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INTRODUCTION

The Unraveling of a Framework—The Puzzling Nature of Consent

Michele Meek

We rarely admit the puzzling nature of consent. It feels dangerous to do so. Without a clear rubric for what is permissible and what is not, how can we protect the vulnerable and keep those in power in check? How can we know who has been violated? We desperately want consent to protect us from material and moral harms and to bear the burden of proof when we do feel harmed. However, our reliance on consent as the de facto framework in both personal and professional transactions inevitably—perhaps unsurprisingly—has failed to eradicate all violences, coercions, doubts, regrets, and grievances. In essence, a consent model reduces an interpersonal interaction to a contract which is not only untenable but also, in many cases, not even preferable. Consent falls short, not because it has nothing useful to offer, but rather because it is simply not enough. It turns out that ensuring ethical interactions that cause no harm is a tall order. We insist that consent is "moral magic."[1] It is not.

True consent is a fiction. While we might be able to draw a hard line where *nonconsent* exists, "true," or unambiguous, *consent* remains much more challenging to define. In every situation where consent is conjured—from a medical procedure to a business transaction to an intimate encounter—there is no clear way to ensure the act of consent has not been influenced by some known or unknown factor. Not only are there are numerous circumstances where consent might be understood as invalidated either legally or morally, but also interpersonal interactions are inevitably implicated in the dynamics of gender, sexuality, age, race, ethnicity, education, experience, and so on. Even between consenting adults there exists numerous power differentials that might render consent questionable. Untangling the legal or moral grounds (age, knowledge, ability, access) that invalidate consent has only

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complicated matters, leading to questions about who draws such lines, and their relationship to power.

The delusion of unequivocal consent presupposes two other fictions: first, the dubious belief in a stable individual subjectivity;[2] second, the flawed promise of precise interpersonal communication. The only way to maintain that unambiguous consent exists is by falsely insisting that one can be completely sure what one wants and why one wants it at all times without any external influences—and that one is then able to communicate that unmistakably to others. In other words, consent can never be absolutely assured—it can only be approximated. At most, consent works as a best practice. At worst, it conceals the nuances worth addressing in complex situations. As Christine Emba quips, "Consent is a fig leaf, and it's falling off."[3]

The Ever-Slippery Definition of Consent

Numerous books have been written about how to define and comprehend consent, and yet it remains as elusive as ever.[4] Should consent be understood by one's words and actions (e.g. an articulated "yes" or a signature), or rather through one's internal intent or desires? Or should it be both? If both, how do we reconcile when thoughts/feelings are out of sync with words/actions? For example, while many U.S. states, municipalities, and colleges have instituted affirmative consent policies to ensure verbal consent, there remains no assurance that this external validation conveys internal willingness. What if someone consents with unease or trepidation? Or enthusiastically consents despite internal disgust or fear? Prioritizing verbal or written consent ultimately allows the irony that one could consent to an undesired act or refuse a desired act while eliding the reality that even a consensual interaction carries the potential to do harm.

While consent is often understood as an external manifestation of internal desires, even those can be suspect. As Katherine Angel pinpoints in *Tomorrow Sex Will Be Good Again*, "The rubric of consent…glosses over something crucial to acknowledge: that we don't always know what we want."[5] Can one consent without knowing what one wants? As Judith Butler states,

> Although consent is supposed to be active and clear-headed, sexual consent can involve much less active terms: being moved, being curious, finding oneself open to what is unknown, impressionable, vulnerable, surprised, intrigued or even moved along and drifting, wondering what will arrive, relinquishing, ceding.[6]

For a contract, consent might be valid the instant one signs. But in an evolving intimate encounter, how and when should consent be determined? The moment of consent represents only a snapshot between individuals who are

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perpetually changing. Of course, this knottiness applies to situations far beyond sex. Consider the challenges of informed consent for experimental treatments on individuals in underdeveloped countries who have limited access to education or medical care. Fixing consent at a particular moment belies the complexity of their supposed choice. It minimizes how one might proceed with uncertainty or desperation just as it ignores the innumerable possibilities for coercion leading up to such a moment as well as the potential harms and regrets that might follow. Even when desires appear clear, the possibility of coercion is not erased. Each of us is born and raised in a culture with norms, rules, and laws that shape our underlying beliefs and preferences. As a result, even our desires—the very ones that consent supposedly embodies—could be called into question.

