

# Consent

Legacies, Representations, and  
Frameworks for the Future

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## Chapter 1

### Introduction

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# 1 Introduction

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A man is led into a dark room, to meet a woman he thinks is his lover. He is given a cup of wine, which causes him to become so intoxicated that he cannot wait to get into bed. He believes throughout the encounter that the woman whom he has sex with is someone else. In the morning, he opens the window to let the sunlight in, and the deception is over. When he recounts this episode afterwards, he insists ‘that I did was against my will’ [‘that I ded was ayenste my wylle’].<sup>1</sup>

This man is Launcelot, the supreme knight of King Arthur’s Round Table, and the episode as recounted appears in Sir Thomas Malory’s version of the Arthurian legend, *Le Morte Darthur*, completed in England in 1469–70 and published in a print version by William Caxton in 1485.<sup>2</sup> It predates what Katherine Angel refers to as our contemporary ‘consent culture’ by 550 years, and yet its concerns are those of this moment.<sup>3</sup> It engages with issues of deceptive sex or rape by fraud, intoxication and what degrees or methods invalidate consent, and whether it is possible for a man to be raped by a woman.<sup>4</sup> In contemporary Britain, this would be legally classified as sexual assault: UK law holds that only people with a penis can be the perpetrators of rape, although people of any gender can be rape victims.<sup>5</sup> In medieval English law, the crime of *raptus* (which could mean rape or abduction) was punishable in two distinct ways. A trespass could be brought by a woman’s father or husband, framing it as a crime of property (whereby the woman’s family could also seek recompense for cases of consensual adulterous sex, or consensual elopement), or women themselves could bring an appeal of *raptus*. In contrast, male victim-survivors of rape or sexual assault had no way of defining their experiences in legal terms.<sup>6</sup> Yet Launcelot’s own words are clear: ‘that I ded was ayenste my wylle’. He does not name the episode as rape, but he does clearly assert that he has been coerced into doing something against his will.

We open this book with this episode for several reasons.<sup>7</sup> Firstly, because it illustrates the long historical legacy and perennial relevance of discussions about consent and coercion. Secondly, because it demonstrates the value of *representations* of consent and coercion – in literature, art, music, film, and TV – for thinking critically on this topic. Launcelot’s own words for his experience go against contemporaneous and modern legal practices,

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illustrating the limitations of legal frameworks for ethical sexual practices and the relation of experience. Where the law is silent, inadequate, or unclear, literary or artistic portrayals open up new questions, offer radically different perspectives, or explore greater levels of nuance. Our third reason for including this episode is because it engages with several key frameworks used by the contributors to this volume: deceptive sex, intoxication, gendered power dynamics, and authorial agency. The presence of this episode in Malory's *Morte* raises important questions about authorial testimony, literature, and ethics, because Malory was himself accused of two counts of *raptus* against Joan Smith in 1450. These accusations are uncertain and unclear: because of the capacious nature of medieval *raptus* law, the charges (brought by Joan's husband, Hugh Smith) may be aiming to punish consensual adultery, or they may have been fabricated or exaggerated by Malory's political enemies.<sup>8</sup> And yet such interpretations also offer an easy way to avoid confronting the ethical issue of how we read authors' real-life experiences of and potential involvement in rape or coercion alongside their – sometimes highly sensitive – literary accounts. A fourth reason is that the episode urges us to attend to the voices of survivors, while interrogating whose survivor testimonies are granted visibility and credibility within particular cultural configurations, including the Western context of this example. While this volume features relatively few pieces that are explicitly written by survivors, this is in part because we feel strongly that disclosure itself is a matter of consent; it should remain optional within academic work, as the demand for survivor testimonies can place a disproportionate burden of representation on certain figures. Finally, we include this episode at the start of this introduction because it foregrounds the often-unacknowledged experiences of men whose consent is violated. We recognise that the perspectives of men as victim-survivors remain underrepresented in this volume; however, several of the chapters, including those by Jay Szpilka, Rebecca White, and Christina Mansueti, engage with men's experiences of consent across a range of sexual orientations and dynamics. Acknowledging the full range of experiences of consent, coercion, and assault, across the spectrum of gender, sexuality, and relationships, is vital to enable more holistic understandings of how we can create a safer and more equitable world for all.<sup>9</sup>

This book aims to take stock of 'consent' at a time in which its cultural prevalence as a framework for sexual ethics in particular is being questioned and challenged. Consent, as many scholars have recently argued, has been taken as an all-encompassing term, obscuring the nuances of the conflicting and ambiguous issues that fall within its remit.<sup>10</sup> In its use in everyday experience, it has come to be equated with negotiation, desire, and pleasure, to stand in for the whole domain of ethical sexual practice, a conceptual conflation that is problematic and misleading.<sup>11</sup> So what, then, *is* consent? What does it mean and what is it useful for at this junction in contemporary thought? And what bearing should it have on future principles, practices, and policies?

