Play, secrecy and consent: Theorizing privacy breaches and sensitive data in the world of networked sex toys

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Abstract
Based on a new materialist analysis of “vibrant matter” to understand the liveliness of sexual objects in toy-based sexual play, in this article I investigate the politics of thinking digital technologies as operating partly beyond human forms of agency and control. I use as my core examples privacy breaches and data leaks in the world of networked sex toys – such as a vibrator which allegedly audio recorded its clients’ play sessions without express permission – to engage with questions of intimacy and privacy in digital networks of humans and nonhumans. In particular, the discussion focuses on the consequences of new forms of publicness for how we can understand sexual intimacy and sexual play. What does it mean to have an intimate moment when connected to a device, a medium and a network that is by definition public, corporate and leaky? And how could we imagine other ways of being sexually intimate and exposed – yet safe – in public digital networks? Drawing on discussions of queer intimacy, sexual consent and queer BDSM, I suggest that current understandings of privacy and sensitive data (as per GDPR) may need unconventional sources to further ways of knowing what consent might mean, and how it feels.

Keywords
Digital intimacy, data consent and sexual consent, new materialism, public sex, sex toys

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Introduction

In November 2017, news broke about a networked vibrator from the Hong Kong-based sex toy company Lovense, which allegedly audio recorded their clients’ play sessions. A Reddit user reported that they caught the remote-control vibrator application “recording ‘private’ sessions without express permission.”¹ As they were going through their phone, they found an audio file in the local folder of the application, “a FULL audio recording 6 minutes long [of] the last time I had used the app to control my [...] remote control vibrator. (We used it at a bar while playing pool).” The Redditor explained that they had given the app access to the microphone and camera, but only to use with the in-app chat function and to send voice clips. They further declared:

At no time had I wanted the app to record entire sessions using the vibrator. I’m not tech savvy enough to know if the recording had been sent to them or not, but I assume this is the case given the history of the industry and their disregard for privacy. I have deleted the app, and will no longer be using its bluetooth functions. It’s unfortunate, because there’s no other way to control the vibrator without the app.

In response to this post, Lovense clarified that the sound file in question was a “minor bug,” as a temporary, local file was created when someone used the sound control feature, but that the issue now had been fixed. “Your concern is completely understandable,” they said in support of the worried customer, “But rest assured, no information or data is sent to our servers.”²

The news reporting on the event was light and sensationalist in tone and emphasized an understanding of leaky data of this intimate, playful and sexual kind as particularly sensitive. An article in Newsweek was headlined: “Sex Toy Company Says Secretly Recording Users’ Orgasms is Just a ‘Minor Bug’” and highlighted that even if the Lovense application “doesn’t send recordings of users to a database, it’s a scary revelation that has made many owners of the toy feel violated.” (Gaudette, 2017). This incident is not the first in which information has been leaked and user privacy breached in the context of networked sex toys. Networked connectivity is, on the one hand, opening up sex toys – as well as bodies – to play between intimate partners over distance. It provides for example long distance lovers with new forms of sex and play. On the other hand, bodies and digital devices are simultaneously opened up to hacking and leaking, as bodies made data come to circulate through applications and networks that may be everything but safe. When sexual play becomes data, safe sex becomes a matter of keeping one’s data safe.

A number of companies have dealt with sticky issues that arise at the intersection of networked technologies and sexual play: from the German Vibratissimo’s Panty Buster vibrator which was found vulnerable to hackers to take control of and potentially remotely pleasure users over the Internet without their consent, to vibrators by the Canadian sex toy company We-Vibe which stored user data in
ways that could be connected to individual email addresses. In April 2017, We-Vibe had to pay $3.75 million in compensation in relation to a class action lawsuit (filed in the U.S.), which accused the company of selling products that secretly “collect and record highly intimate and sensitive data” (on users’ vibration settings, temperature, duration and frequency of use and linking that to their email addresses).³ In this legal process, We-Vibe was found to show “a wholesale disregard for consumer privacy rights and violated numerous state and federal laws.”⁴ In response, the company said they found the settlement figure “fair and reasonable” (De Freytas-Tamura, 2017).⁵