Not surprisingly, the instrumentalization of consent into laws, policies, and norms has generated some puzzling results. Consider the numerous contradictions within the deceptively simple notion of the age of consent. Not only has the legal age of consent remained variable across time and place, deeming it not a universal demarcation but rather a temporal and cultural perception, but also numerous legal exceptions aim to remedy the resulting complications from drawing a hard line. Close-in-age exemptions (aka Romeo & Juliet laws), for example, have been instituted in numerous countries to prevent teenagers who have sex with other teenagers from being criminalized. On the other end of the spectrum, over 100 countries (including the U.S.) have enacted sex trafficking laws, implying that consent can be invalidated even for "consenting" adults. In other words, in certain cases, we believe a minor below the age of consent can indeed consent, just as we believe, in certain cases, an adult who consents cannot actually consent. Such contradictory laws belie our insistence that the ability to consent begins at a particular age at all.

Despite continually imbuing consent with power, it might not be as morally transformative as we believe. At most, it is a harm-mitigation strategy—an attempt to ensure all parties are competent, aware, and assenting at a given moment. But consent is not *the* answer; it's simply one facet of a much more intricate and ongoing puzzle.

How Did We Get Here?—The Philosophy of Consent and Foundations of Consent Culture

Consent is not a recent idea. In fact, our contemporary views on ethical interactions have resulted from centuries of political and philosophical writings. In the chapter "A History of Consent in Western Thought," David Johnston traces initial notions of consent to ancient Greek and Roman writings and describes a significant modern shift resulting from the works of Immanuel Kant (1700s) and John Stuart Mill (1800s). While Kant expresses individual

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autonomy as freedom, Mill limits individual liberties by harms to others. Together, these two beliefs underpin the ideology by which we ostensibly still govern and live—we have the freedom to make independent choices, but we do not have the right to harm others. As Adam Smith argues, societies should rely on "agreements among independent and freely consenting human beings rather than by hierarchies of domination and subordination."[7] In the modern era, "progressive societies" have become defined by a transition "from status to contract."[8] Rights, in other words, should not be dictated by one's status (e.g. class), but rather by mutual contract. Ultimately, these beliefs provide the theoretical foundation for not only contemporary democracies but also the ongoing gender and race equality movements that began centuries ago and continue today.

While it has not eradicated them, consent has undoubtedly helped draw attention to institutionalized sexism and racism. Most age-of-consent, rape (including marital rape), childhood sexual abuse, sexual harassment, and sex trafficking laws in the U.S., for example, have only been enacted within the past few decades. Still, it remains clear that there is much more work to be done. Carole Pateman's 1988 book *The Sexual Contract* explicitly questions how women have been seen contradictorily as both unable and able to enter into contracts; and Charles Mills then elaborates this model for race in the 1997 book *The Racial Contract*. In their joint 2006 book *Contract and Domination*, they ponder how contract theory can be salvaged (if at all) since sexism, racism, and classism underlie the social and economic contracts embedded in contemporary society. In many ways, the #MeToo movement represents a widespread reckoning with how, despite such laws, countless inequities and abuses continue. In other words, despite centuries of this overriding philosophy, it is evident that status often prevails as do "hierarchies of domination and subordination."

Currently, consent permeates all aspects of society—affirmative consent laws and policies have been instituted around the world, and informed consent requirements now routinely guide medical treatments and business practices. Consent has become so important to every facet of society that, as the editors of the *Ethics of Consent* volume state, "It is difficult to conceive of a moral code, especially within a civilized society, without some recognition to the requirement and moral force of consent."[9] Undoubtedly in our current moment, consent reigns supreme in our judgment of everything from state actions to personal relations.