For the purposes of this introduction, we define consent as voluntary agreement, which sets boundaries of what is and is not acceptable to the

participants in a particular interaction, whether this interaction constitutes a sexual encounter, engagement in a medical practice, or an agreement between an author and audience.<sup>12</sup> However, this is simply a working definition, and the collection puts in dialogue the definitions offered by individual contributors to co-produce a more nuanced framework for understanding consent. Because our book takes a cross-disciplinary approach to consent across a wide range of specialisms, spatialities, and temporalities, definitions of consent necessarily vary in accordance with individual authors' particular areas of focus. Consent does not remain static throughout history and across the globe – though we argue that the concept of voluntary agreement underlies most formulations of consent, even as whose agreement matters changes, from the focus on patriarchal consent that understands women's bodies as property to the grounding of consent in individual subjectivity. Consent is an important legal standard and remains key to opening up conversations about ethical conduct in many areas of life, from sexual to artistic to biopolitical.

### Current Contexts of Consent Studies

Consent moves across boundaries of the popular and the theoretical, and is often considered both self-evident and fraught with complexity.<sup>13</sup> Approaches to the term have tended to diverge into two broad fields: those that perceive consent to be a productive framework as a critical, political, and practical tool, and those that view consent as restrictive and even outdated, especially in the context of sex and intimacy. In drawing attention to some of the key critical debates around consent in contemporary thought, we wish to tease out the ways in which this volume speaks to and expands upon such discussions.

While recognising its limitations, this edited collection reveals the capacious possibilities of consent. We acknowledge the frequent denunciations and querying of consent, especially through its history as a liberal contract and property relation that can perpetuate, as Tina Sikka outlines, 'heteronormative and ethnocentric structures by fixing normative Western heterosexuality as the default' and 'its racializing elision of liberal consent's imbrication in a history in which consent was not afforded to enslaved women and distorted with respect to enslaved men'.<sup>14</sup> Recent critical work on consent has argued, as Angel does in *Tomorrow Sex Will Be Good Again*, that it 'has a limited purview, and it is being asked to bear too great a burden, to address problems it is not equipped to resolve'.<sup>15</sup> Meanwhile, Mithu Sanyal sets out how consent is 'not a cure-all, and it is more complex than it may initially seem', to which our own collection attests.<sup>16</sup> For Linda Martín Alcoff, 'consent is an imperfect instrument, descriptively as well as juridically' when it comes to '*understanding* sexual violations'.<sup>17</sup> Yet, as Alcoff also asserts, the etymology of consent means 'a "feeling with" or a "feeling together"', which gives 'a different connotation than the association of consent with contracts, and brings it closer to the concept of "mutuality" that legal theorist Martha Chamallas (1988) argues would be a better approach to norming sex than contractual consent'.<sup>18</sup> Following

Alcoff, we perceive restrictions in the history of consent and its associations with contractualism and property, while simultaneously seeking to contextualise, nuance, and potentially redefine its meaning and significance.

The #MeToo movement led to a resurgence of wider conversations around consent and its parameters. Yet it also reflected, as Angela Onwuachi-Willig writes, ‘the longstanding marginalization and exclusion that women of color experience within the larger feminist movement in U.S. society’ and beyond, which Rebecca White’s chapter in this volume addresses.<sup>19</sup> The failure of Western feminist movements like #MeToo to be truly intersectional in outlook is further evident in consent’s own frequent obscuring of marginalised identities and communities through the promotion of the myth that ‘we are all free autonomous agents capable of exercising choice, and that choice is a purely rational act’, a myth deeply connected to liberal philosophers of the Western Enlightenment.<sup>20</sup> As Sikka delineates, however, there are numerous movements in the non-Anglophone world that ‘aim to deconstruct and rearticulate sexual norms and laws around gender-based violence’ through a more complex engagement with consent.<sup>21</sup> Eunice Rojas’s and Iqra Shagufta Cheema’s chapters in this volume examine feminist activist movements beyond a narrow white, ‘Western’ perspective often associated with #MeToo, through Latin American feminist campaigns against gender-based violence and the significance of the slogan *Mera Jism, Meri Marzi* (my body, my choice) in contemporary feminist politics in Pakistan; additionally, Arya Thampuran’s chapter seeks to ‘elasticise the conceptual boundaries of consent’ through the decolonisation of traumatic testimony in Inuit and Nigerian contexts.

