

The Groan Zone: Towards a Radical Grammar of Consent for Horizontal Collaboration

Eleanor Greenhalgh

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Writing Support: Steve Rushton

Tutorial support: Aymeric Mansoux, Michael Murtaugh

Course Director: Simon Pummell

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0. Abstract

This thesis explores the question of how it might be possible to curate and publish content produced during participatory art projects, in a democratic manner which is consistent with such projects' ethics of participation. It attempts to move beyond proposals to undertake such a process using consensus decision-making, asking: what does it mean to reach consensus? In order to answer this question, the thesis examines the notion of *consent* in detail. It argues that *consent* is not a stable or self-evident term, and can be theorized in multiple ways, each with its own political biases and implications. The model of consent which is employed in the design of systems for reaching consensus, then - whether social or digital - becomes a political question. The thesis focuses in particular on emerging feminist theories of consent, which articulate a model of consent as an ongoing collaboration. It then asks how these proposals, developed in the context of sexual violence prevention, could be used in the context of artistic collaboration in order to facilitate radically consensual, collaborative cultural production. Specifically, it explores if and how a feminist tolerance for indecision and inaction might be applicable when making curatorial or editorial decisions.

1. Introduction

In this thesis I will ask if and how emerging feminist theories of consent might inform the way decision-making happens in collaborative cultural production. In asking this question, I write from two personal perspectives. Firstly, that of an artist and facilitator who struggles with the question of how to curate and publish collaboratively-produced content. From this position I wonder: is it possible to produce a publication fully democratically? Secondly, I write as a feminist activist identified with a movement to articulate radical models of sexual consent. From this position I wonder: how might we move beyond a simplistic *yes means yes and no means no* model of consent, to radically re-frame consent as a collaborative practice? And, might such a re-framing have implications beyond sexual negotiation, for other social interactions? Because each question - that on collaborative production and that on consent - produces answers that usefully inform the other, I will bring them together here. Both are concerned with the difficult and pressing question of how agreement should be reached in horizontal collaboration,

and the ethical and political implications of the various systems we employ to this end. While my point of departure is the question of how to compile collections of content produced during participatory projects, the editorial dilemma I explore is essentially one of power and democratic process. The potential applications of the discussion will thus be varied, though I focus here primarily on its implications for compiling publications.

Collaboration, Curation, Consensus

As an artist I facilitate dialogue-based projects which invite others to participate, following a model summarized by Peter Dunn in which artists act as “context providers', rather than 'content-providers'”(cited in Kester, 2004 p.1). The project *Play!Fight!* facilitated six months of discussion and writing. *Open Sauce* facilitated collaborative story-writing using a wiki. *Consensus* took the form of participatory research and prototyping (Radical X 2010, 2011; Greenhalgh, 2013). This approach performs an ethical stance rooted in feminist and anarchist movements, which privileges process-based, deliberative exploration and is suspicious of authoritative claims made by a singular authorial or editorial voice.¹ It raises the practical problem of how to collate, curate and publish the material produced during such projects. At the end of *Play!Fight!*, for example, I edited down the large number of submitted texts into a 'best-of' collection in a printed magazine (Radical X, 2010). This solution to dealing with a large volume of contributed content is a pragmatic option, but contradicts an ethics of open participation which honours a multiplicity of voices.

This dilemma is situated within a broader cultural context, in which the practice of curating others' texts is becoming central to publishing. As Clay Shirkey (cited in Ludovico, 2012a p.73) put it, we are moving “from a world of 'filter, then publish'... to 'publish, then filter'”. I will treat my dilemma here as a microcosm of the resulting situation, outlined by the radical publishing collective London Indymedia when they shut up shop in 2012 with the rationale that it is now curation, rather than publishing per se, that should be their task. In their parting statement they wrote, “Self publishing is [now] the norm”, and concluded that rather than encouraging people to produce content, “we in London see the challenges of today more in terms of collectivizing the individual outputs, of curating from within the sea of content”

1 For more on this ethical approach and how it translates to an art practice, see Dekker (2013).

(IMC London, 2012). The immediate question, then, is how this curation is to be done. Who makes curatorial decisions, whose content gets included, and what methods are used to organize it, are all political questions. The editorial problem of how to select and publish texts is an example of, as well as a metaphor for, the problem of any democratic scenario: how to decide between various options given limited space?² Practices such as facilitated 'booksprints' - a collaborative book-production methodology pioneered by the free software documentation project FLOSS Manuals - or the editing policies of the collaborative encyclopedia Wikipedia, for example, favour a consensus model with many parallels to the ethical approach outlined above (Fuzz, 2012; Wikipedia Editors, 2013a). Here, reaching consensus on which content to include is favoured over the use of individualist filtering algorithms, populist voting models, or hierarchical editorial control.