Where Are We Now: Consent and Its Iterations

In tackling the puzzling nature of consent, this volume builds upon the work of numerous scholars, theorists, lawyers, and other writers who have also sought to do so. For example, Daniel J. Solove introduces the concept of

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"murky consent," noting the failures of current business practices in relation to privacy laws. Solove finds that within privacy law, "the conditions for meaningful consent mainly exist in a fairy tale"[10] both because people "are often pressured or manipulated, undermining the validity of their consent" and because "people are ill-equipped to decide about their privacy," especially since "even experts cannot fully understand what algorithms will do with personal data."[11] Solove proposes the term "murky consent" which "exists in the shadowy middle ground between full consent and no consent" to "embrace[] the fact that consent in privacy is largely a set of fictions and at best highly dubious."[12] Notably, this acknowledgement does not give clearance for harms in the "murky" middle ground. Rather, Solove suggests,

> Because murky consent lacks legitimacy, the law should reduce its power. The law can do so by making murky consent subject to extensive regulatory oversight with an ever-present risk that it could be deemed invalid. Murky consent should rest on shaky ground.[13]

Solove elaborates the murkiness of consent within privacy law to demonstrate how the acknowledgment of it might ultimately better protect individuals' rights.

Similarly, in the book *Consent Matters*, Robert E. Goodin notes how "Non-American physicians are often amazed at U.S. medical ethicists' utter fixation on 'informed consent' as an absolute, inviolable standard."[14] Jacob Schuman traces this ubiquity of informed consent in scientific and medical research and practice to the post-World War II Nuremberg Trials when the Nazis' "involuntary and often fatal medical experiments on concentration camp inmates" came to light.[15] Schuman details how, despite the proliferation of laws to protect individuals, the "'outsourcing' of medical research" to underdeveloped counries "has made it more difficult to regulate the ethics of human subject research"[16] due to numerous factors, including incompatible laws, cultural and language barriers, health literacy, and a dire lack of medical care and resources in many countries. Similarly, Goodin elaborates medical situations with "large question marks" regarding consent, such as advance directives—which might "get the physician off the hook legally," but cannot ensure actual consent since there is no way to ensure a patient has not changed their mind since signing the document.[17] Such problems with consent pervade medical and scientific research. Researchers who performed a review of over a dozen studies between 2019 and 2020, for example, discovered that patients' "level of comprehension regarding informed consent components, such as voluntary participation, blinding, and freedom to withdraw, was low, being understood by only half of the patients."[18] This lack of comprehension, they note, "is worrisome because this lack of understanding undermines an ethical pillar of contemporary clinical trial practice and questions the

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viability of patients' full and genuine involvement in a shared medical decision-making process."[19] Such issues raise unavoidable questions about how ethical it is in practice to continue to uphold informed consent as the "moral magic" for treatment.

Of course, within sexual consent, ambiguities remain challenging as well. As Milena Popova articulates in the book *Sexual Consent*, "we as a society do not have a clear, uncontested idea of what sexual consent looks like, and… we do not all universally and equally value it."[20] Still, a reluctance to concede this confusion persists. In *Dynamics of Sexual Consent: Sex, Rape, and the Grey Area In-Between*, Lena Gunnarsson notes that admitting a "gray area" of sexual consent can be seen as "problematic," even though "there *are* experiences that do not neatly fit into either category of consensual or non-consensual."[21] In delving into these complexities, Gunnarsson states,

> One reason why the notion of a grey area can be perceived as problematic is that the blurring of the line between sex and sexual violence means that the division of responsibility between perpetrator/willing and victim/unwilling also becomes less clear.[22]

This disruption runs the risk of enabling perpetrators to justify their ignorance and actions. Similarly, Elise Woodard, in the chapter "Bad Sex and Consent," describes how terms like "gray rape" have a "problematic history" that have "made some people unduly hostile to the notion of a sexual gray area."[23] In other words, the admission alone of the ambiguity of consent risks disrupting the lines between a perpetrator and victim and acknowledges a blurriness that can be instrumentalized against survivors.