Consent is routinely aligned with heteronormativity, individualism, and white subjectivity, leading to feminist calls against the widespread and exclusive use of consent as an intersectional and international theory and practice.<sup>22</sup> While some critics have therefore argued for a move away from consent, Robin Bauer and Melanie Beres make a case for the queering of consent and the expansion of consent studies through a more sustained consideration of queer stories.<sup>23</sup> In the process, ‘rather than starting off [with] the premise of an autonomous subject with free will’, consent can emerge as ‘an affective process that is situated in complex social power dynamics’, and as a ‘complex and open-ended process that needs to be situated in one’s personal history as well as social contexts’.<sup>24</sup> This position resonates with Alexandre Baril’s opposition to the legal notion of consenting to the public distribution of images, which defines consent as a ‘singular and irrevocable event’, specifically in the context of marginalised groups such as trans people: ‘What happens when consent is no longer constructed as either given or not, is understood as a process instead of an event, and is conceptualized as a social relation instead of defined by a neoliberal, individualist notion of subject and agency?’<sup>25</sup> In *Unsafe Words: Queering Consent in the #MeToo Era* (2023), Shantel Gabriel Buggs and Trevor Hoppe write of how contributors ‘poke and prod in search of more capacious, queer, and kink-friendly notions of consent’.<sup>26</sup> Several of the authors in this volume also seek to queer the

boundaries of consent: Jay Szpilka's chapter explores consensual non-consent within BDSM communities in Poland; Catherine Donovan, Kate Butterby, and Rebecca Barnes's essay spotlights rarely researched assumptions around sexual consent within abusive LGBTQ+ relationships; Kyle Murray's chapter examines the limitations of the British court's heteronormative conceptualisation of sexual activity and suggests an alternative model of consent that will enable a move away from the legal emphasis on so-called 'gender fraud'.

While many of the chapters in this volume examine sexual dynamics and intimate interpersonal relationships, consent has a wider remit, as exemplified in recent scholarship. Kalidas D. Chavan and Rajendra S. Bangal's *Informed Consent in Medical Practice* (2019), for example, offers a comprehensive view of the issue of informed consent in medical practice from a medicolegal perspective.<sup>27</sup> Meanwhile, *The Ethics of Consent* (2009), edited by philosophers Franklin Miller and Alan Wertheimer, provides a 'systematic analysis of the concept of consent and the moral and legal work that it performs', such as in healthcare, clinical research, and work contracts.<sup>28</sup> Andreas Müller and Peter Schaber's more recent *Routledge Handbook of the Ethics of Consent* (2018) examines some of the discussions around consent 'often reignited or reshaped by the progress of medicine, new technologies, or social developments'; like Miller and Wertheimer's volume, however, it predominantly spotlights perspectives from philosophers, legal scholars, and political theorists, rather than highlighting more cross-disciplinary approaches.<sup>29</sup> What distinguishes our collection is its diverse conceptual scope and commitment to cross-disciplinary dialogue, accommodating perspectives on consent that are contextually sensitive and culturally diverse.

### Contexts of this Collection

To capture this spirit of open dialogue on consent, and actively interrogate its significance through time and space, we have titled this collection *Consent: Legacies, Representations, and Frameworks for the Future*. This reflects the historical roots, enduring relevance, and possible potential of consent – and the significance of sustaining conversations on this contested term. Indeed, our collection itself is a legacy of a conference co-organised by this editorial group in 2019 at Durham University (UK), where the editors met as doctoral and early career researchers. The conference, 'Consent: Histories, Representations, and Frameworks for the Future', originated as a series of conversations facilitated by shared office spaces and intra-departmental events, demonstrating the value of these spaces at a time when they are increasingly rare due to workloads and pressure on room bookings within universities that have benefited from the removal of the student cap. The conference was conceptualised in response to contemporary #MeToo and #TimesUp campaigns, as well as the work of the 1752 Group, an organisation addressing sexual misconduct in academic spaces.<sup>30</sup> We held the event at one of Durham's historic colleges, Josephine Butler, named after the nineteenth-century activist and social reformer who advocated for consent in healthcare, campaigning

against the UK's Contagious Diseases Acts and against sexual slavery as a violation of consent. Butler was also a vocal critic of child prostitution and sex trafficking, championing women's right to consent in a society that sought to stymie it.<sup>31</sup>

Our overarching aim, with both the conference and this present collection, was to facilitate a collaborative space for dialogue on consent as it circulates in both pedagogy and practice – from the textual encounter to media and technology, and institutional policy-making. This collection was initially conceived of as a space to sustain the critical cross-disciplinary and cross-sectoral conversations generated from the conference, from literary analyses of medieval rape testimonies to legislative and technological considerations of consent, cutting across borders from England to South Asia. As it stands, however, this body of work has grown beyond this initial aim, reflecting the changing cultural and political climates over the intervening years; indeed, only a third of this collection comes from research originally presented at the conference. This evolution is captured in our taxonomic tweak, from 'Histories' in the conference title to 'Legacies' in this collection, as one of the representative components of our transtemporal and transgeographical approach to consent. Its historically entrenched significance notwithstanding, we have sought here to house a host of perspectives on consent that cut across contextual boundaries. While these issues remain embedded in sociocultural histories, their evolving expressions are inflected by contemporary realities, not just since Butler's work, but – as we editors became acutely aware – since our 2019 conference itself: from the COVID-19 pandemic, which radically transformed interpersonal dynamics and our relationships with work and technology, to heightened confrontations with the intersectional entanglements of embodied experience in healthcare. Our collection has thus expanded to reflect these shifting positionalities and landscapes, integrating perspectives far beyond the scope and space of the conference, whilst remaining firmly committed to an intersectional and interdisciplinary approach.

