

Context: In recent protests “I do not consent to this” has become a rallying cry. People may refuse to consent to the election of a political leader, to have their emotions intentionally misled by social media, or to accidentally encounter pornographic or otherwise offensive images on the Internet. This research investigates the discursive proliferation of consent in these and other contexts, examining how consent is being redefined in Law and Political Theory, the socio-legal concept of sexual consent, and its seemingly more capacious elaboration in digital culture. Data technologies bring a new language and tooling of consent, but how datafication contributes to the wholesale transformation of consent as a cultural concept has been overlooked. Consent continues to be understood in a narrow way, with parallel notions such as journalistic “balance” and “free speech” receiving more attention in discussions of the cultural politics and democratic role of media. This research offers a radical departure from the dilemmas of individual freedom and media prejudice (Lammasniemi 2020-22) that have shaped how consent’s limitations have been understood, offering a new cultural basis for resistance to consent as a form of social control or impunity.

Aims: This research aims to: address the undertheorisation of ‘commonsense consent’ (Sommers 2020) by advancing beyond the analytical impasses linked to single discipline thinking; apply this interdisciplinary analysis to media discourses and technologies; develop a new cultural concept of consent that eschews the disciplinary separation between *political* consent, *sexual* consent, and *digital* consent in contexts of mediatisation and datafication; describe the ‘affective structure’ (Berlant 2011) of consent that organises how people feel in relation to consent and its associated ideas, such as trust, freedom and justice. This aims to provide opportunity for a more intellectually rigorous and culturally relevant understanding of consent in: research within and beyond the above mentioned disciplines, use of disciplinary concepts (e.g. social and political participation), emerging fields of study (e.g. data justice), media industries (e.g. scriptwriting, intimacy coordination), media regulation (e.g. content moderation, online safety) and its administration (e.g. GDPR); the evaluation of sexuality’s ‘consent moment’ (Fischel 2019) (e.g. consent education) and “post-MeToo” media representations that call for questions of feminist change and intervention to be understood.

Research Question: How and in what ways is the cultural concept of consent being transformed, how can we observe such transformations in media practices, technologies and representations, and what are the implications of these transformations for the utility of consent as a political and social category, particularly in relation to sexual injustice?

Subsidiary Questions

- > What are the aesthetic qualities of consent including new definitions of “affirmative consent” (e.g. transparency, mutuality, immediacy)? How do these aesthetics mediate consent as a site of social struggle and change?
- > How do cultural mediations of consent mobilise affect (e.g. shame, anxiety) and how do these feed the mediated forms of expression (e.g. entitlement, permissibility, trust and mistrust) that shape consent’s affective structure? How does consent seek to move us into ways of seeing and taking action?
- > How do the disciplinary antecedents and theoretical underpinnings of consent inform consent’s vernacular (including in the cultural scripts that guide people’s expectations of intimate life), the institutionalisation of consent (e.g. through policy), and the technicity of consent in digital media infrastructures (e.g. logics, logistics and design)?
- > How is the relationship between jurisprudence, media, technology and sexual consent framed by media representations, e.g. in the increasingly automated notion “trial by media”?

Methodology:

(1) A genealogy of the concept of consent in the humanities and social sciences

Consent has philosophical moorings as well as legal standing and this informs how consent appears in different disciplines. Close ties between consent and individual autonomy have radical but overlooked implications (Pateman 1980). A genealogy is a method of analysis based on retrieving an unwritten account from existing knowledge. This genealogy is based

on a targeted survey of Philosophy, Political Theory, Law, Feminist Theory (gendered and sexual equality), Social Psychology (of sexuality) and Media and Communications (of surveillance and privacy). This survey will examine the relationship between consent and supporting concepts (e.g. autonomy, communication, equality) to bridge gaps in understanding between Media and Communications, Gender Studies/Feminist Theory/Sexuality Studies and Critical Theory. A Literature Review will guide the selection of debates shaping the meaning of consent and its links to affect, emotion and feeling.

(2) Cultural analysis of the televisual genre of consent

Genres are expressive cultural forms that organise audience expectations and recent approaches developed in Cultural Anthropology and Cultural Studies hold that genre analysis can be applied to media aesthetics to understand not only how media move audiences affectively but how the everyday itself possess its own genres that cultivate forms of social change. Aesthetic analysis of consent (e.g. the role of consent in a narrative arc, the trend towards evidentiary culture) will be integrated into an overarching analysis of the 'genre of consent' that applies across contemporary media. Taking 2008 as the start of 'popular feminism' (Banet-Weiser 2020), the sample of media includes public service broadcast (PSB) news items, a sample of 30 items from both Channel 4 and the BBC per year. Targeted PSB and UK streamed drama series programmes (usually US or UK produced) are selected for their case-study demonstration of aesthetic, affective and discursive changes to the representation of consent. Analysis of a sample that includes Procedural Crime Drama and Reality TV programmes pivotal to genre expectations of consent will be reduced to 5-6 case studies and supported by broader contextual references.

(3) Discourse analysis of consent protocols within digital consent

Consent protocols are a primary site of the mediation of the cultural concept of consent, shaped by the logic, logistics and design of consent particularly within infrastructures of social media that yield, process and redistribute to the social sphere voluminous personal data and the intricacies of personal connection. Discourse analysis (DA) reveals the presuppositions that organise functioning world views and can be applied to representations, material objects and subjectivities. DA will be conducted in three stages to examine: consent as a digital protocol linked to privacy and surveillance; the relationship between consent protocols and political and sexual consent; the relationship between digital consent and the televisual genre of consent (affective cultural reception and mobilisation). Data will be drawn from two contemporary case studies: industry and policy media around the Online Safety Bill and on new consent app technologies (such as iConsent).

Outcomes

- (1) Article in progress: 'Consent-Deception in the Hyper-Aesthetic Present: A Contemporary Feminist Theory of Commonsense Consent'. *Feminist Theory* (SAGE).
- (2) Interdisciplinary edited anthology: *Consent: A New Cultural Concept*.
- (3) Chapter in monograph: *Aesthetics of Obligation: Essays on the Feeling of Being Obligated*.
- (4) Article: 'The Capacious Cultural Politics of Consent.' *Social Media + Society* (SAGE).
- (5) Article: 'Consent as Radical Philosophy.' *Radical Philosophy*. Plus others beyond scope.

References

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