *Essays Incremental Law in Honour of Sir Gerald Gordon*. Edinburgh: Edinburgh University Press, 126140.
- Dobson AS (2011) Hetero-sexy representation by young women on MySpace: the politics of performing an ‘objectified’ self. *Outskirts: Feminisms along the Edge* 25: 3.
- Dunkley CR and Brotto LA (2020) The role of consent in the context of BDSM. *Sexual Abuse* 32(6): 657–678.
- Edwards SS (2023) Sexualizing the killing of women: the rise of the “rough sex” defence in Anglo-American jurisdictions. *International Annals of Criminology* 61(1): 1–25.
- Fanghanel A (2019) *Disrupting Rape Culture: Public Space, Sexuality and Revolt*. Bristol: Bristol University Press.

- Fanghanel A (2020) Asking for it: BDSM sexual practice and the trouble of consent. *Sexualities* 23(3): 269–286. Fanghanel A (forthcoming) *Rough Sex: Sexual Practice and the limits of consent*, Edinburgh University Press.
- Fanghanel A and Lim J (2017) Of “sluts” and “arseholes”: antagonistic desire and the production of sexual vigilance. *Feminist Criminology* 12(4): 341–360.
- Fischel JJ (2019) *Screw Consent: A Better Politics of Sexual Justice*. Oakland, CA: University of California Press.
- Gallagher B, Wager N, Gall V, et al. (2022) Consensual aggression and violence during sex (‘rough sex’) in the general population—A scoping (literature) review. In: *Rough Sex’ and the Criminal Law: Global Perspectives*. UK: Emerald Publishing Limited, 9–29.
- Gaspar M, Skakoon-Sparling S, Adam BD, et al. (2021) “You’re gay, it’s just what happens”: sexual minority men recounting experiences of unwanted sex in the era of MeToo. *The Journal of Sex Research* 58(9): 1205–1214.
- Gavey N (2018) *Just Sex? The Cultural Scaffolding of Rape*. Abingdon: Routledge.
- Gavey N (2024) Deconstructing ‘rough sex’ in a New Zealand murder trial: beyond the modern mythology of everyday kink. *Social & Legal Studies*: 09646639241292689.
- Gavey N and Brewster O (2025) Is “rough sex” a thing? A survey of meaning. *The Journal of Sex Research*, DOI: [10.1080/00224499.2024.2438711](https://doi.org/10.1080/00224499.2024.2438711), 1–17.
- Giles M (1994) R v Brown: consensual harm and the public interest. *The Modern Law Review* 57(1): 101–111.
- Halley J (2016) The move to affirmative consent. *Signs: Journal of Women in Culture and Society* 42(1): 257–279.
- Halperin D (1995) *Saint Foucault: Towards a Gay Hagiography*. New York, NY: Oxford UP.
- Herbenick D, Fu TC, Valdivia DS, et al. (2021) What is rough sex, who does it, and who likes it? Findings from a probability sample of US undergraduate students. *Archives of Sexual Behavior* 50: 1183–1195.
- Herbenick D, Guerra-Reyes L, Patterson C, et al. (2022) “It was scary, but then it was kind of exciting”: young women’s experiences with choking during sex. *Archives of Sexual Behavior* 51(2): 1103–1123.
- Hickman SE and Muehlenhard CL (1999) “By the semi-mystical appearance of a condom”: how young women and men communicate sexual consent in heterosexual situations. *The Journal of Sex Research* 36(3): 258–272.
- Hoppe T (2023) Lost in the dark – or, how I learned to queer consent. In: Buggs AG and Hoppe T (eds) *Unsafe Words: Queering Consent in the# MeToo Era*. New Brunswick, NJ: Rutgers University Press, 53–65.
- Hurd HM (1996) The moral magic of consent. *Legal Theory* 2(2): 121–146.
- Ison J (2019) ‘It’s not just men and women’: LGBTQIA people and# MeToo. In: *# MeToo and the Politics of Social Change*. Palgrave Macmillan, Cham. https://doi.org/10.1007/978-3-030-15213-0_10, 151–167.
- Jagose A (1997) *Queer Theory: An Introduction*. New York: NYU Press.
- Jozkowski KN (2015) “Yes means yes”? Sexual consent policy and college students. *Change: The Magazine of Higher Learning* 47(2): 16–23.
- Jozkowski KN and Peterson ZD (2013) College students and sexual consent: unique insights. *The Journal of Sex Research* 50(6): 517–523.
- Kitzinger C and Frith H (1999) Just say no? The use of conversation analysis in developing a feminist perspective on sexual refusal. *Discourse & Society* 10(3): 293–316.
- Mackenzie F (2022) The rough sex defence in the UK. In: *Rough Sex’ and the Criminal Law: Global Perspectives*. Leeds, UK: Emerald Publishing Limited, 151–165.