So far, so good. But proposing that we use consensus to curate a project's content is, on its own, only a beginning. The Seeds for Change collective, who work closely with many UK activist groups and from whom I received my own training in consensus facilitation, define consensus as

“a creative and dynamic way of reaching agreement between all members of a group. Instead of simply voting for an item and having the majority of the group getting their way, a group using consensus is committed to finding solutions that everyone actively supports, or at least can live with.” (Seeds for Change, 2013a)

I take this approach as valuable groundwork, but will attempt to go further here than simply settling on consensus decision-making as the answer to the dilemma at hand. Two important questions remain to be answered: firstly, how does the imperative for an *outcome* from this decision-making process - what Seeds for Change refer to as a “solution” - circumscribe the possibility for the multiplicity of participants' voices to be both fully honoured during the process, and also retained in any resulting publication? And secondly, how might this limitation be avoided? To answer these questions, we must look in more critical detail at the aims and methods of decision-making processes themselves. As I write from an ethical position of honouring individuals' voices in dialogue, I believe it is useful to approach this analysis in terms of the subjectivity of those engaged in such a process, and to ask what it actually means to *consent*.

2 This is nicely illustrated by the heated debates surrounding the design of successors to the national UK Indymedia website, also closed since 2011 (see for example Greenhalgh, 2011).

It is to this question that the majority of the thesis will be devoted, before I return to the question of publishing, and ask how we might apply an analysis of consent in this field.

Consent

I will treat *consent* as a key ingredient at the basis of horizontal collaboration, from its etymological origin: *con* (together) + *sentire* (to feel) (Oxford University Press, 2013). The word is generally defined more narrowly today as the giving of permission or assent (ibid; Merriam-Webster, 2013). Consent, we are told, consists in “saying yes” (Reclaim the Night Oxford, 2011). I will explore what is lacking from this definition of consent, and look for alternative models which make use of the collaborative potential in the word's original meaning, in order to answer the question at hand: how to produce an artistic outcome which honours a multiplicity of voices?

While the practice of consensus decision-making discussed above goes a long way in answering this need - favouring collaborative dialogue over voting, for example - I will take it as a starting-point only. Even for its most committed practitioners, consensus decision-making is not a magic bullet. Seeds for Change articulate a tension between the need for outcomes, and a concern for democratic participation, which must be carefully balanced. The two criteria for evaluating the success of a decision-making process are thus, according to the collective, “Tasks - what got done? Did you get the needed results?”, and secondly, “Maintenance - How did it get done? How did people feel and how will this affect morale and group cohesion? ...Was it enjoyable?” (Seeds for Change, 2013b). The fact that a need for outcomes is often pitted against such subjective experience is made clear by the same collective's note that, sometimes, the best that consensus can do is to produce outcomes that “at least [participants] can live with”. There are external constraints in most decision-making scenarios which make this fact inevitable. However, in an artistic context it may be possible to push or reject some of these constraints, and to arrive at a model of consent which is not pitted against the need for solutions. To this end I will explore some emerging discourses of consent which reject the imperative for outcomes, and derive their ethical power precisely from such a rejection.

These discourses are emerging from a field of activism for which the meaning of consent is of central concern: the feminist movement against sexual violence, and its complementary campaigns for consensual sex and relationships. Standing in opposition to a culture in which “a deal is a deal, no matter how reluctantly, grudgingly, or desperately one side accepts it” (Millar, 2008 p.37), feminists stress not only that 'no means no' but that a reluctant yes, silence and “confused or unclear communication” also mean no (Holsomback, 2012 p.5. See also Reclaim The Night Oxford, 2011; Riotgrrrl Press, n.d.; Schwyzer, 2008). Feminists are thus engaged in questions such as, what exactly is consent? How must it be communicated? Must it be signalled verbally, or can it be a state of mind? And is reluctant consent still valid? These debates make clear that consent - and thus the consensus and collaboration that emerge from it - is not a straightforward democratic phenomenon, but a slippery term up for debate (Wertheimer, 2010 p. 195). The sexual scenario, under the intense scrutiny of feminist questioning, throws into sharp relief the nuances involved in the process of establishing agreement. In this scenario the wording of a sentence, or the flicker of an eyelid, can mark the difference between democracy and disaster. It is not surprising, then, that it is in the high-stakes theorizing of this scenario that we find some of the most exquisitely nuanced and ethical theories of consent; a body of proposals I will group under the term *consent-as-collaboration*. These proposals offer valuable conceptual tools, which can be fruitfully exported to other settings in which the aim is to foster egalitarian collaboration (Cochrane, 2013). After exploring them in detail I will ask how they might apply beyond sexual collaboration, to the problem of making decisions in collaborative production.

2. Too Many Quiet I Guess So's: The Feminist Critique of Consent

On a cold November night I was out in the Oxford rain, shouting “whatever we wear, wherever we go: yes means yes and no means no!”. It was the annual Reclaim the Night march against sexual violence, resurrected in Oxford in recent years and, sadly, looking set to continue sloggng away at the same ABCs for the foreseeable future. *No Means No. Yes Means Yes. Consent Is Sexy*. The appalling statistics on sexual violence attest to the pressing need for a greater cultural understanding of consent (Ministry of Justice, Home Office & Office for National Statistics, 2013). These slogans are a vital starting-point. Until there is general agreement on the fact that, for example, a short skirt or shiny shoe or fetching hat is not

semantically equivalent to the word 'yes', we seem doomed to continue shouting in the rain. But my voice is getting hoarse from these simplistic slogans - and I'm not the only one.