Yet the fact of a "gray" or nebulous area remains undeniable, and ignoring it is not the solution. As Christine Emba states in *Rethinking Sex: A Provocation*, "Nonconsensual sex is always wrong. But the inverse is tricky: Is consensual sex always right? Not necessarily."[24] Emba articulates the hazards of using sexual consent as a "divider" to "separate our intimate lives into those parts that are up for discussion and those that are seen as exempt from critique."[25] Emba suggests that "in allowing consent to be that divider, we have arbitrarily—and incorrectly—set many of our deepest tensions and disagreements behind a veil."[26] In addressing the intricacies of something as culturally meaningful and personally complex as sex, in other words, we must draw attention to the uncomfortable in-betweens between consent and nonconsent precisely because they can be problematic. In my TEDx talk, "Why we're confused about consent—rewriting our stories of seduction," I suggest rethinking the blurriness of "seduction" not as a "gray" area, but rather as a "yellow 'proceed with caution' zone."[27] Much like Solove's notion of "murky consent," acknowledging this messy middle need not give clearance to the harms that arise within, but rather it offers an opportunity to

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highlight the increased risk of potential harm. In the book *Screw Consent: A Better Politics of Sexual Justice*, Joseph J. Fischel expresses the need to "screw—tinker, tight, and pressure, rather than altogether dispense with—consent."[28] Fischel notes that the "conceptual thinness" of consent has caused the absurdity of "increasingly more robust, sometimes ridiculous redefinitions of consent as enthusiastic, imaginative, creative *yes*-saying" with the "unfortunate corollary" as the "cultural coding of nonenthusiastically desired sex as sexual assault."[29] At the same time, Fischel acknowledges that consensual "bad sex" can be "really bad, and usually worse for women: not just uninspired, unenthusiastic, or boring, but unwanted, unpleasant, and painful."[30] Ultimately, Fischel recommends tinkering with consent with the aim of "releasing consent's capture of our imaginations in order to invite more-promising values, norms, and concepts into our efforts for building a safer, more democratically hedonic culture."[31] While the difference between ethical persuasion and unethical coercion might be difficult to unravel, we need to acknowledge that this nebulous territory exists—and carries risks.

An exploration of consent puzzles promises no simple answers. While contending "a need for intensified reflection on and discussions about situations located in the grey area," Gunnarsson also admits that these "discussions are unlikely to lead to unambiguous, universal criteria for how to distinguish morally dubious from unproblematic behavior."[32] An exploration of consent puzzles will not once and for all clarify consent. Rather, delving into the murky waters of consent is necessary to examine the myriad complications and contradictions that might to be overlooked in binary thinking so that we might develop new ways of moving forward.

Delving into the Ambiguities of Consent in Consent Puzzles

This volume is organized into three parts: Part I underscores the untenability of consent as a clear and immutable measure of permissibility; Part II articulates how power alters the dynamics of consent; and Part III provides creative solutions beyond the limitations of current frameworks.

While this compilation touches upon media, culture, and laws in several countries, it is by no means exhaustive. Countless other complexities of consent ideologies and laws exist. The intent of this volume is to acknowledge and problematize the puzzling nature of consent and inspire more scholars to do so.

In **Part I: Blurred Boundaries: Highlighting the Untenability of Consent Frameworks**, the authors articulate the inherent blurriness—both purposeful and unintentional—of boundaries in ideologies and laws pertaining to consent. While consent culture has ushered in awareness of the harms of nonconsent, these chapters highlight how challenging it is to rationalize the boundaries drawn in frameworks including affirmative consent, the age of consent, and informed consent.