We have reflected on the term 'Representations' as this body of work has developed; the protracted process of producing this collection, since the conference and through the pandemic, has proven to be a critically self-reflexive space for us as editors and academics.<sup>32</sup> In their heightened urgency, we have included here perspectives on racial and sexual issues pertaining to embodied expressions of consent; consent and governmentality in post-Roe America; and pedagogical practices engaging with consent, to name a few. Acknowledging that these issues will resonate with and affect different readers in specific ways, we invited contributors to add content notes prefacing their chapter where they felt it appropriate to do so. Given the nature of the volume, some content warnings will already be evident, and some authors therefore chose to omit content notes. We felt it important to leave this decision to individual contributors, facilitating a specific and plural approach that is registered also in the formal and methodological diversity this collection accommodates: these creative and critical engagements with consent reflect its significance – thematically,

theoretically, and experientially – across a range of cultural productions and platforms, from literature and film to music, performance art, and theatre.

But we remain mindful of the selective scope of our collection, in both its content and the process of co-production itself. While this collection takes care to foreground non-heteronormative formations and formulations of consent, and incorporates a robust range of queer approaches, crip and neurodiverse perspectives in particular remain notably absent; these are oft-marginalised, under- and/or mis-represented voices in academic spaces, and the difficulty in accessing and accommodating material from within disability studies may attest to broader structural issues of institutional access and representation.

We are mindful that our authorship is predominantly situated within UK, European, and North American academic contexts, and while the contributions offer important perspectives, it is worth acknowledging the representational privilege wielded in the academic milieu from which this collection is produced and within which it circulates. This space is itself not immune to the forms of cultural gatekeeping, barriers to access, and issues over rights of representation that exist within the broader socio-political landscape.

The lack of survivor narratives and survivor-led work in our own collection is a gap we have critically reflected on. Indeed, these voices have become more visible and audible in the wider literary landscape, with experiencer-centred testimonies such as Jonathan Dollimore's *Desire: A Memoir* (2017), Samra Habib's *We Have Always Been Here: A Queer Muslim Memoir* (2019), Carmen Maria Machado's *In the Dream House* (2019), and Vanessa Springora's *Consent: A Memoir* (2020) coming to the cultural fore. These works critically interrogate how consent is navigated when the body in question occupies multiple culturally defined and institutionally imposed forms of marginality: when the body occupies spaces where homosexual relationality, religion, and nationhood become sources of vulnerability. Shedding light on the oft-suppressed discourse on sexual violence and rape in the Indian socio-legal context, Sohaila Abdulali's *What We Talk about When We Talk about Rape* (2018) offers incisive theoretical critique on localised and globalised expressions of rape and sexual consent through the lens of Abdulali's personal experience as a survivor-activist. In a similar methodological vein, albeit with an unexpected re-orientation of representation, Tara Kaushal provocatively enfoldes the perspectives of men involved – in various forms and contexts – with sexual crime in India in *Why Men Rape: An Indian Undercover Investigation* (2020). Moreover, Tanaka Mhishi's *Sons and Others: On Loving Male Survivors* (2022) addresses the barriers to understanding the experiences of male victim-survivors, including queer men's experiences of rape.<sup>33</sup> These accounts speak to the value of hybrid modalities of expression, and the urgency of broadening the remit of representation – creatively and contextually – to facilitate nuanced conversations on consent.

However, we are also cautious of the ethical quandaries involved in enfolded such work into what is largely an academic collection; we are wary of representation for its own sake, and the traps of forfeiting meaningful, ethically oriented engagement in the calls for inclusivity and inclusion that



have come to dominate much of the discourse surrounding decolonial practice in academic spaces. We are also mindful of the challenging demands of personal disclosure that expert-by-experience accounts might raise, particularly when switching between theoretical and testimonial modes. Perhaps this speaks more deeply to certain vexities in the value-laden epistemic hierarchies erected between the academic and the anecdotal – boundaries which we seek to actively deconstruct here by demonstrating how institutional and popular cultures coalesce to construct and condition consent. How, then, might we accommodate and treat survivor accounts within ‘conventional’ academic forms of output? Can we meaningfully engage with these accounts through the methodological toolkit and modes of reception we are acculturated to in academic practice? What ethical and epistemic considerations might we need to address in multi-disciplinary work; how might we develop a sensitive space for meaningful cross-institutional and cross-sectoral collaboration?