- Moore A and Khan C (2019) The fatal, hateful rise of choking during sex. *The Guardian*. <https://www.theguardian.com/society/2019/jul/25/fatal-hateful-rise-of-choking-during-sex>
- Namaste V, Gaspar M, Lavoie S, et al. (2021) Willed ambiguity: an exploratory study of sexual misconduct affecting sexual minority male university students in Canada. *Sexualities* 24(8): 1041–1060.
- O’Byrne R, Hansen S and Rapley M (2008) “If a girl doesn’t say ‘no’...”: young men, rape and claims of ‘insufficient knowledge. *Journal of Community & Applied Social Psychology* 18(3): 168–193.
- Pitagora D (2013) Consent vs. coercion: BDSM interactions highlight a fine but immutable line. *The New School Psychology Bulletin* 10(1): 27–36.
- Powell A (2008) Amor fati? Gender habitus and young people’s negotiation of (hetero) sexual consent. *Journal of Sociology* 44(2): 167–184.
- Sheff E (2021) Kinky sex gone wrong: legal prosecutions concerning consent, age play, and death via BDSM. *Archives of Sexual Behavior* 50(3): 761–771.
- Sowersby CJ, Erskine-Shaw M and Willmott D (2022) Masochist or murderer? A discourse analytic study exploring social constructions of sexually violent male perpetrators, female victims-survivors and the rough sex defense on twitter. *Frontiers in Psychology* 13: 867991.
- Srinivasan A (2021) *The Right to Sex*. New York City: Bloomsbury Publishing.
- Thames Valley Police (2015) Tea and consent. YouTube. <https://www.youtube.com/watch?v=pZwvrxVavnQ>
- Thomas EJ, Stelzl M and Lafrance MN (2017) Faking to finish: women’s accounts of feigning sexual pleasure to end unwanted sex. *Sexualities* 20(3): 281–301.
- Vogels EA and O’Sullivan LF (2019) The relationship among online sexually explicit material exposure to, desire for, and participation in rough sex. *Archives of Sexual Behavior* 48(2): 653–665.
- Webber V, McCready S, Yurkovich C, et al. (2024) Are queer men queering consent? A scoping review of sexual consent literature among gay, bisexual, trans, and queer men. *International Journal of Sexual Health* 36(3): 359–383.
- Weinberg MS, Williams CJ and Moser C (1984) The social constituents of sadomasochism. *Social Problems* 31(4): 379–389.
- Williams DJ, Thomas JN, Prior EE, et al. (2014) From “SSC” and “RACK” to the “4Cs”: introducing a new framework for negotiating BDSM participation. *Electronic Journal of Human Sexuality* 17(5): 1–10.
- Willis M, Hunt M, Wodika A, et al. (2019) Explicit verbal sexual consent communication: effects of gender, relationship status, and type of sexual behavior. *International Journal of Sexual Health* 31(1): 60–70.
- Wiseman J (1997) *SM 101 A Realistic Introduction*. 2nd edition. San Francisco, USA: Greenery Press.
- Yardley E (2021) The killing of women in “sex games gone wrong”: an analysis of femicides in Great Britain 2000–2018. *Violence Against Women* 27(11): 1840–1861.

Cases

- R v. Brown (1993) 2 All E.R. 75 (H.L.).
- R v Tenniswood Transcript of (2016) *Proceedings, 29 July -1August 2016, Crown Court at Birmingham, before His Honour Judge Saunders*. London: Epiq Europe Ltd.
- R v Lambda (2013).
- R v Gamma (2018).

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