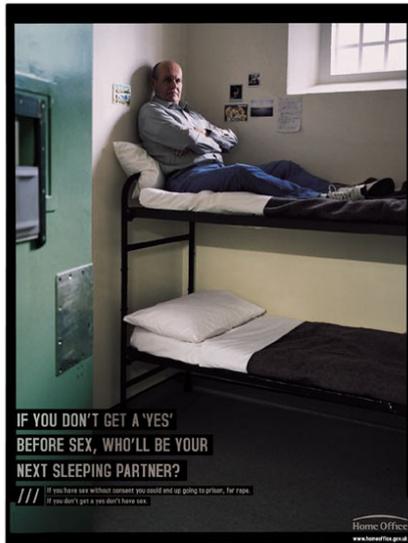


Fig 1.: 2006 UK Home Office poster campaign.

A famously crass government poster campaign should have given us pause for thought recently. Having apparently digested feminist demands, it emblazoned pub toilets across the UK with the image of an intimidating male inmate staring out from a prison cell bed, captioned by the question: “If you don't get a 'yes' before sex, who'll be your next sleeping partner?” (Home Office, 2006, Fig. 1). Leaving aside the myriad other levels on which this poster offends, the telling phrase is this: “get a yes”. Consent as an item to be acquired; as a commodity; as a type of insurance or entrance ticket. After all: *yes means yes*. While a recent feminist anthology used the slogan *yes means yes* as its title (Freidman, J. & Valenti, J., 2008), many of the essays ' contained therein took pains to debunk it. One article

written for the book (though not eventually included) gets straight to the point: “the problem, of course, is that there is more than one kind of 'yes'... Too many 'yesses' are coerced; too many quiet 'okays' and 'I guess sos' are interpreted as blanket permission” (Schwyzer, 2008). While this fact is particularly disastrous in a sexual context, it is equally true in many other democratic scenarios. If we are to demand consent as a standard for social interactions, we need to examine closely what we really mean by using this word. As legal theorist Alan Wertheimer (2010, p. 195) summarizes, to insist that an interaction be consensual

“raises more questions than it resolves. ...Firstly, in what does consent fundamentally consist? Is consent... a state of mind or is it an action?If an act of consent is necessary, is it sufficient? ...[W]hen does someone's 'token' of consent... render it permissible for the other party to proceed?”

We are not dealing then with a binary choice of consensual vs non-consensual interactions, but the realization that even without force or other coercion, the way we conceptualize consent will impact upon whether, and to what extent, a given interaction is interpreted as consensual or not. How we define consent is thus an urgent question with far-reaching political implications. Behind the black-and-white slogans, it is the recognition of this painful truth that is making the feminist movement today one of the more interesting discursive spaces in which to explore the meaning of consent. There is a growing body of feminist writing and practice which problematizes the formula *yes means yes and no means no*, and in so doing, articulates important challenges to any simplistic championing of 'collaborative', 'participatory' or 'consensus' processes. Of particular interest for us is its analysis of the options available for defining what consent is, and how it functions as a social interaction. I will turn to this analysis now.

3. The Nature of Consent

In order to lay out the options available for thinking through consent, I'll use a framework outlined by the legal philosopher John Kleinig (2010) in his essay *The Nature of Consent*. According to Kleinig, consent has - among others - the following three components: an ontology (what it is), a signification (how it is tokened), and a grammar (who is involved, and how they interact). How the ontology, signification and grammar of consent are defined are political questions. These three terms give us starting-points for getting to grips with the various political positions available.

Firstly, what is the ontology of consent? "Does it consist primarily in a state of mind... Or is it constituted by a performative act or the conventional signification of agreement...?" (ibid, pp. 9-10) The answer to this question splits clearly along political lines. The feminist movement famously endorses the "performative act" theory (*no means no*) over the "state of mind" theory (*she wanted it*) (Holsomback, 2013; Rape Crisis Scotland, 2010; Reclaim the Night Oxford, 2011, Fig.2). Wertheimer (2003, p.149) summarizes, "a woman's secret desires have little bearing on whether [another's] action is permissible." According to this view, it is possible to want or desire something without consenting to it (Kleinig, 2010 p.10; Wertheimer, 2003 pp.157-8). And importantly, by distinguishing between consent and desire, this theory also carries the disconcerting implication that it is possible to consent to something without

wanting or desiring it. 'Yes' means 'yes I will'; it does not necessarily mean 'yes I want to'. This poses a problem for any democratic process validated by its participants' consent.



Fig. 2.: 2011 Oxford Reclaim the Night Flyer.

Secondly, how is consent signified? This is perhaps the most familiar of the popular debates surrounding consent. What, if anything, apart from 'yes' can signify consent? When we hear that a woman wearing a short skirt is “asking for it”, an argument is being made about signification. Feminists are again fairly unified in rejecting this stance (Rape Crisis Scotland, 2010), delimiting certain acceptable signifiers ('saying yes'), and rejecting others - short skirts, being drunk, flirting... (Holsomback, 2012; Reclaim The Night Oxford, 2011). There is still uncertainty within the feminist movement, however, about the finer points: must explicit verbal consent be given for each and every

action? How often must it be sought and reiterated? Etc. (Kramer Bussel, 2008 pp.43-4). The implications of this question for other democratic scenarios are obvious, and encompass such varied concerns as how participatory processes and interfaces should be designed, and how we might take account of social factors affecting participants' ability to signify consent in intelligible ways.

