



Consent-Based Social Dancing Spaces and the Right to the City

Rebecca Krisel

Consent-based programs in social dancing venues in New York City are an initial step in supporting social dancing as the “right to the city.”

The #MeToo era has ushered in a global conversation about sexual harassment and explicit sexual consent that has spread to all facets of our society from college campuses to the film industry. In the wake of the #MeToo movement, some New York City nightlife establishments such as House of Yes in Brooklyn and Nowadays in Queens have taken the initiative to enact strict consent rules: every customer entering the establishment must abide by specific rules of conduct which include agreeing not to touch anyone, in any way, without clearly expressed verbal consent. Though these rules benefit attendees at events ranging from sober dance parties to erotic ones, they are designed to protect historically abused communities from unwanted sexual advances, including women and the LGBTQ+ community.

The success of the consent-based program at House of Yes inspired New York City councilman Rafael Espinal to introduce legislation in the fall of 2018 with the goal of codifying consent and ensuring safety from sexual harassment in nightlife establishments. Though the bill has yet to be enacted, its placement on the policy agenda demonstrates that sexual harassment in nightlife establishments is of political concern.

Systematizing consent in New York City nightlife establishments would support social dancing as a “right to the city” (Harvey 2008; Lefebvre 1996) while also illustrating a process of the “politics of difference” (Young 1990) in the co-creation of New York City’s social dancing spaces. While consent-based social dancing spaces deepen the right to the city by allowing all social dancers to change themselves and the city equally through self-expression, the diversity in gender identities and sexuality within the social dancing community catalyzed the emergence of consent-based social dancing spaces through a process of the politics of difference.

The consent-based programs at House of Yes and Nowadays

House of Yes describes itself as a “temple of expression” and hosts a range of events including sober and erotic dance parties, where costumes are mandatory; its sex-positive consent program is enforced by individuals described as “consenticorns” who wear long fur coats and light-up unicorn horns. While this term and the costuming might make the role of enforcement seem frivolous, the program is taken seriously. Consisting of waivers, signage (“If you feel something, say something”), staff training, and a code of conduct policy posted on all event pages, the program may appear to over-police sexual encounters. However, as House of Yes cofounder Kae Burke notes: “It’s really about people looking out for each other and not feeling like there’s this nanny-state babysitter of a nightclub” (Witt 2019).

When patrons enter the venue, they are immediately greeted by a consenticorn and asked to agree to the following statement: “You are not going to touch anyone, in any way, without getting express

verbal consent. This is true for all gender variations. Anything that is not a ‘yes’ or a ‘hell, yes’ is a ‘hell, no.’ And should anyone, at any point, feel unsafe, look for one of us with a horn. We’re the consenticorns, and we’re here to help you” (Witt 2019). The program is so successful that the waiting list for training is 70 people long and other party organizers have begun to hire the consenticorns for freelance gigs (Witt 2019). Clearly, there is a need and demand for this kind of service.

Although Nowadays hosts regular dance parties and does not use a creative term like consenticorn to brand its consent-based program, its message is no less impactful. Instead, the venue has a “safer-space crew” on and around the dance floor whose members wear red bracelets. Similar to House of Yes, prior to entering the main venue, patrons are greeted by a door manager in a small room and asked to explicitly agree to a set of rules. These include rules against violence, nonconsensual touching, the use of racist, homophobic, transphobic, sexist or other discriminatory language, and leering (Nowadays 2019). If anyone feels unsafe in the space, they can reach out to the “safer-space crew” to help resolve the problem.

Making consent-based nightlife a citywide policy

In 2018, New York City councilman Rafael Espinal, who represented the neighborhood of Bushwick, where House of Yes is located, partnered with Anya Sapozhnikova and Kae Burke, cofounders of the nightclub, to launch an awareness campaign about consent (Lyons 2018). On October 31, 2018, Espinal introduced legislation seeking to systematize consent and safety from sexual harassment in nightlife establishments across the city. This three-part bill would require all nightlife venue staff to receive proper bystander training as part of their initial hiring process, the venue to display highly visible posters explaining the rules of consent, and the Mayor’s Office of Nightlife to post information relating to consent and training on its website (Prince 2018). Some of the concerns other legislators raised were due to the hesitation on the part of nightlife venues to assume responsibility and liability for harassment occurring in their spaces.

While the bill has yet to be enacted into law, if properly implemented it would create spaces where patrons could participate with less fear of harassment. However, the fact that this conversation has reached the level of official political discourse is a major win for those who are frequent targets of sexual harassment in nightlife establishments. When the city council repealed the Cabaret Law¹ in 2017, it was responding to a growing demand for legal spaces to dance. Now, New York City leaders are also faced with acknowledging the need to reinforce safety and respect in nightlife culture.