Without contesting the legal definitions of privacy or sensitive data, nor those users who feel strongly about having had their rights to privacy, or even their bodies violated, the discussion in this article will take a slightly different route. Based on a new materialist analysis to understand the disobedience of sexual objects in toy-based play, I investigate the politics of thinking digital technologies as operating partly beyond human forms of agency and control. I use as my core examples privacy breaches and data leaks in the world of networked sex toys – such as the vibrator which allegedly audio recorded its clients’ play sessions without express permission – to engage with questions of intimacy and privacy in digital networks of humans and nonhumans. I will argue that the discussion at hand is underpinned by particular understandings of intimacy and privacy in ways that exclude forms of intimacy – such as queer or non-normative intimacies – that were never a fully private matter (and as such not worthy of protection).

In particular, I focus on the consequences of new forms of publicness for how we can understand sexual intimacy and sexual play. What does it mean to have an intimate moment when connected to a device, a medium and a network that is by definition public, corporate and promiscuous (cf. Chun, 2016: 51–52, 141)? And how could we imagine other ways of being sexually intimate and exposed – yet safe – in public digital networks? Drawing on discussions of queer intimacy, sexual consent and queer BDSM, I suggest that current understandings of privacy and sensitive data may need unconventional sources to further ways of knowing what consent might mean, with respect to both sex and data, and how it feels.

Consent and leaking sexual secrets

Within a European context under the recently introduced General Data Protection Regulation (GDPR), the question of data protection and privacy takes central stage in ways that have consequences on a global level. While there are differences between European and US approaches to privacy and data protection, there are also important ways in which data protection as regulated by GDPR increasingly is an international issue in that data continuously cross borders. Within the frame of GDPR, the right to be forgotten – which is interesting in the context of leaked sexual “secrets” – shows the limits of a national take on data privacy in a world of transnational data flows. Moreover, data which relates to a person’s sex life (and/or sexual orientation) falls directly into the category of sensitive personal data.
This means that processing such data must be done anonymously, or else after securing explicit consent. And much like consent when it comes to sexual practices, the absence of “no” does not equal “yes”. Recital 32 of the GDPR gives that “[s]ilence, pre-ticked boxes or inactivity should not (...) constitute consent.” To make certain that this standard of explicit consent is met, companies selling networked sex toys need to be clear about what data they will be processing and for what purpose (Wynn et al., 2017).

The question of consent, as it intersects with both data and sex, is vital. The framing of sexual consent has come to shift, from a previous “no means no” (as an emphasis on the right not to be abused or violated), to a mutual, freely given, affirmative, or even enthusiastic “yes means yes” (Coy et al., 2016). While subject to feminist debate, enthusiastic consent is understood to move beyond the initial “yes,” accentuate active, engaged and pleasurable sexual modes, and make a claim to female sexual agency (see Friedman, 2008). Consent vocabularies also tend to embrace consent as something provisional and possible to revoke at any time, which adds a dimension of contextual or situational awareness. To understand consent as something fleeting underlines its temporal dimension, as consent points to a future yet to come. Saying yes to one thing does not need to imply that you say yes to something else.

Yet, the consent vocabulary is still largely based on a heteronormative framework in which gender figures in predictable ways in terms of who is expected to be the one asking for consent and who is expected to be the one consenting (Corinna, 2008), which takes something important from the kind of female sexual agency that an emphasis on affirmation and enthusiasm claims to embrace. Besides, the contractual nature of a “yes means yes” approach can be everything but sexy in that it values legal evidence over corporeal experience. As Stacey Novack (2017: 302) asks, “How do we reconcile the contractual functions of consent with the subjective and elusive qualities of sexual desire?” Indeed, as Joseph Fischel (2019: 2–4) argues, such reconciliation may be impossible within the legal bounds of consent, as consent also in the affirmative shuts down or excludes a more pleasure driven feminist sexual politics.