Thirdly, what is the grammar of consent? Kleinig (op. cit., p.5) proposes the following grammar: “A consented (to B) to P”. There are always three parties involved: A, the agent whose consent is sought; B, who seeks it; and P, the act for which permission is sought. P is “a course of action... for whose pursuit A's authorization, permission, or agreement is required... which B has no right to expect of A absent A's

consent” (ibid, p.7). Kleinig notes here that consent is a reactive gesture; to make a proposal is different from consenting to it. I will refer to this as the *giver-receiver* grammar of consent. It seems fairly straightforward - and indeed Kleinig introduces it as uncontroversial groundwork in his essay. However, the grammar of consent is perhaps the most politically charged aspect of a working definition. Kleinig's favoured grammar is heavily loaded with gendered assumptions: an active (male) subject seeks the consent of a reactive (female) other. Millar & Wertheimer (2010, p.79) paint an unwittingly gendered picture when they summarize that consent works a “moral magic” that “make[s] it permissible for [the asker] to act with respect to [the giver] in a way that would be impermissible absent valid consent.” Kleinig (op. cit., p.4) uses the still more telling metaphor that this type of consent “functions like a... gate that one opens to allow another's access”. The metaphor of the “gate” or “moral magic” is telling: the proposed act is understood as static and self-evident - indeed, the image conjured in these descriptions is of an act that will go ahead whether or not consent materialises. The only transformation it might undergo is in its ethical status; a blessing bestowed by (female) consent.³ It is in part this grammar which validates the bluntly instrumentalist imperative to “get a yes”. As one Reclaim The Night organizer, Clare Cochrane (2013), put it to me in an interview:

“...as a feminist, I want to scotch that [model of consent]. That's a simplistic notion of consent, which is that... one person says, “I want to do this, will you do it?”, and the other person says yes or no. And if they say yes you go ahead and do it, and if they say no you don't. Ok, look, if that's as far as you can get in a certain situation, that's better than nothing. ...But a fuller understanding of consent is not just that one person is agreeing to what the other person wants. ...in the end all you've got is a signature.”

For these reasons, many feminists today are drawing attention to the poverty of “mere legally valid consent” (Kramer Bussel, 2008). In feminist spaces, the word *consent* is increasingly prefixed with various qualifiers: “healthful consent” (Holsomback, 2013); “good consent” (Riotgrrrl Press, n.d.); “meaningful consent”; “affirmative participation” (Millar, 2008 p.40). These prefixes attempt to get around the awkward problem described above: that consent on its own does not guarantee the type of equal collaboration we are aiming for. Some feminists therefore demand enthusiasm *over and above*

3 As another campaign from one UK police force put it, “without a yes it could be rape” (Staffordshire Police, 2013).

consent (Cochrane, 2013). Others attempt to re-define the term *consent* itself, so that enthusiasm and active participation are part of a working definition (Kramer Bussel, 2008). When I interviewed Suzanne Holsomback (2013), a university Vice President Women working alongside Oxford Rape Crisis and running sexual consent workshops with students, she said that

“I include 'enthusiastic' in my definition. ...I would say needing that enthusiastic consent is part of consent, that someone is giving it and someone's understanding it. So it's a two-way thing.”

At this point I will generalize that the feminist movement's most visible, public campaigns for consent largely concern themselves with its ontology and signification. Suzanne Holsomback's workshops look at “what consent is, and what it's not”, and tackle questions such as, “does it always have to be verbal?” (ibid). Campaigns from Rape Crisis, similarly, parallel Reclaim The Night motifs of laying out what consent is and isn't, and what “asking for it” is and isn't (Rape Crisis Scotland, 2010; Reclaim the Night Oxford, 2011). However, behind the scenes, the more radical question of grammar is up for debate. Arguments for a re-definition of the ontology of consent give us a useful 'way in' here. If “affirmative participation” is not an added extra but is built into the ontology of consent, then a parallel shift in the relationships of the parties involved is implied. It is in this search for a better grammar of consent that the most interesting feminist theories of consent emerge - and where links to practices of radical democracy become most clear.

4. Notes: How Consent is Encoded in Four Decision-Making Systems

So far I have discussed consent as it relates to sexual negotiation. I've claimed that close feminist scrutiny of what happens in the process of reaching consent in this context helps us to put other types of consent, collaboration and agreement under the microscope too. So before looking in more detail at the alternative models of consent being proposed by feminists, I'll first give some examples of the ways that our working model of consent will impact upon the way collaborative processes are designed, and the types of consensus they produce. To do this I'll use Kleinig's terms - the ontology, signification and grammar of consent - to look closely at the models of consent at work in four collaborative systems:

Doodle, Wikipedia, Econsensus, and the artwork *Yet Another Collaborative Editor*. What these systems have in common is that they accept input from various users, and allow users to co-ordinate that input by offering various ways of establishing consensus. All of them privilege democratic negotiation, although each of them encodes this process in slightly different ways. These differences are instructive for us when thinking about how we might practically apply a theory of individual consent in collaborative production.