Protecting the right to the city of all social dancers

In his support for the bill, Espinal stated: “Unfortunately, harassment is so common at some nightlife venues that many women see it as part of the experience of going out” (Lyons 2018). Clearly, then, part of the impetus for proposing an increased awareness of sexual harassment in nightlife establishments is the protection of the rights of women and other vulnerable groups to safely engage in social dancing. If the right to the city is a human right, defined as “a right to change ourselves by changing the city” (Harvey 2008, p. 23), then this added safety protects the right to the city for all social dancers. Since the right to the city also entails the ability to co-create urban space (Harvey 2008), the consent-based programs not only enable the opportunity for all social dancers to change themselves and the city by creating an environment that is safe for self-expression, but also protect the ability for all social dancers to engage in this co-creation equally.

Henri Lefebvre (1996) conceives of the urban as a rejection of and a resistance against the city life that bureaucrats, planners, and capitalists design, develop, and provide for citizens. Instead, the

¹ For more information on the Cabaret Law, see: https://en.wikipedia.org/wiki/New_York_City_Cabaret_Law.

“right to the city” (Lefebvre 1996) consists of creativity, play, and use value that is enabled by citizens’ appropriation of, and participation in, the city’s space and time. In resonance with Lefebvre, Iris Marion Young (1990, p. 240) conceives of the city as “a being-together of strangers, diverse and overlapping neighbors.” For Young, wealth of diversity is a source of social progress in cities and “the politics of difference” as the normative ideal of urban life promotes equality among socially and culturally different groups (Young 1990, p. 240). In order to reach this normative ideal, urban space must support and create a “diversity of activities and guarantee democratic access to space” (Hae 2011, p. 136) to guarantee that all individuals, regardless of their identities, can participate equally in the creation of urban space for pleasure, excitement, and use value.

As embodied by the spectrum of gender and sexuality on New York City dancefloors, the wealth of diversity among social dancers has led to the co-creation of consent-based social dancing spaces promoted through a process of the politics of difference. Consent-based social dancing programs’ location within profit-seeking venues, however, contradicts both Harvey and Lefebvre’s emphasis of the right to the city as being in opposition to capitalist forces, and cannot be understood as an appropriation of the city’s space. Still, the programs promote an ability to engage in social dancing as a form of creativity and play in a more equal way for all genders and sexualities.

Conclusion

While the citywide law to codify consent and ensure patrons’ safety from sexual harassment would undoubtedly make New York City’s social dancing spaces more inclusive, questions about how the program might be implemented and/or enforced remain. One possibility would be to offer venues a menu of options, requiring code-of-conduct policies to be posted on the venue website and signs reminding attendees about consent to be hung throughout the venue (similar to “no smoking” or “fire exit” signs) but leaving it optional to have staff trained in handling harassment or making the policy explicit to attendees as they enter the establishment. Enforcement of the policy (e.g. asking someone to leave after being caught harassing another customer) could be left to the discretion of the venue or could become a legal requirement. At this point, further research is needed to understand the opportunities and constraints that such a policy would place on New York City’s nightlife establishments.

Bibliography

- Hae, Laam. 2011. “Legal Geographies—The Right to Spaces for Social Dancing in New York City: A Question of Urban Rights”, *Urban Geography*, vol. 32, no. 1, pp. 129–142.
- Harvey, David. 2008. “The Right to the City”, *New Left Review*, vol. 53, pp. 23–40.
- Lefebvre, Henri. 1996. *Writings on Cities* (1st ed.), trans. & ed. by Eleonore Kofman and Elizabeth Lebas, Oxford/Malden: Blackwell.
- Lyons, Jarret. 2018. “Council Member Rafael Espinal and Bushwick’s House of Yes Team up to Combat Sexual Harassment”, *Bushwick Daily* [online], 5 November. Accessed 29 June 2020, URL: <https://bushwickdaily.com/bushwick/categories/music/5693-bushwick-council-member-rafael-espinal-and-bushwick-s-house-of-yes-team-up-to-combat-sexual-harassment>.
- Nowadays. 2019. *Safer Space – Nowadays*.
- Oldenburg, Ray. 1999. *The Great Good Place: Cafes, Coffee Shops, Bookstores, Bars, Hair Salons, and Other Hangouts at the Heart of a Community* (3rd ed.), New York/Berkeley: Marlowe & Company.
- Prince, Daisy. 2018. “New York introduces three bills to put an end to sexual harassment at clubs and bars”, *Document Journal*, 31 October. Available online at the following

URL: www.documentjournal.com/2018/10/new-york-introduces-three-bills-to-put-an-end-to-sexual-harassment-at-clubs-and-bars.

Witt, Emily. 2019. "Is 2019 the Year of the Consenticorn?", *The New Yorker*, 4 February. Available online at the following URL: www.newyorker.com/magazine/2019/02/11/is-2019-the-year-of-the-consenticorn.

Young, Iris Marion. 1990. *Justice and the Politics of Difference* (rev. ed.), Princeton: Princeton University Press.

Rebecca Krisel is a doctoral student in political science at the City University of New York (CUNY) Graduate Center, where she studies public policy and social movements.

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