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In Chapter 2 "The Televisual is Political: Hermeneutical Justice, Consciousness-Raising, and Bad Sex on TV," Zoe Moss demonstrates the limitations of relying solely on the presence of consent to determine whether sex is "good" or "bad." Moss draws from numerous other theorists who articulate the fallibility of our current consent framework wherein certain consensual sex can not only be harmful, but ethically unacceptable. Moss defines these legal and consensual intimate encounters that nevertheless result in the moral harms of dehumanization, demobilization, and/or a lack of agency as "Bad Sex." Examining instances from the television series *Girls* (2012–2017), Moss illustrates how fictional characters' experiences can be useful foundations for consciousness-raising. While Bad Sex has been normalized in our culture as unavoidable, witnessing and discussing characters' Bad Sex offers an opportunity not only for individual consciousness-raising and hermeneutical justice but also political mobilization.

In Chapter 3, "Revisiting the Age of Sexual Consent: The Impact of 'Romeo and Juliet Law' in Japan," Xiao Zhou details the numerous logical flaws inherent in Japan's decision in 2023 to raise the age of sexual consent from 13 to 16 while simultaneously enacting a close-in-age exemption (aka Romeo & Juliet Law). Zhou highlights numerous contradictions articulated during the discussion by Legislative Council members as they designed the laws. Significantly, the age of consent law inherently relies on the determination that an individual under 16 has no power to consent, while the Romeo & Juliet Law relies on the opposite determination that an individual between 13 and 16 in fact *does* have the power to consent if the person obtaining their consent is within five years of their age. Such contradictory laws oddly necessitate that permissibility not be justified by consent at all—but rather by even more tenuous methods such as youth's knowledge or capacity for relationships. Ultimately, this rationalization exposes the "fantasy" that all harm, all coercion, and all inequities of power or knowledge can be eradicated by consent.

In Chapter 4, "The Changing Landscape of Consent in Film: from *Not a Pretty Picture* to *How to Have Sex*," Magda Vaz discusses two films that handle similar themes across several decades—Martha Coolidge's *Not a Pretty Picture* (1976) and Molly Manning Walker's *How to Have Sex* (2023). Both films, which screened together after the re-release of *Not a Pretty Picture* in 2024, portray an adolescent girl's first intercourse as a sexual violation. Coolidge's film is a hybrid fiction-documentary film that investigates her own rape during college, while Manning Walker's film details the fictional experiences of Tara, who experiences first intercourse on a vacation with high school friends. Vaz highlights how Coolidge's film, released during an era of growing awareness of rape culture, emphasizes the harms of her sexual partner's disregard for her "no" or nonconsent. In contrast, Manning Walker's film, during the height of consent culture decades later, instead emphasizes

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how insufficient "yes" can be—Tara's supposed consent comes only after her partner Paddy has coerced her in numerous ways, isolating her from friends at night, forcing her into the ocean, and removing her wet clothing. Vaz determines that there is little difference between Martha's "no" and Tara's "yes" across decades in terms of the harms that the experiences cause, demonstrating how problematic consent can be in practice and emphasizing how sexual violence has not been eradicated through an affirmative consent framework.

In Chapter 5, "Trans Youth on Trial: The Rise of the Consent-in-Crisis Spectacle," Mia Cecily Florin-Sefton investigates the 2020 U.K. trial *Bell v. Tavistock* in which a former employee and former patient (Kiera Bell) of the Tavistock Clinic lodged a complaint against the National Health Service (NHS) over the administration of puberty-blockers to patients under the age of 18. In the case, the question of whether a medical institution is adequately educating patients becomes lost in a trial that instead depicts all trans youth as unable to possess sufficient self-knowledge to make informed decisions about their own care—even with the support of doctors, educators, and parents. Florin-Sefton labels the legal and media sensation of *Bell v. Tavistock* and cases like it a "consent-in-crisis spectacle," one in which an individual deemed to have a tenuous claim to consent (due to age, status, or other vulnerabilities) is put on trial only to fail. Ultimately, such a case suggests "true" consent as theoretically possible yet constantly jeopardized, and it perpetuates a false belief that ambiguities can be eradicated from inherently complex negotiations such as informed consent for a medical procedure. Florin-Sefton exposes how the cultural fixation on consent has not resulted in a belief in increased agency or control. Rather, cases like this demonstrate how the overarching fear of outside coercion on an individual has necessitated overbearing laws that limit autonomy and self-governance.