Doodle

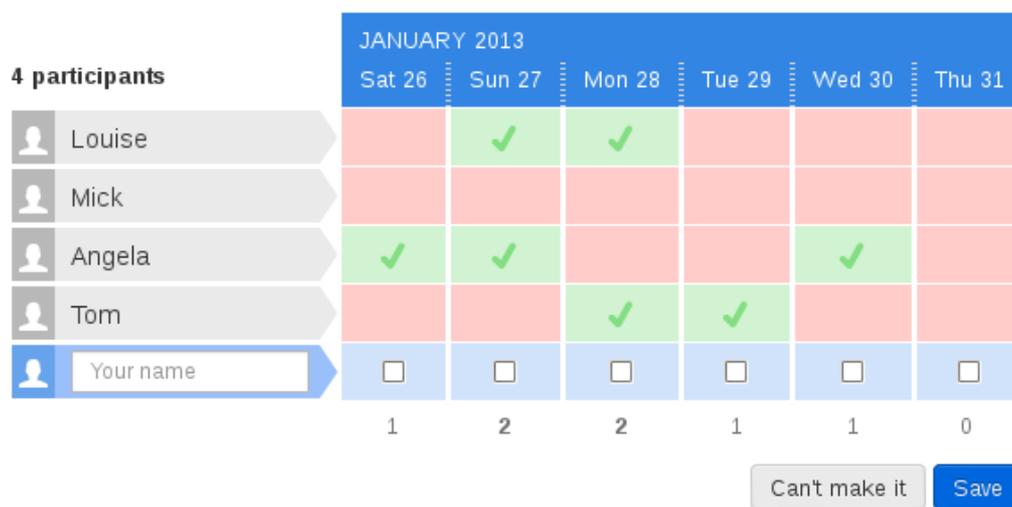


Fig. 3.: The Doodle polling interface.

Doodle (2013) is a clear and elegant example of a decision-making system which encodes 'common-sense' ideas about reaching agreement. Doodle lets anyone who knows the URL of a poll share their preferred days for a meeting, via a simple calendar 'polling' interface. Users of Doodle aren't consenting to anything per se - it is intended as an information-gathering tool to help a meeting planner chose the best date. However, it is an interesting example of the way that individual vs group preferences can be recorded and displayed. Its aim is to arrive at a consensus by consulting with each group member, and to produce a date which may not suit everybody, but which achieves the maximum possible overlap of individual preferences.

How is consent signified? For each date, participants have by default only two choices: to check the box (meaning, I can make it), or to leave it unchecked (can't make it). Checked dates turn green, unchecked dates turn red. The poll initiator can enable, if they choose, a halfway option 'Ifneedbe', which when checked displays orange. If no dates are suitable, the participant may save the form without checking any boxes, or click a button reading "Can't make it", which also submits the form blank. By implication, then, silence signifies not consent but the opposite; while agreement must be actively signalled with the gesture of ticking the relevant box. Any more detailed ambiguity than 'Ifneedbe' must be recorded in a separate comments box below the poll, which is not semantically linked to it. The system narrows users' options in order to produce a clear numeric 'favourite'; thus the checked boxes can only be a rough guide, and not a reliable indication of felt preferences or desires.

What is Doodle's grammar of consent? In any given instance a proposal can only be made by one person, the poll initiator. The initiator chooses which dates to include in the poll and whether to enable the 'Ifneedbe' option, thus delimiting the choices presented. The single poll initiator therefore poses a question with various options, in line with the traditional *giver-receiver* grammar of consent.

Wikipedia

Wikipedia (2013) is a collaborative encyclopedia built on the MediaWiki software. Articles may be edited by many users, with the aim of arriving at a consensus on the text.

What is Wikipedia's grammar of consent? In Kleinig's terms, consent is given by A to B, for P. Here, P is any change to the text. B is the editor making the change. She seeks the consent of (plural) A, all other users. Wikipedia's grammar of consent thus conforms to a fairly conservative one in which consent is 'sought' and 'given'. However, it begins to stretch this grammar, as multiple users make proposals in an ongoing and collaborative process. A does not merely play the passive role of saying 'yes' or 'no', but is expected to be an active agent contributing her own changes if she disagrees. It is unclear whether A includes readers of Wikipedia who do not have an account on the site. Are they, by reading the text and not creating an account in order to change it, consenting to the status quo?

This expectation of agency informs how consent is signified. Wikipedia's policy on consensus states clearly that: "Any edit that is not disputed or reverted by another editor can be assumed to have consensus." (Wikipedia Editors, 2013a) A related essay linked from this statement, *Silence and Consensus* - though not a policy document - comments that "Consensus can be presumed to exist until voiced disagreement becomes evident... *if you disagree, the onus is on you to say so.* ...[because] In wiki-editing, it is difficult to get positive affirmation for your edits..." (Wikipedia Editors, 2013b). Kleinig himself notes that signifiers of consent are culturally-specific, and may include silence. Because of this, "there must be a convention whereby consent given is recognized as such" (op. cit., p.11). Wikipedia's policy on consensus attempts to set in place this convention. However, it is not undisputed. The Wikipedia Essay *Silence Means Nothing* gives several examples of things that silence may signify other than consent: "polite disagreement", not having seen, or choosing to ignore an edit. The essay originally stated that assuming consensus in the absence of dissent is "foolhardy and wrong" - before this phrase was removed, 20 minutes later, by another editor (Wikipedia Editors 2013c).