Nonetheless, with respect to both sex, data and their intersection, it is in the absence of consent that things may go seriously wrong. Public discussions of non-consensual online leaking of sexual content are often divided by gender, but also by age. This becomes clear in debates around the sexual agency and privacy of adults (in particular men), most obviously brought to the fore by the Ashley Madison data breach. In contrast, debates over young women and the phenomenon of “slut shaming” (i.e. the public shaming of women for their sexual self-expressions) are quite different in terms of both agency and the right to privacy. In an unsettling parallel to how Julia Kristeva (1982) understands the abject as the leaking body which conditions the emergence of an (impossible) clean and proper body, the focus here is on the supposedly volatile, unpredictable female body and its risky leakage in digital networks. Body fluids, much like data that leaks, expose the porousness of both bodies and technologies.
Ashley Madison is an online dating site which facilitates discreet encounters for people in committed relationships. In 2015, the site gained considerable media attention when it got hacked. The group of hackers demanded a complete shutdown and subsequently released more than 25 gigabytes worth of user data, including names, emails, home addresses, credit card information and sexual fantasies of some 37 million users. The group was critical of both infidelity and the way the company treated its users’ private, sensitive data (Gauthier, 2017). Given that the site had a severe shortage of women, a mere 15% of its users out of which a significant portion were female bots posing as women willing to have affairs (Newitz, 2015a, 2015b), the Ashley Madison data breach primarily yet not exclusively revealed the sexual secrets of adult men. In the media coverage of the hack, there was an emphasis on the unethical behaviour of both the users and of Ashley Madison (Light, 2016), as the site had promised privacy and discretion. But there was also a discussion of the acts of hacking. According to Maude Gauthier (2017), it was hacking more than cheating which became affectively charged in the media reports. Infidelity was regarded as a highly sensitive and above all private matter, to be dealt with discretely. In other words, the sexual agency and autonomy of men in terms of normative transgression was nobody else’s business. In contrast, leaky digital technologies and those exposing such leaks were to blame, as these leaks posed a threat to heteronormative understandings of sexual intimacy.

The opposite seems to be true of how slut shaming takes shape in digital networks in terms of who gets to exercise sexual agency, or has the right to digital sexual privacy, as young women are caught in affective digital circuits of sexual shame and regret fuelled by the risk to be publicly exposed and humiliated. As for example Kath Albury and Kate Crawford (2012) argue, dominant debates around young women who share nude pictures through digital media strip them of sexual agency while holding them personally responsible for unwanted public exposure (see also Dobson and Ringrose, 2016). The only way out of such dynamics of shaming is restraint, or digital abstention. Wendy Chun (2016: 145–148) in turn understands online slut shaming as a displacement of fear cultivated by leaky digital technologies onto the bodies of women and their alleged shameful acts. They are responsible for nude pictures being leaked, for opening up their bodies in the first place to the very risk of non-consensual circulation and sharing. It is they who leak, not the technologies at hand. Nishant Shah (2015) similarly traces how the figure of the slut in online slut shaming is inextricably entangled with risky digital practices of (mis)use, leakage and distribution. It is not so much the sexual acts in themselves that are deemed slutty or inappropriate, but their very publicness in their proximity with digital technologies.