These are questions that exceed the scope of this body of work. In gesturing towards ‘Frameworks for the Future’, this collection does not purport to answer or resolve these critical questions. We offer here a space for these complexities to be challenged and contested through the collection. These chapters are disciplinarily distinct but not discrete; they bridge boundaries by speaking to some of these core questions, attesting to the potential of such cross-contextual conversation in formulating effective, ethical modes of engaging with consent. And perhaps it is worth leaving these provocations as a critical frame for both authors and readers while engaging with this collection as well.

### **Overview of the Volume**

This volume is divided into four parts, each of which incorporates diverse disciplinary perspectives. Shelby Judge opens Part I, ‘Culture and Resistance’, examining divergent adaptations of *The Iliad* in contemporary Anglophone women’s writing. Judge explores shifting portrayals of Briseis, considering her as male possession, dispossessed of the right to consent. Her contribution provides a framework for the volume, pointing to transhistorical and trans-cultural debates about consent that resonate through subsequent chapters, albeit beginning with a narrative of particular importance to Western culture; the volume as a whole, however, seeks to move beyond this framework. Initiating this more expansive interrogation of consent, Eunice Rojas takes up Judge’s discussion of sexual violence, moving from Ancient Greece to twenty-first-century Latin America in Chapter Three. In place of Homer’s ‘Song of Ilium’, Rojas examines songs composed in 2016 as part of the #NiUnaMenos movement; attuned to the power of art as activism, she investigates music and performance as both protest against femicide and as a reassertion of women’s agency. Iqra Shagufta Cheema similarly examines the provocative power of sound in the following chapter, interrogating the significance of the slogan *Mera Jism, Meri Marzi* (‘my body, my choice’) within Pakistan’s contemporary feminist politics. As both spoken and written chant, Shagufta

Cheema traces the ways in which *Mera Jism, Meri Marzi* has reverberated beyond the Aurat March of 2018, becoming a focal point for debates about women's right to sexual consent, safety, and autonomy. However, although the slogan potently unites speech and sentiment, Shagufta Cheema exposes the tensions between older and younger generations of Pakistan's feminists that *Mera Jism, Meri Marzi* invoked, unwittingly reasserting patriarchal sexual anxieties and religio-political confusion. Just as Shagufta Cheema confronts conservative narratives of sexual agency, Jay Szpilka expands the interpretative parameters of consent through the concept of 'consensual non-consent' in Chapter Five, exploring BDSM practices in Poland. Informed by ethnographic research and queer and feminist theories, Szpilka examines the tension underpinning kink, its participants both chained to the need to maintain consent while yearning to break free of its bondage. All four chapters in Part I demonstrate that while 'culture' embeds concepts of consent, it also provides the means for evolution, scrutinising and shaping definitions and practices of consent across time and space. The chapters themselves protest against rigid and restrictive understandings of consent; revision becomes a form of resistance.

(Re)vision indeed underpins Part II, 'Consent on Stage and Screen', which explores the myriad ways consent is visualised in film, television, theatre, and online videos. Rebecca White's study of African American slave narratives in Chapter Six casts Szpilka's commentary on consent in 'bondage' in a different light, focusing on black women who – recalling Briseis – forcibly became (white) male property, subjected to sexual violence, scientific violation, and denied the right to (refuse) consent.<sup>34</sup> White traces the ongoing legacy of this abuse as it confronts twenty-first-century black US women, interrogating enslavement's complex and conflicted afterlives on screen and online. Christina Mansueti then returns to the question of non-consensual sex discussed in Part I, exploring Michaela Coel's television series *I May Destroy You* (BBC, 2020). In doing so, Mansueti engages with the dynamics of racial and sexual representation in relation to consent, trauma, and past and present British attitudes towards sexual assault. Taking up the often-blurred line between acting, role play, and reality raised by Szpilka in Chapter Five and by White in Chapter Six, Natashia Lindsey and Emily A. Rollie then illuminate the theatrical stage as a space in which consent can become problematic. Noting the potential for theatre artists to be driven into performing acts of physical intimacy through compulsion rather than consent, Lindsey and Rollie draw attention to the work of theatrical intimacy educators and choreographers; while applauding the tools they offer to help artists voice consent, they argue that such consent education should be expanded into a complete curriculum that moves beyond the stage and into the classroom. In scrutinising the visual, White, Mansueti, and Lindsey and Rollie make sometimes invisible issues regarding consent visible, demonstrating the ways in which visual culture can confirm, create, and contest discourses about consent.

Part III, 'Lived Experience and (Authorial) Expressions', then extends the discussion of coercion and violence traced in earlier chapters in the volume.