In **Part II: Dominance Dynamics: Exploring Power Differentials Embedded in Consent Culture**, the authors highlight the myriad ways that power differentials impact consent. In a neoliberal society, a fully agential person is believed to have the power to consent, while the consent of one who is disempowered is often called into question. However, even supposedly fully agential persons are subject to cultural power differentials across gender, race, class, sexuality, age, education, experience, and countless other measures. These chapters emphasize how consent and power cannot be untangled, which demands more nuanced investigation and recommendations.

In Chapter 6, "Shades of Gray: Representing the Gray Area of Consent in Kristen Roupenian's 'Cat Person,'" Emily Rosman investigates the implicit coercion depicted through Kristen Roupenian's influential 2017 short story "Cat Person" and the subsequent 2023 movie adaptation directed by Susanna Fogel. The #MeToo movement exposed the ubiquity of nonconsent within intimate relationships, particularly as a result of gendered, generational, and

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economic power imbalances. While some have argued that #MeToo villainizes men for women's consensual but unpleasant or regrettable sexual encounters, others insist systemic power dynamics must be considered in interpreting consent. Looking at both Kristen Roupenian's short story "Cat Person" and director Susanna Fogel's film adaptation of the story, Rosman explores how each demonstrates the complexities of the "gray area" of sexual consent, interactions that do not fit a legal definition of assault or rape but nonetheless can cause harm. In both the story and film, Margot's inclination to please, need to be desired, and fear of assault work against her agency and corresponding ability to offer unambiguous consent. Ultimately, Rosman details how this iconic #MeToo story reminds us that consent exists in a complex space shaped by fear, obligation, and power.

In Chapter 7, "Stolen Kisses: Examining Bollywood's Portrayal of Consent for Kissing in Romance Films," Simran Tapaswi explores the normalization of sexual violence in kisses depicted within romantic pursuits in Bollywood films. These films reflect pervasive sexual scripts that insist on men as aggressors and women as submissive gatekeepers. Tapaswi notes how these plots often rely on "stolen" kisses—those where consent is either unknown to be present or known to be absent. These kisses can be punitive as the male pursuer seeks to silence or subdue his female romantic interest; possessive, as the male pursuer signals his control over his female romantic interest; or curious, as the male pursuer uses the kiss to determine reciprocal interest. In all cases, Tapaswi pushes against the frequently accepted notion that requiring consent for a kiss is "going too far" and problematizes the romanticization of unsolicited kisses. Ultimately, Tapaswi notes how these "stolen kisses" cannot be untangled from underlying gendered sexual scripts and their corresponding potential for harm.

In Chapter 8, "We Need to Talk About *Banshee*: Graphic Television Violence and Consent," Meghan Jordan looks at the series *Banshee* (2013–2016), often considered one of the most violent shows aired on television. While violence on the show is pervasive, the most excessive violence targets the perpetrators of acts of sexual violence against women. Such scenes draw in the complicity of an audience seeking vengeance for violated characters. Jordan examines the consent relationship of viewers who might not initially be prepared for such extremes and highlights the tendencies of the show to suggest that, regardless of gender, only those who wield violence hold power. At the same time, one of the show's actresses, Ivana Miličević, who plays Carrie/Anastasia, has reported that some of the physical and psychological violence she experienced in scenes was unplanned, raising the question of actor consent on the show. Ultimately, Jordan delves into these complexities to show the interrelation of consent, authority, and violence.