In arguing for a different ethics with respect to young women’s digital sexual rights, Albury (2017) wonders what would happen if these did not imply obligations to maintain sexual secrecy or abstain from digital sexual expressivity. “What if,” she asks, “being known as ‘someone who gossips, and shares sexual images without consent’ was the more shameful identity and was presented to young people as such? What if they were cautioned that inappropriate gossip and non-
consensual picture sharing was a violation of others’ rights” (Albury, 2017: 722). What we can learn from these debates around the Ashley Madison hack on the one hand, and slut shaming on the other, is that the sexual secrets of adult men are considered more valuable (in the sense that they are granted sexual privacy) than those of young girls and that the burden of proof is unevenly distributed. Even if the users of the Ashely Madison site got their share of public shaming and blame, the re-directed focus to hacking is telling. To the extent that the non-consensual sharing of nude pictures can be considered a reveal of sexual secrets, there is little ambivalence as to who is to blame – always the girl and her proximity to digital technologies, rarely the technologies no matter how leaky and flawed and rarely those spreading the images. What unites these seemingly disparate cases with the examples of security breaches in networked sex toys is an understanding of sexual intimacy as a secret of sorts, something which necessitates a realm of privacy to keep the secret safe from exposure. What further unites them is a reveal of specific kinds of sexual practices deemed immoral or sinful: promiscuity and play-based public sex.

Sex and privacy gone public

In their classic “Sex in Public,” which chronicles the 1980s and 1990s political landscape in the U.S., Lauren Berlant and Michael Warner (1998) discuss the politics of securing the right to privacy in constructions of intimacy and sexuality. With an interest in how sex is mediated by publics, their discussion shuttles between marginalized queer cultures and more implicit notions of (hetero)sexuality that are normatively embedded in fantasies of national belonging. They show how intimacy has become privatized, along with the kind of sex that such intimacy makes legitimate. This was not always the case, but as the modern public sphere in a Habermasian sense took shape, so did these cultural forms of intimacy tied to privacy as something to be valued. Intimacy as a private matter made sexuality a personal property of sorts, and as such a basis for rights to privacy. A particular “zone of privacy,” which is a legal term from the 1960s, has come to shield heteronormative sexual acts in and through a separation of the marital private bedroom from the realm of public politics (Berlant and Warner, 1998: 555, cf. Berlant, 1997: 381–382). In other words, intimacy conceived of as a private matter is a rather particular construct, “a category of law and a condition of property that constitutes a boundary between proper and improper bodies” (Berlant, 1995: 381). As a consequence of this logic, in which intimacy is conflated with privacy, there is an instinctive dismissal of publicly accessible sexual cultures.

One interesting thing about the example of the vibrator, which seemed to secretly be recording the sounds of its users, is the affective charge of the potential publicness of this act for those who may not be used to have their intimacy made public. Queer or non-normative intimacies and sexualities always had a certain sense of publicness, in that they are linked to queer cultures organized around particular sexual practices and identities. From a queer point of view, it
makes little sense to think of data that reveals a use of toys as sensitive. This would be the definition of an open secret and as such no secret at all. If your sexuality was never fully yours, as some sort of property, but rather something that quite concretely takes shape in public, then the idea of your sex life as belonging to a category of sensitive information is novel indeed. But for a majority that are used to think of sexual intimacy as fully belonging to themselves, such a reveal would be quite threatening as their previously proper bodies – by leaving the zone of privacy – are suddenly turned improper.

This is not to say that all queers desire openness in this public sense – or that the publicness of queer intimacy would not be a highly sensitive matter in places of intense homophobia, or where homosexuality is a punishable offense. There is a sliding scale involved in the logic of sexual publicness: from an involuntary kind of publicness tied to continuously having one’s sexual identity made evident to the proud display of queer sexualities as part of public sexual cultures. Moreover, sexual publicness is not dislodged from, but rather modulated by particular notions of privacy and safety, suggestive of the paradoxically ambiguous space of the closet. As Eve Kosofsky Sedgwick (1990: 67) argues, if the secrecy of the closet is “of and about the love that is famous for daring not speak its name,” this is a secret that can never be completely and utterly exposed. Sedgwick reads the epistemology of the closet as indicative of wider social and cultural mappings of secrecy and disclosure, as well as notions of private and public spaces.