Megan Batterbee returns to the issue of rape that forms a connective thread between chapters, exploring the works of Mary Wollstonecraft and Mary Hays, whose Enlightenment feminism helped shape later, particularly Eurocentric, feminist discourses referenced throughout the volume. Recalling White's retrieval of nineteenth-century African American testimony, Batterbee recovers the voices of eighteenth-century England, examining Hays's and Wollstonecraft's rape survival narratives as vehicles for the re-establishment of violated female identity. Arya Thampuran, in Chapter Ten, takes up Batterbee's discussion of non-consent and recasts it, analysing epistemic and corporeal violence within the politics of (neo)colonial biopower and interrogating both literary and lived accounts of skin-based practices and perceptions of selfhood. Her work uncovers resistance to limiting and pathologising therapeutic discourses, resituating Akwaeke Emezi's *Freshwater* (2018) and autobiographical accounts of Inuit skin grafting beyond prescribed narratives of wellness. In Chapter Eleven, Catherine Donovan, Kate Butterby, and Rebecca Barnes locate Hays's and Wollstonecraft's concern with legitimising agency within the twenty-first century, interrogating the relationship power dynamics of LGB and/or T+ people; like Thampuran, they challenge 'normative' narratives, breaking down patriarchal public stories about love and intimacy that hinge upon binaries. The transhistorical, transcultural, and transnational questions regarding violence and violation posed by the chapters in this section resonate through the volume as a whole.

In many ways, such questions are answered by the practices, pedagogies, and developments explored by the contributions to the volume's final section, the 'Futures of Consent', which seeks to shape positive and proactive new attitudes towards, and activism about, consent. The transhistorical issues which connect chapters throughout the book speak to constant, yet ever-evolving, debates about consent. In Chapter Twelve, Rosanna Bellini and Hazel Dixon draw attention to the ways in which shifting technologies have shaped such debates. They return to the issues of sexual violence, violation, and consent pursued throughout this volume, placing them within a twenty-first-century digital age and scrutinising the relatively overlooked intersection between technology and sexuality. Noting the growing influence of digital systems (such as smartphone apps) in shaping sexual communication, Bellini and Dixon expose the dubious messages around consent that technological artefacts reinforce. They instead suggest improved practices for future technological design, spotlighting embodiment, flexibility, and reality. Kyle Murray, in Chapter Thirteen, similarly exposes troubling contemporary messages around consent, exploring the concept of 'deceptive sex' within the law in Wales and England; tracing twenty-first-century reforms to nineteenth-century legislation which centralises sexual autonomy in understanding consent, he uncovers a contemporary return to restrictive parameters in defining such autonomy and conceptualises a new approach through 'defined consent'. Caroline West then turns from courtroom to classroom and other educational contexts in Chapter Fourteen. Like Rollie and Lindsey, West considers the

future of consent education, exploring Irish innovations in delivering college workshops addressing sexual violence and violation, including the use of textiles and dress as vehicles for conversation and change through social media. A recognition of the need to continually interrogate consent through conversation and change reverberates throughout the volume, culminating in Sudeshna Chatterjee's concluding chapter. She pursues feminist-decolonial approaches to frame consent through a critical-governmentality lens, scrutinising its redeployment in conservative narratives in twenty-first-century America. As foregrounded by Chapter Six's discussion of nineteenth-century African American enslavement, constitutional understandings of consent hold a complex and troubled history in the US. Chatterjee takes up this history, testing interpretations of consent at the core of the nation's social contract, complicating binary definitions that hinge around 'individual' and 'public', 'common good' and 'corruption'. Instead, Chatterjee draws upon the rescindment of *Roe v. Wade* (2022) to demonstrate the ways in which consent and the social contract are exclusionary practices, and to explore paths forward for racial and gendered equity. While the four chapters in this section scrutinise current debates surrounding consent, their transhistoricism also points to the persistence of violence and violation across time, an issue we unpack in the Afterword. Yet, in exposing embedded iniquities and troubling regressions, a pathway towards positive future practice is opened up, in which individual agency and choice are foundational to understandings of consent. It is such movement towards positive future practice that this volume as a whole seeks to celebrate and confirm.

## Notes

- 1 Sir Thomas Malory, *Le Morte Darthur*, ed. by P. J. C. Field, *Arthurian Studies*, 80, 2 vols (Cambridge: Brewer, 2013), 1, 631. Translation by Hannah Piercy.
- 2 On this episode, see Hannah Piercy, *Resistance to Love in Medieval English Romance: Negotiating Consent, Gender, and Desire*, *Studies in Medieval Romance*, 25 (Cambridge: Brewer, 2023); Kristina Hildebrand, "'I love nat to be constreyned to love": Launcelot and Coerced Sex', *Arthurian Literature*, 37 (2022), 175–92; David Grubbs, 'The Knight Coerced: Two Cases of Raped Men in Chivalric Romance', in *Teaching Rape in the Medieval Literature Classroom: Approaches to Difficult Texts*, ed. by Alison Gulley (Leeds: Arc Humanities Press, 2018), pp. 164–82; Catherine Batt, 'Malory and Rape', *Arthuriana*, 7.3 (1997), 78–99.
- 3 Katherine Angel, *Tomorrow Sex Will Be Good Again: Women and Desire in the Age of Consent* (London: Verso, 2021), p. 7.
- 4 For a definition of deceptive sex or rape by fraud, see Michael Mullen, 'Rape by Fraud: Eluding Washington Rape Statutes', *Seattle University Law Review*, 41.3 (2018), 1035–52 (p. 1035); or Kyle Murray's chapter in this volume.
- 5 'Sexual Offences Act 2003', [legislation.gov.uk <https://www.legislation.gov.uk/ukpga/2003/42/section/1>](https://www.legislation.gov.uk/ukpga/2003/42/section/1) [accessed 22 May 2023].
- 6 Corinne Saunders, *Rape and Ravishment in the Literature of Medieval England* (Cambridge: Brewer, 2001), pp. 20, 60–61.
- 7 Throughout this book, we have asked contributors not to use 'we' in a universalised sense. 'We' here and throughout this introduction denotes our collective editorial