What is the ontology of consent in Wikipedia? Because consent is signalled by silence, there is no clear distinction made between the *state of mind* of agreement, and the *act* of giving consent. Indeed, MediaWiki's chronological version control means that the only active gesture available - making an edit - is one which signals *lack* of consent to the status-quo.

Econsensus



Fig. 4.: Econsensus commenting options.

Econsensus (2013) is a relatively new online tool developed by IT NGO Aptivate to help activists organize. Within 'groups', group members can create and comment upon 'proposals' as well as creating 'decisions'. Fig. 4 shows the tagging options which are displayed next to each proposal. When commenting

on a proposal, users may choose one option from this dropdown list with which to tag their comment. The current totals for each type of comment are shown. Clicking on one creates a new comment with that tag.

What is its grammar of consent? What is being consented to is clear in Econsensus - proposals are named as such and given a unique ID. Proposals are commented on, and ultimately consented to (or not) by group members, whose name is registered next to their consent, if given. It attempts to mimic face-to-face consensus decision-making used in activist groups, in which a proposal is presented, discussed, modified and ultimately consented to by all involved. It is notable that each proposal may be modified at any time, beginning to disrupt the conventional giver-receiver grammar of consent.

What is its ontology of consent? Group users may comment upon proposals, and 'tag' their comment with only one option from this list: 'Question', 'Danger', 'Concerns', 'Consent', or merely 'Comment'. Consent must therefore be communicated as a clear gesture; writing a positive comment without tagging it as 'Consent' does not constitute consent. (Although users of the software may, of course, choose to implement their own conventions.)

How is consent signified? Consent is signalled by selecting 'Consent' from the list of tags when leaving a comment. The visual language used to display these tags is blunt. Comments tagged as 'Danger' have a red mark; comments tagged 'Consent' are bright green. 'Concerns' are orange, and sit in between Danger and Consent in the interface, creating a symbolic colour spectrum. (These are the very same colours that Doodle uses to encode 'yes', 'no' and 'ifneedbe'.) Unlike Doodle, eConsensus lets users decide how to tag their responses, rather than giving initiators the power to decide whether or not users will be able to express ambivalence ('Ifneedbe' in Doodle; 'Concern' in eConsensus).

It is interesting to note that it is not possible to give consent and to signal danger or concern in the same comment. 'Comment' and 'Question' sit at either end of this spectrum, apparently unrelated to the middle three options in their respective shades of grey and blue. There is no option to refuse consent, ie 'block' a proposal, as there is in conventional face-to-face consensus, or in the Doodle interface. The assumption in the system must therefore be that proposals are never final, and are open to modification as long as

concerns or dangers persist. It takes the Wikipedia approach of assuming that a rejection of the current proposal should be expressed as a modification, not a refusal, and makes it technically impossible to say 'no'.

Yet Another Collaborative Editor

My friend the artist Dave Young's (2013a) project *Yet Another Collaborative Editor (YACE)* “is a networked text editor that enables a group of authors to write a document together in their web browser”. Through “a hyper-democratic system” (Young, 2013b), participants using *YACE* submit text to a collaboratively-written document via a web interface. The catch is that each submission must be voted on by every other user - via blunt 'yes' or 'no' buttons - before the next sentence can be submitted. If anyone votes 'no' the sentence is discarded. There is a strict time limit after which no more sentences can be added, and the document is saved for .PDF export. *YACE* makes explicit the way that such systems' working definitions of consent impact dramatically upon the ways they produce *consensus*. By mandating a concrete outcome, giving limited time with no mechanism for discussion, and making proposals non-modifiable, *YACE* reveals the undemocratic and coercive uses to which our working grammar of consent can be put. Young's description of *YACE* as “a hyper-democratic system” thus performs, while implicitly critiquing, the common but mistaken conflation of this perfunctory grammar with consent itself.

So far I have explored some of the options available for defining and encoding *consent*, and elaborated a feminist critique of the *giver-receiver* grammar of consent. In the examples above I have shown some of the implications our model of consent will have upon the design of collaborative processes aimed at democratic production. I will now ask, if feminists have articulated a critique of the *giver-receiver* grammar of consent - used to a greater or lesser degree by all four systems above - what do they propose instead?

5. Towards a Radical Grammar of Consent

For many feminists, the *giver-receiver* grammar of consent is “a simplistic notion” that produces a mere “signature” (Cochrane, 2013). How, then, to reimagine this grammar? Thomas Millar's (2008) essay *Towards a Performance Model of Sex* gives us a useful starting point. For Millar, our working grammar (what he calls our 'model') of sexual interaction is to blame for the perfunctory signature-seeking of the “get a yes” attitude. As long as sex - and thus consent - are conceptualized as “a substance that can be given, bought, sold or stolen”, then the logic of the market will define acceptable standards of consent. These will necessarily be impoverished, because “in order for commerce to flourish it is necessary to have rules about when someone is stuck with the bargain they made, even if they regret it or never really liked it in the first place.” (ibid, p.30) We must accept that “a deal is a deal, however reluctantly, grudgingly, or desperately one side accepts it” (ibid, p.37) This grim outlook is lent some support by the tellingly economic logic of Wertheimer's (2003, p.124) comment that “by adopting the principle that consent is (ordinarily) *sufficient* to legitimize interaction, we encourage mutually beneficial interactions”. We have seen how the mandate for concrete outcomes necessitates this grammar in the *Yet Another Collaborative Editor* project described above - and, more mildly, in the pragmatic model of consensus implemented in projects such as Wikipedia. In both cases, consent is defined in such a way that the ultimate production of published texts will not be threatened by the democratic process of producing them. Wertheimer's motivation for defining consent is brought to mind, according to which “we are not interested in consent as a metaphysical problem, but because it renders it permissible for A to engage in sexual relations with B. [In defining it] we ask 'what could do that?'" (ibid, p.146). Of course, as artists and activists we are free not only to ask what we should render permissible, but what we might render possible in a much broader sense. It could be argued that there is no problem with an outcome-driven, rather economic concept of consent so long as it is kept out of the bedroom. But I think it's worth questioning this default position. If we set aside for a moment the imperative to arrive at a clean outcome, then moving beyond the conservative grammar of 'permission' opens up exciting possibilities for consent as a more radical model of equal collaboration.