The sexual publicness I'm discussing thus comes steeped in queer histories of (broken) silence, secrecy and outing. It is also shaped by histories of playful sexual objects and their public significance. Hallie Lieberman (2017) traces the history of sex toys from phallic stone carvings some 30,000 years ago to the 21st century. While the use of sex toys significantly pre-dates the Victorian era, they were not manufactured industrially until the 1800s. Lieberman zooms in on the strategic advertising of vibrators as non-sexual, medical devices around the turn of the 20th century as a way of circumventing the increasingly strict obscenity laws of the era (cf. Lieberman, 2016), as well as on how sex toys during the 1960s bourgeoning sexual revolution became explicitly marketed as devices for sexual pleasure. While discussing the rise of feminist sex toy retailing, Lieberman also tells the stories of some notable male pioneers: Ted Marche, a ventriloquist and an engineer who in 1965 created an innovative strap-on dildo for impotent men; Gosnell Duncan who in the early 1970s made silicon dildos marketed to the disabled; Reuben Sturman who in the 1960s started to sell porn magazines, ending up the largest porn distributor of his day and founder of the sex toy empire Doc Johnson; and Bill Rifkin and Duane Colglazier, two gay men who in 1972 founded The Pleasure Chest, made sex toys more respectable and paved the way for a different market.

Based on the more recent history of feminist sex toy stores and pleasure politics in the U.S., Lynn Comella (2017) maps out the work of feminist pioneers (and their daughters) in the burgeoning business of female sexual agency and politicized orgasms. By following the establishment of iconic feminist sex toy stores like Eve’s Garden in New York, Good Vibrations in San Francisco in the late 1970s
and Babeland in early 1990s Seattle, Comella shows how women’s growing economic and sexual independence made way for a new market, and ultimately a new sexual public. Second-wave feminism – and its intersection with the gay and lesbian liberation movement – helped reshape the politics connected to female bodies and sexualities. Feminist sex shops were part of this development, providing educational spaces of retail activism.

From medical devices in disguise to liberating and playful political objects, sex toys are fraught technologies at the junction of pleasure, norms, morals and sexual agency. Fittingly for the discussion at hand, Berlant and Warner (1998) recount a story about a young straight couple they knew who had discovered the enchanted world of vibrators. Their friends told the two authors that they were the only people they could talk to about this (given their queer orientation), without looking like perverts. Since Berlant and Warner wrote their article, the sex toy market has proliferated, in no small part due to ever expanding efforts to design and market sex toys “to women”. In an era of sex toy mainstreaming, propelled forward by online shopping, Sex and the City and Fifty Shades of Grey, a neoliberal and (post)feminist sexual culture takes shape which, according to Rachel Wood (2017), posits women as active and witty sexual agents while regulating sexual identities and practices through consumption. In spaces that intermingle consumerism, design, sex-positive feminism and female sexual agency and pleasure, sexual retailing provides products that sell themselves as stylish, fun and sexually empowering (Attwood, 2005; Comella, 2017; Crewe and Martin, 2017; Smith, 2007).

Regardless of this mainstreaming, the play-based and public nature of networked sex toys may still be haunted by what Gayle Rubin (1984: 282) identifies as the cultural need “to draw and maintain an imaginary line between good and bad sex,” i.e. between culturally sanctioned sex that is considered natural and healthy (such as heterosexual, marital, monogamous and reproductive sex) and that which society deems unnatural and sinful (like homosexual, public, promiscuous, commercial, or play-based sex). The discussion of security breaches in networked sex toys shows what happens when the entanglement of intimacy and privacy is publicly disentangled. It also seems to speak to a sentiment around being caught in the act of having public and in a sense kinky (as in non-reproductive and play-based) sex and not being used to that.