In Chapter 9, "Being 'Handsy' or 'Hands Off': #MeToo, COVID-19, and the Association of Hands with (Non)Consensual Touch," Michele White

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describes how the concept of "hands" connects to notions of power, consent, and connection. White looks to journalistic and popular media texts that minimize men's sexual violence as being "handsy," as well as social media movements that accuse men of "manhandling." While one seeks to normalize nonconsensual touch by deeming hands harmless, the other seeks to call attention to the inherent power of hands. Such definitional blurriness has been employed by some men to excuse or dismiss nonconsensual touch. White investigates how hands have been depicted as both dangerous and desirable as part of campaigns for #MeToo and the early COVID-19 pandemic, and how each have been blamed for eradicating "normal" tactile contact between individuals even while drawing awareness to the necessity for more cautious touch. Ultimately, White exposes power dynamics in not only how consent operates but also how it is understood, reframed, criticized, or defended in the media.

In Chapter 10, "Consent in the Classroom: Feminist and Queer Debates around Power and Pedagogy," Avik Sarkar delves into the power imbalances inherent in an intimate or romantic relationship between a teacher and student. While most of these cases involve a male teacher and female student(s), Sarkar examines two cases of accused queer female professors across several decades—Jane Gallop in 1992 and Avital Ronell in 2018. Some argue that the power differentials of teacher-student relationships produce an inevitability of coercion and abuse—thus invalidating the potential of valid consent. Others suggest policing these relationships represents institutional intrusion within the personal decisions of consenting adults. To complicate further, cases involving queer female professors, such as Gallop and Ronell, swap the power dynamic, which might distort what might otherwise be interpreted as a problematic relationship into an empowering one. However, Sarkar outlines, consent does not ensure desire or a lack of subsequent regret, and not all queer or nonnormative sexual practices can be celebrated as sites of political resistance. Ultimately, Sarkar argues, whether consent is present or even possible in such cases becomes moot in consideration of the integrity of the pedagogical enterprise. In other words, consent is insufficient as the only framework in considering the ethics of such situations.

In **Part III: Creative Disruptions: Reimagining Consent Paradigms Through Alternate Frameworks**, the authors push back against common solutions and strategies meant to combat nonconsent and instead articulate innovative solutions by posing challenging but generative questions: How might abusers rectify their inflicted harms? How can a survivor lay claim to agency without access to legal recourse? How might more emphasis on asexuality help reframe the presumption of sexual interest? And, ultimately, how might redefining consent as an act of play—with all its negotiations, missteps, and possibilities—offer a new way forward?

In Chapter 11, "Negotiating Male Anxiety and Accountability Regarding Consent in Netflix's *Raising Voices*," Verónica Mondragón Paredes

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acknowledges the pervasiveness of adolescent males' sexual apprehension of enacting "unintentional rape." While a controversial term, "unintentional rape" represents men's fears of misreading cues and committing sexual assault, which can be instrumentalized in an anti-feminist agenda and hinder sexual violence education. Rather than dismissing these anxieties outright, Mondragón Paredes delves into them through an analysis of the Spanish-language series *Raising Voices* (2024) and its depiction of an "unintentional rape" of the protagonist Alma by her friend Hernán. In the series, both Alma and Hernán are under the influence of alcohol when the rape occurs—which invalidates Alma's consent under the law (thus making it rape), while also compromising Hernán's capacity to discern consent (thus making it unintentional). Mondragón Paredes highlights how the trajectory of the characters embodies Judith Herman's theory of justice for victims of assault, moving away from punitive measures and instead emphasizing accountability, communication, and collective action, demonstrating a model of how one might navigate harm and repair after certain cases of assault.