In order to privilege this “affirmative participation”, Millar proposes rejecting the view of sex as a commodity over which deals must be struck, in favour of a model in which sex (read: any social interaction) is a collaborative performance. “Like the commodity model, the performance model implies a negotiation, but not an unequal or adversarial one. The negotiation is the creative process of building something from a set of available elements” (op. cit., p.38). Millar closes with some reflections on what this collaboration could look like: “The palette available to them [the musical or sexual collaborators] is their entire skillset... and the product will depend on the pieces each individual brings to the performance. This process involves communication of likes and dislikes and preferences, not a series of proposals that meets with acceptance or rejection” (ibid, p.39). Rachel Kramer Bussel titles her contribution to the same anthology in which this essay appears, *Beyond Yes or No: Consent as a Sexual Process*. She claims that “consent is not simply a legal term, and should encompass more than simply yes or no”. For her, “‘consent’ encompasses the ways we ask for sex, and the ways we don’t. It’s about more than the letter of the law, and... at its heart is communication” (Kramer Bussel, 2008 pp.43-44). In opposition to legal pragmatists such as Kleinig and Wertheimer, for Kramer Bussel, *asking* (as well as acquiescing) is part of consent. The gendered distinction between asker and consenter is erased here, in favour of “an open dialogue” (ibid, p.48) which echoes Millar’s call for consent as a “collaboration” based on “affirmative participation”.

What is most striking about these proposals for a re-worked grammar of consent - which I will call *consent-as-collaboration* - is that consent is no longer an outcome, but must be a process in and of itself. This is not surprising when we think, for example, of the differences between democratic systems based on voting, and those based on consensus. If the aim is a decision made collectively, instead of a ‘yes’/‘no’ vote, then the proposal to be consented to can no longer be static and self-evident; it must be modifiable. The process of proposing, discussing and modifying a proposal therefore cannot be divorced from the ultimate confirmation of agreement. So what does this collaborative process of negotiation look like?

6. Notes: Two Book Covers on Books About Consensus

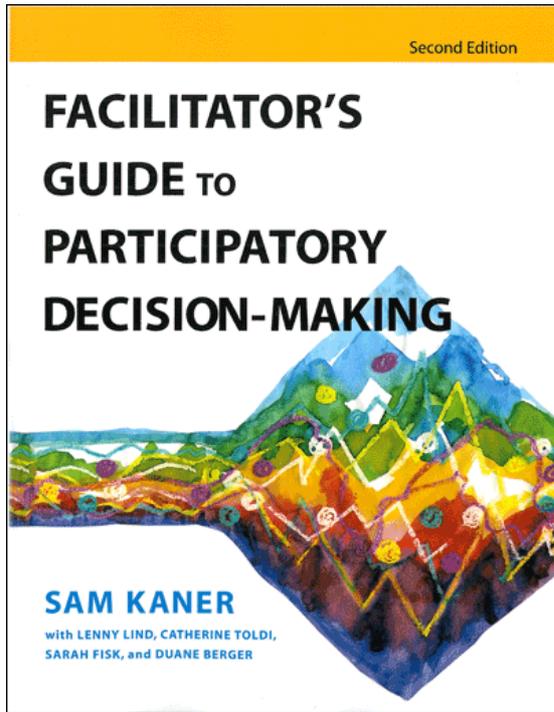


Fig. 5.: Cover of 'Facilitator's Guide to Participatory Decision Making'.

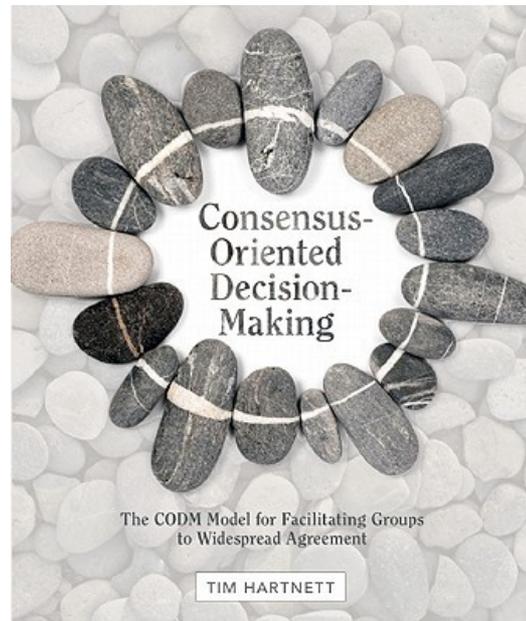


Fig 6.: Cover of 'Consensus-Oriented Decision-Making'.