**Letting go of agency and control**

Rather than assuming that “we” can be fully protected when hooking up our toys – and by extension our bodies – to networked devices, what if we thought of such risks as demanding a different understanding of what sexual play means in networked, corporate publics, something which by definition takes place partly beyond “our” control? Part of the point in sexual play is, surely, to put something at risk, to let go of (some) control, while being safe enough in other ways to do so. Or as Susanna Paasonen (2018) suggests, sexual play involves improvisation, experimentation and thus to a degree not knowing in advance what bodies
might want or do. But what happens to dominant understandings of privacy, intimacy and agency within networks that intimately interlinks human subjects with particularly vibrant technological objects?

New materialism is a theoretical realm rife with disobedient and unruly objects, caught up in intricate relations with other wild objects in ways that could be helpful here. In *Vibrant Matter* (2010) Jane Bennett writes about the politics of things and nonhuman others, as well as about their affective power. At heart of Bennett’s vital, vibrant materialism, there is no such thing as inanimate, passive, inert, dead things. Rather, all materiality is in some sense alive – be it garbage, or metal, or fatty food – and with a tendency to act up in all kinds of unruly manners. Her purpose is to think materiality so slowly that it becomes strange and strangely vibrating, a vibratory tension which at the same time shows how such vibrating materiality is an intimate part of the human world. In the area of networked sex toys, vibrant matter is not only a witty, literal take on the matter at hand, but a useful way of thinking about the liveness of these objects and how entering into pleasurable, playful relations with them entails a certain amount of giving up, or letting go of agency and control. Such a shift in how we conceive of, to a degree, risky pleasures and agency, or a capacity to act, also has important implications for how the politics of distinguishing between privacy and publicness take shape.

Bennett’s new materialism includes a political project, which is about making possible more intelligent and sustainable connections with vibrant matter. She wants to articulate this vibrant, pulsating materiality which runs alongside and within humans to see how political analyses change if we make room for the power of things in this way (Bennett, 2010: viii). In tandem with Bruno Latour’s (2004) *Politics of Nature*, Bennett develops a more-than-human politics, and she borrows from Latour the concept of “political ecology” to capture the kinds of political negotiations and re-negotiations in which humans are not the only important actors. She defines agency as not entirely predictable encounters with a range of actants, following Latour and his ways of distributing agency across different types of bodies (Bennett, 2010: 97). Agency, here, becomes a social phenomenon, which expands the boundaries of the social to incorporate all kinds of nonhuman and human bodies. Within the bounds of her political ecology, Bennett performs a new materialist analysis of a multispecies public sphere, in which political systems are seen as eco systems of sorts, consisting of untamed activity, energy and excess.

What I take from Bennett, in particular, is her way of rethinking agency and agential redistribution as not merely a human thing. The inclusion of nonhuman bodies in the public sphere is significant. While it is unclear if or how nonhuman objects could be granted political rights, it makes perfect sense to include all actants who populate a particular public space as important elements thereof, which in turn necessitates an act of imagining the public differently (Bennett, 2010: 102, 104). At the same time, it is important to point at the limitations of using a new materialist approach to critically engage with human cultures of consent. An unresponsive or unconscious body is hardly vibrant or unruly in the way Bennett envisions all matter to be, which cuts new materialism short in its
encounter with feminist analyses of, for example, rape culture. The specificity of matter matters, which in turn points at the need to make new materialism more obviously political in a queer and feminist register (cf. Luciano and Chen, 2015).

It seems nonetheless important to take seriously the fact that networked devices are inherently unreliable and operate partly beyond human forms of agency and control. With Wendy Chun (2016: xi), in her theorizing of the political possibilities of inhabiting networked vulnerabilities, I too wonder what the consequences would be if we took the promiscuity and leakiness of digital media seriously,

if rather than pushing for privacy that is no privacy – a security that fosters insecurity – what would happen if we demanded more rigorous public rights? If we fought for the risk to be exposed – to take risks and to be in public – and not be attacked?