In Chapter 12, "PDF Files as Accusations: A Body Politics Perspective on Overseas Chinese Students' Nonconsensual Sexual Experience in Self-Sharing Online Archives," Edward Jiru Zeng draws on a body politics framework and critical discourse analysis to investigate the content of PDFs that overseas Chinese students use to document personal accounts of disturbing or traumatic intimate experiences. Sexual assault is a commonly underreported experience, and the possibility of institutionalized justice becomes complicated further for overseas Chinese students who face foreign legal systems, language barriers, and differing sociopolitical values. Instead, some students turn to the digital testimony of a PDF shared over social media networks as a form of informal justice. While these documents can evoke backlash or legal retribution, putting the assault victim at further risk of harm, they nevertheless present an opportunity for victims to reclaim narrative control and articulate a moral accounting shaped not through institutions, but through language, memory, and public address.

In Chapter 13, "Asexuality Inclusion as Consent Solution: *Law & Order SVU* as Case Study," Lynn Deboeck examines several decades of *Law & Order: Sexual Victims Unit*, which has aired continuously since 1999. Despite the show's having released over 550 episodes, asexual characters have not yet made an appearance, which Deboeck argues not only perpetuates an erasure of asexual/ace individuals (those who do not have an interest in sex), but also contributes to a mistaken and harmful belief that sexual desire is the default. This omission limits the potential interpretation of consent by presuming that sex is always wanted by everyone, even if not with that person at that moment. As a result, "no" is seen as temporary, conditional, or suspect. Deboeck details how the series has featured several episodes about the abuse of children, observing how deeming them asexual significantly transforms

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how the victims are treated. Ultimately, Deboeck advocates increased visibility of asexual individuals to expand the types of "no" scripts that we can imagine.

In Chapter 14, "Consent as Plaything: Consent Practices through the Lens of Queer Game Studies," Patrick Munnelly and David Riche investigate the relationship between consent, queerness, and play. While play is often presumed to be consensual and any harm is an intentional or unintentional perversion of play, Munnelly and Riche expose how, for games to be truly consensual, the players must continually engage in vulnerability management. Munnelly and Riche demonstrate the possibilities of embracing a spectrum of experiences through both digital and analog games. In this way, consent becomes neither a presumption nor an assurance, but rather a plaything to be explored. Munnelly and Riche argue that this framework of consent as play need not render it trivial, nor does it eliminate the need for ethical interactions. Rather, it acknowledges that, much like forms of queer or playful sex, there are no default settings or strict binaries. And, ultimately, it allows consent to be seen not as a fixed and assured entity but more accurately as a perpetual management of vulnerability.

Throughout the chapters of this volume, the authors demonstrate the fact that consent cannot be oversimplified. Within every negotiation, one finds numerous unspoken hesitations and curiosities, differing values, power dynamics, and countless unknowns and unknowables that shape the very possibility of consent. Ultimately, *The Ambiguity of Consent* highlights the importance of consent while stressing the hazards of an overreliance on consent as a framework to ensure the eradication of harms within everything from a medical procedure to a sexual interaction. Instead, the authors here challenge us to face head-on the intricacies that inevitably occur in any situation where one is vulnerable to harm, encouraging us not to rely on simplistic thinking but rather to dive into the messy in-between terrain of risk, play, pleasure, and suffering.

Notes

1 Heidi M. Hurd, "The Moral Magic of Consent." *Legal Theory* 2 (1996): 121–146.
2 Judith Butler highlights the inherent challenges in conceiving of a coherent and stable subjectivity. Butler calls the "issue of the subject…an inevitable stumbling block in social theory," adding "There is, as it were, no conceptual transition to be made between power as external to the subject, 'acting on,' and power as constitutive of the subject, 'acted by'" (14). *The Psychic Life of Power: Theories in Subjection*, Stanford University Press, 1997.
3 Chrstine Emba, *Rethinking Sex: A Provocation*. Sentinel, 2022, 17.
4 See Goodin; Fischel; Miller and Wertheimer as just a few examples.
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