- team. Because issues of consent are specific to unique contexts, which are shaped by intersectional factors including but not limited to gender, sexuality, race, class and socioeconomic status, cultural backgrounds, colonialism, and capitalism, it is especially important to acknowledge our own positionality. We met whilst pursuing our doctorates at Durham University, a UK-based Higher Education Institution that has historically been a privileged, research-focused institution, presenting barriers to access for individuals from marginalised communities. We acknowledge that our positionality as editors is shaped by and reflects this sociocultural context: three of us are white scholars from the UK, and one of us is Southeast Asian by heritage with higher education pursued in the UK. We are all cisgender women and early career scholars working in varying degrees of academic precarity in the UK and Europe.
- 8 See Saunders, pp. 235–36; P. J. C. Field, *The Life and Times of Sir Thomas Malory*, *Arthurian Studies*, 29 (Cambridge: Brewer, 1993), p. 106; Christine Carpenter, ‘Sir Thomas Malory and Fifteenth-Century Local Politics’, *Bulletin of the Institute of Historical Research*, 53.127 (1980), 31–43 (pp. 37–38 n. 54). For a contrasting view, see Batt, p. 82.
  - 9 While sexual violence is overwhelmingly a crime perpetrated by men upon women, Tanaka Mhishi argues powerfully against the idea that ‘male survivors’ stories are exceptions or irrelevances’, pointing out that ‘we share a world and our experiences are closely interwoven’. See *Sons and Others: On Loving Male Survivors* (n.p.: 404 Ink, 2022), p. 3.
  - 10 See particularly Amia Srinivasan, *The Right to Sex* (London: Bloomsbury, 2021), pp. xiii, 36; Angel; Joseph J. Fischel, *Screw Consent: A Better Politics of Sexual Justice* (Oakland: University of California Press, 2019).
  - 11 See further Fischel, p. 4. On negotiation, see Rebecca Kukla, ‘That’s What She Said: The Language of Sexual Negotiation’, *Ethics*, 129.1 (2018), 70–97.
  - 12 We draw here on the *OED* definition of consent as ‘voluntary agreement’ or ‘acquiescence’: 1. a, ‘consent, n.’, *OED* online. See also the discussion in Quill R. Kukla, ‘A Nonideal Theory of Sexual Consent’, *Ethics*, 131.2 (2021), 270–92.
  - 13 For an overview of such approaches to consent, see Melanie Beres, ‘“Spontaneous” Sexual Consent: An Analysis of Sexual Consent Literature’, *Feminism & Psychology*, 17.1 (2007), 93–108.
  - 14 Tina Sikka, *Sex, Consent and Justice: A New Feminist Framework* (Edinburgh: Edinburgh University Press, 2021), pp. 31–32.
  - 15 Angel, p. 27.
  - 16 Mithu Sanyal, *Rape: From Lucretia to #MeToo* (London: Verso, 2019), p. 159.
  - 17 Linda Martin Alcoff, *Rape and Resistance: Understanding the Complexities of Sexual Violation* (Cambridge: Polity, 2018), p. 174 (emphasis in original).
  - 18 *Ibid.*, p. 129.
  - 19 Angela Onwuachi-Willig, ‘What About #UsToo?: The Invisibility of Race in the #MeToo movement’, *Yale Law Journal Forum*, 105 (2018), 105–20 (p. 107).
  - 20 Sikka, p. 31.
  - 21 *Ibid.*, p. 26. See also the edited collection, *The Other #MeToos*, ed. by Iqra Shagufta Cheema (Oxford: Oxford University Press, 2023).
  - 22 See, for example, Carol Pateman, ‘Women and Consent’, *Political Theory*, 8.2 (1980), 149–68; Catharine A. MacKinnon, *Toward a Feminist Theory of the State* (Cambridge, MA: Harvard University Press, 1989); Daniel Loick, ‘“... as if it were a thing.” A Feminist Critique of Consent’, *Constellations*, 27.3 (2019), 412–22; Srinivasan.
  - 23 See Robin Bauer, ‘Queering consent: Negotiating critical consent in les-bi-trans-queer BDSM contexts’, *Sexualities*, 24.5–6 (2021), 767–83; Melanie Beres, ‘From ignorance to knowledge: Sexual Consent and Queer Stories’, *Feminism & Psychology*, 32.2 (2022), 137–55.
  - 24 Bauer, pp. 779–80.