Chun points to the paradoxical figuration of Internet users as private subjects exposed in public, a paradox which induces plenty of anxiety over questions of privacy and surveillance, along with affectively charged attempts to repair such leakiness (Chun discusses everything from slut shaming to Snowden’s leaks). Or as Amy Dobson et al. (2018: 23) argue with respect to what they term “digital intimate publics,” the problem is not that digital and social media has made intimate life too public, but rather that these forms of intimate publicness are not public enough.

My point is similar and concerns the paradoxical nature of sexual subjectivity and intimacy as something entirely private and as such vulnerable to public exposure, a figuration that builds on both privilege and on the notion of sex as a secret of sorts. The consequence of this anxiety over shifty boundaries between private and public is, according to Chun, an “epistemology of outing,” a reveal of mostly open secrets (which in the case of the leaky vibrators is the “secret” that people use sex toys). In her call for public rights in and through digital devices, Chun (2016: 172) argues that we need to inhabit networks differently, to for one thing engage in politics which “fights for the ephemeral and fights not only for the right to be forgotten but also the right not to be stored in the first place”, which relates to the GDPR in interesting ways and the right to erasure.

To be publicly exposed, yet safe

In this article, I have used discussions of queer intimacy and sexual consent to reorient or open up discussions of privacy and networked sex toys to take into account new forms of publicness and shared networked vulnerabilities. I want to end by gesturing at yet another valuable source of knowledge to current understandings of privacy and sensitive data, namely BDSM in queer registers, and how shared vulnerabilities, sex in public and consent may be negotiated there. Sexuality in such queer spaces is something deeply social and as such publicly accessible. At clubs and at play parties, apart from fully public spaces of performance and display, there is also a range of semi-public, or partly hidden spaces, if yet always with
the possibility of people peaking in or passing through. It simply makes a lot of sense to pay attention to degrees of publicness, digitally and otherwise and to the difference such distinctions may make for experiences of being exposed and vulnerable, yet safe. To translate such sensibilities into digital public spaces in which sexual content circulate does not only make a lot of sense, but could foster a different relatedness and sense of sharing online vulnerabilities.

Queer BDSM communities provides rather unique spaces in which consent is explicitly negotiated beyond the bounds of normative gender dynamics, set within larger discussions of sex and power. Robin Bauer (2014: 75–78) points out that these communities hold significant awareness of consent as something not specific to sex, but as a larger question of power and inequality in relation to which BDSM may provide clarity. Consent, here, is about entering into an arrangement which is openly unevenly structured in terms of power and to subject oneself to this very unevenness. Living in a society structured by all kinds of non-consensual power relations makes explicit discussions of consent both important and difficult, as what it means to give consent, or even what constitutes consent remains unclear. This makes sexual consent as well as consent with regard to data storage and data processing ever so difficult. Consent is messy, as it is about power. Consent is also affective and as such unpredictable – as becomes clear in heated discussions of security breaches and sensitive data. And precisely for these reasons, consent needs to be negotiated in ways sensitive to affective power asymmetries, perhaps in particular to make sense of corporate logics in relation to acts or practices of consenting.

In BDSM, an understanding of consent as provisional and negotiable is strong and there are particular sensibilities developed around consent in ways that may be helpful for thinking about consent, data and the digital. Consent is not understood as a one-off event, which would give the more dominant party a free pass of sorts, but as Bauer (2014: 79, 84–85) argues, as something ongoing and collaborative that, for example, may figure in pre-negotiations, as part of checking in and safe-wording during play sessions and as part of aftercare. In a data safety perspective, both clarity in terms of contractual pre-negotiations as well as the possibility to safeword out of an unpleasant situation, to at any time have the option to revoke once consent in a sense that is respected and has real ramifications, seems critical. Understood as something always situational, consent is also in a sense tentative, perhaps even fictitious, since what you consent to has yet to happen. With respect to both sex and data, it is unclear whether it is possible to consent on beforehand, “or whether consent can actually only be given in the moment of action or even in retrospect, once one can actually feel in the body whether a certain action is desired in this situation or not.” (Bauer, 2014: 83).

