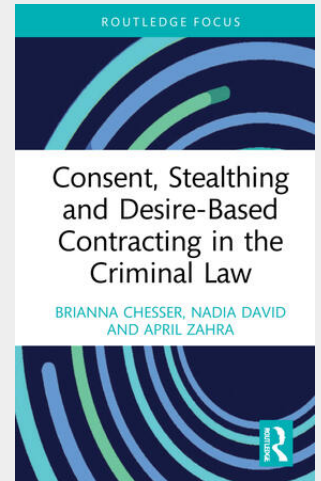


Consent, Stealthing and Desire-Based Contracting in the Criminal Law

Consent, Stealthing and Desire-Based Contracting in the Criminal Law examines the inconsistencies in the definitions of consent in sexual encounters by examining emerging sex crimes alongside changing community values and the changing legal definitions of consent in sexual offending, focusing on common law and civil law countries. This book distinguishes itself through the use of empirically validated research strategies and an in-depth analysis of current legislative regimes. It argues that desire and pleasure are largely ignored by legal consent definitions, despite its importance in sexuality more broadly. Using two case studies of emerging forms of sexual offending, the criminalisation of sadomasochistic sexual practices and the offence of 'stealthing', it examines how the law is both a blunt and under-utilised instrument in the policing of people's sexual relationships. The presence or absence of consent can change a lawful sexual act between two people into a serious crime with potentially devastating consequences to both survivor and offender. Yet there remains no consistent definition of consent applied within and between legal jurisdictions across the world. A comparative analysis reveals parallels between common law countries and civil law countries. The book also provides a brief history of the use of term consent in relation to sexual offending and examines definitional and sociological requirements of conceptual consent across history. Covering jurisdictions in the US, UK, and Australia, providing an innovative resource on issues relating to consent presented in an accessible way, this book will appeal to students and researchers of criminal justice, criminal law, criminology, sociology and gender studies.



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