- 25 Alexandre Baril, 'Confessing Society, Confessing Cis-tem: Rethinking Consent through intimate images of trans\* people in the media', *Frontiers: A Journal of Women Studies*, 39.2 (2018), 1–25 (pp. 1, 19).
- 26 Shantel Gabriel Buggs and Trevor Hoppe, 'Introduction', in *Unsafe Words: Queering Consent in the #MeToo Era*, Q+ Public (New Brunswick, NJ: Rutgers University Press, 2023), pp. 1–18 (p. 10).
- 27 See Kalidas D. Chavan and Rajendra S. Bangal, *Informed Consent in Medical Practice: Principles and Convention* (New Delhi: Jaypee Brothers Medical Publishers, 2019).
- 28 Franklin Miller and Alan Wertheimer, 'Preface: The Ethics of Consent: Theory and Practice', in *The Ethics of Consent: Theory and Practice*, ed. by Franklin Miller and Alan Wertheimer (Oxford: Oxford University Press, 2009), pp. ix–xiii (p. x).
- 29 Andreas Müller and Peter Schaber, 'The Ethics of Consent: An Introduction', in *The Routledge Handbook of the Ethics of Consent*, ed. by Andreas Müller and Peter Schaber (Abingdon: Routledge, 2018), pp. 1–6 (p. 2).
- 30 For information on the work of the 1752 Group, see <<https://1752group.com/>>. For further reading on the intersectional approach to staff and student issues pertaining to sexual conduct in higher education, see Tiffany Page, Anna Bull, and Emma Chapman, 'Making Power Visible: "Slow Activism" to Address Staff Sexual Misconduct in Higher Education', *Violence Against Women*, 25 (2019), 1309–30; Susan Oman and Anna Bull, 'Joining up well-being and sexual misconduct data and policy in HE: "To stand in the gap" as a feminist approach', *Sociological Review*, 70 (2022), 21–38.
- 31 For further reading on Butler's advocacy in healthcare, see Margaret Hamilton, 'Opposition to the Contagious Diseases Acts, 1864–1886', *Albion*, 10 (1978), 14–27; for a robust engagement with Butler's campaigning against the sex and slave trades, and an analysis of what is contentiously termed the 'White Slave' beyond Europe, see Susan Mumm, 'Josephine Butler and the International Traffic in Women', in *Sex, Gender, and Religion: Josephine Butler Revisited*, ed. by Jenny Daggars and Diana Neal (New York: Peter Lang, 2006), pp. 55–71.
- 32 While the length of this process has been largely due to personal and external circumstances, including efforts to expand the scope of this volume and invite new contributors, we acknowledge the significance of slow scholarship, which has emerged in recent years in resistance to increasing demands placed on scholars working within neoliberal university structures to generate research and teaching at an increasingly accelerated, and often unsustainable, pace. In a collaborative article, Alison Mountz et al. argue that 'slow scholarship enables a feminist ethics of care that allows us to claim some time as our own, build shared time into everyday life, and help buffer each other from unrealistic and counterproductive norms that have become standard expectations'. Indeed, as Gita R. Mehrotra notes, 'slow scholarship calls on us to slow down in order to build deep, trusting relationships and to create space for dialog', a practice and ethos that we, as co-editors, have certainly benefitted from. See Alison Mountz et al., 'For Slow Scholarship: A Feminist Politics of Resistance through Collective Action in the Neoliberal University', *ACME: An International E-Journal for Critical Geographies*, 14.4 (2015), 1235–59 (pp. 1253–54); Gita R. Mehrotra, 'How We Do the Work Is the Work: Building an Intersectional Queer Praxis for Critical Feminist Scholarship', *Affilia: Feminist Inquiry in Social Work* (2022), 1–15 (p. 6) <<https://doi.org/10.1177/08861099221137561>>.
- 33 Mhishi.
- 34 In this volume, B/black is stylised according to authors' preference, as we are mindful of the sociopolitical valence of both versions of the term. A capital 'B' has often been used as a diasporic identity marker in popular media, one that also designates group solidarity in certain allied activist circles; a lowercase 'b' is

sometimes critiqued as being problematically suggestive of colour or a ‘naturalised’ biological category. However, the assumption of shared identity with the term ‘Black’ is also a source of contention, as it might elide intra-group differences engendered by sex, class, and other variable identity metrics. In the spirit of accommodating plural, intersectional viewpoints, and adopting a decolonial perspective on the way terminology circulates in popular culture and academic disciplines, we have left this decision to individual authors. This is also our practice for terms like people of colour, BIPOC, and global majority, the usage of which we have left to individual authors.

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