There is also a flipside to such power play, as consent is not merely something to be negotiated by the bottom. As Juana Maria Rodriguez (2014: 57, emphasis in original) makes clear with respect to Daddies,

in practice negotiating the desires and limits of the dominant player also requires care. One must consent to be Daddy. And even if this already functions as a meaningful
social or sexual role, Daddy must consent to be *your* Daddy, to accept the affective and sexual responsibilities involved in each new relationship.

In other words, the dominant part is also a player, not only in terms of power and domination, but in terms of consenting to the terms of the exchange. The same would apply to the corporate counterparts when it comes to informational consent in sexual domains, as the act of binding users to consensual contracts also requires an act of being bound themselves by these very terms.

I would like to suggest that the examples of security breaches in networked sex toys discussed in this article point at a necessary de-linking of intimacy from privacy – a disconnect which was always there in queer or non-normative forms of intimacy and sexuality. Networked sexual play may be highly intimate and personal, but hardly private. The Redditor who posted about the mysterious audio file on their phone not only used the toy via an Internet-connected application, but also did so “at a bar while playing pool”. Networked sex toys ground a form of intimacy and sexual play which takes place in spaces that are not private, and hence claiming rights to privacy is in a sense paradoxical. This does not, on the other hand, exclude the right to be safe, to have once data kept safe or processed safely. There should be plenty of ways in which sex in public, as it were, can be made safe, also in the realm of digital connectivity and big data. BDSM cultures are useful here as sources of knowledge for how to negotiate consent, safety and risk with regard to sexual practices.

A discussion of sexuality and intimacy in the realm of data protection, one which by necessity extends beyond the bounds of privacy, thus has a lot to gain from paying attention to the publicness of sexual intimacy within queer and non-normative sexual cultures and how such publicness can be negotiated. This is a point also eloquently made by Albury (2017), in arguing for a more ethical way of relating to digital sexual rights and ways of being vulnerable together in public networks. When sexuality is understood as a publicly accessible culture and as something which is sustained through collective practices (rather than a form of individual property), then discussions addressing safety and consent in public digital networks could take a different and productive turn. With Fischel (2019: 17–19), I want to make a case for a feminist sexual (data) politics not merely contoured by the legal limits of consent, but one which fosters sexual cultures invested in how possibilities for intimacy, pleasure and skillful sexual decision-making can become more accessible. In an era of #MeToo and its vital focus on consent and sexual violence, questions of both sexual autonomy and playfulness are disappearing from view. It might be time for new kinds of pleasure-fuelled movements of both flesh and data, ones that are less concerned with the making public of secrets that are no secrets and more concerned with safe, respectful modes of public, enjoyable exposure.

**Declaration of conflicting interests**

The author(s) declared no potential conflicts of interest with respect to the research, authorship, and/or publication of this article.
**Funding**

The author(s) received no financial support for the research, authorship, and/or publication of this article.

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**Notes**

1. https://www.reddit.com/r/sex/comments/7bmi3i/psa_lovense_remote_control_vibrator_app_recording/ (accessed 15 June 2020).
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5. It should be noted that sex toy companies such as Lovense and We-Vibe are not data-driven in the sense of, for example, Facebook. They both started out as small business ventures which have grown exponentially by successfully identifying and creating consumer desires and a market for smart sex toys. In the case of Lovense (founded in 2010 in Hong Kong by Dan Liu, who at the time was in a long-distance relationship), such desires paved the way for technologies of sexual intimacy and sexual play at a distance. Canadian We-Vibe in turn was founded by Bruce and Melody Murison, a married couple who came up with a design of the world’s first couple’s vibrator launched in 2008 and who by 2014 introduced networked features for remote control pleasures.

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