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Caitlin (Caitie) Curtis

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CONTENT WARNING: SEXUAL ABUSE

How Does Your State Define Sexual Consent?

For centuries individuals have come forward to heroically share their accounts of sexual abuse, assault, rape, harassment, and manipulation. Whether to a trusted friend or family member, a health professional, or even their followers on social media, these stories are told repeatedly, seemingly with no end in sight. Often these stories are received as such, just stories. Usually, with nothing but the victim-survivor's account of what happened, in contrast to that of the accused, these stories boil down to one thing; consent.

The Brief History of Consent in the United States.

When we think of sexual consent today, we might envision more about the details associated with yes vs. no in each situation rather than just the age to consent to sexual activity. It is important to note that this way of thinking about sexual consent is relatively new in the history of United States legislation. According to historian [Kimberley Hamlin](#), in the late 1800s, the United States saw a rise in support of increasing the age of consent which at that time was twelve or younger (seven in Delaware). Organizations like the Woman's Christian Temperance Union, members of the Labor, Civil Rights, and Populist movements, and feminists like Helen Hamilton Gardener had successfully influenced multiple states to raise their minimum age of consent to between sixteen and eighteen by the early 1900s. Surprisingly, this was a time in history when all women and femmes of different backgrounds, ethnicities, races, and socioeconomic statuses, worked together to accomplish a common goal. Of course, at this time, especially in southern states, these laws generally only applied to white children who could still prove their virginity to the courts. In the 100-plus years since increasing the age of consent, most legislatures have failed to change or update these laws, many of which have marital exemptions. The state laws addressing the age of consent, along with other related state legislation, lacks updated language to address the complexities of sexual consent, let alone appropriately define sexual assault and rape.

Does No Really Mean No? You Should Check Your State Constitution.

Thanks to the 10th Amendment, each state is permitted to create constitutional laws, which are not required to align with one another or federal legislation. For example, marijuana is illegal at the federal level, but multiple states passed bills to permit recreational and medical use. So depending on where you live, particularly what state in America you reside in, the legal definitions of rape, sexual assault, and abuse change. This inconsistency between state laws and definitions creates a dangerous and traumatic space for victim-survivors who want to come forward about their experiences but are unsupported by the laws that govern them. The federal government, specifically the Department of Justice, has done some work to create national definitions of these terms but has yet to enact a legal definition for sexual consent. Where government agencies in the UK and Canada do. As citizens of the United States, we often look

to our institutions of power and prestige to help us better understand the world around us. These institutions are in place to assist and even provide us with the justice we deserve. But most individuals know that the "us" referred to here does not include the masses they serve. Luckily, some states like Maryland and Indiana have passed or are working on passing laws that directly address sexual consent. Otherwise, sexual consent may or may not be addressed directly in the state legislation on rape or sexual assault. Even when sexual consent is addressed directly within the legislation often than not, the rudimentary language of the law is easily misinterpreted or not specific enough to confront the complexities of this broad term. With no federal guidance and without consistent language between our state laws, these institutions are doing anything but serving us and instead setting victim-survivors up for failure. The language of laws matters, and when it is not concrete and consistent, it can be misinterpreted, ineffective, and even used against victim-survivors.

"What If I Don't Want To Press Charges? Do These Laws Really Matter?"

In short, yes! The laws that govern you matter, especially the language of state and federal laws associated with your body and your choices. We have witnessed this firsthand when it comes to abortion. Over the previous year, we have seen the destruction of abortion and healthcare access in response to the overturning of *Roe vs. Wade*. One by one, state legislatures have introduced, and in some cases have passed, bills that directly affect thousands. When a law restricts access to one thing or the choice of another, there can be many unforeseen consequences. Taking away the right to choose has indirectly left those in many rural areas without access to life-saving treatments. As we know, many abortion clinics like Planned Parenthood provide much more for their patients than abortion, but when anti-abortion legislation passed, most clinics had to close their doors for good. Regulating laws around rape and sexual assault could give more clarity and agency to victim-survivors but could also help influence laws around abortion, especially in cases of rape.

So What Can We Do? How Can We Promote a Culture of Consent?

Realistically this is a very long and hard battle to be fought within the political sphere. The rise of Christian nationalist conservatism and the continuation of political gatekeeping makes it very difficult for activist and progressive politics to introduce, let alone pass effective, legislation on these topics. Also, many individuals are not involved in their local, state, or federal politics, and there needs to be a different way to enact change and start a revolution to grant everyone, including victim-survivors, true power, and justice. We need to do more than create a culture where everyone understands consent in its entirety but is also respected by everyone and integrated into every part of our society. Doing your own research and working in your own communities can make an impact. Specifically, working with our youth and the individuals most susceptible to sexual violence can spark a movement that, hopefully, one day will affect legislative change on the state and even federal levels. To find information about this topic and the work on consent, you can check out the many organizations that fight for this type of change.

Some organizations working with youth in schools and universities to educate them on topics like consent, sexual violence, and victim-survivor resources are the [Schools Consent Project](#), [Its On Us](#), [SafeBae](#), [Bloom365](#), [End Rape On Campus](#), and [Speak About It](#). There are also national organizations fighting at the state and federal levels to bring change and provide information to the masses, like the [National Sexual Violence Resource Center](#) and [RAINN](#), with almost every state having its own coalitions, associations, or foundations you can support and become involved.

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