Search for 'Consensus Decision Making' on Amazon and consider the first two results (Amazon.com, 2013). One: *Facilitator's Guide to Participatory Decision-Making* (Kaner, 2007). I first encountered this book on my lunch break while working as a facilitator at an activist charity. It is a familiar face on the bookshelves of friends and activists, outlining the process of reaching decisions consensually. The second is another consensus manual I don't yet know. It promises a “clear and efficient path to generating widespread agreement while fostering full participation and true collaboration” (Hartnett, T. 2013).

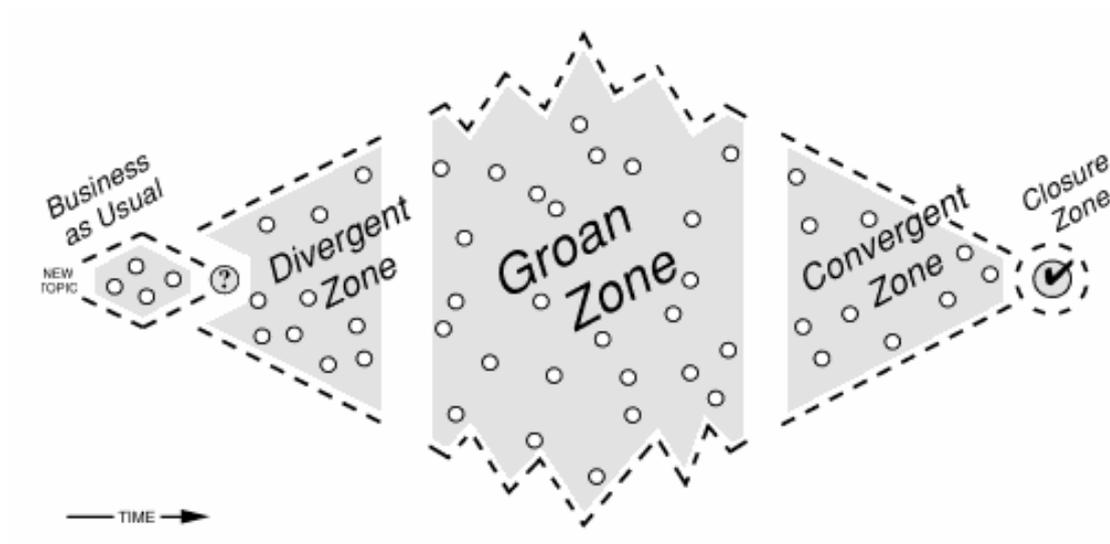


Fig. 7.: The 'Diamond of Consensus' from Kaner (2007).

What struck me about these top two books was their covers. The first one features a colour detail of one of the book's key diagrams - the 'diamond of consensus' (Fig. 7). So-called because the group begins from a point of affinity (a narrow, huddled zone), and through the process of decision-making airs its differences, desires and conflicts (a wide zone of deliberation, dubbed "the groan zone"), finally to converge narrowly again, upon an outcome agreeable to all (Kaner, 2007). It is this last phase which is privileged on the cover of the second book, in which a circle of stones are aligned in such a way that each one's individual marking connects to the others to form a coherent and peaceful pattern. Individual difference is subsumed by the eye's desire for the striking circular pattern. The smooth restful pebbles of meditation books and motivational calendars: harmony, peace and unity. The 'clear and efficient path'. By contrast, it is the central 'groan zone' that is privileged on the cover of the other book, in full exuberant colour. It is a jagged space of zig-zag lines, in strongly contrasting (though complementary) colours, peopled by isolated dots jostling for attention, and rendered in watercolour and wax which resist each other. I tracked down the illustrator of this book cover, Karen Kerney, who explained her inspiration:

"I was currently working in a whole grain baking cooperative, daily dealing with group dynamics and decision making so I had a keen interest in the subject. My illustration tended to reflect a group going along in the river of

life... If we handle the chaos and confusion as a natural integral part of the decision making process (not to be avoided), we build skills, trust, experience and come to know that we can move forward and evolve as a group. This was my experience at the bakery..." (Kerney, 2013)

These two book covers offer two contrasting visions of consensus process, and thus, perhaps, the role of consent itself. On the one hand, the egalitarian harmony of the perfect circle; on the other, a space containing difference. The latter, argues Kerney, is necessary for the former: there can be no consensus while "chaos and confusion" are suppressed. Perhaps these two illustrations also offer two contrasting justifications for attempting to establish consent. It is easy to endorse a process for its 'efficient path' to an outcome everyone will agree to. (Scroll down your Amazon results for plenty of business books stressing the "high commitment decisions" and "problem solving" offered by consensus decision-making - echoing the feminist rhetoric that "consent is sexy" (Consent is Sexy Campaign, 2013). But I am arrested by the Facilitator's Guide cover and its insistent, proud privileging of this colourful groan zone. This zone is a means to an end, for sure, but as Kerney explains, that end may not be the obvious one of a harmonious group decision. In this wide diamond, in this wax and watercolour confusion-zone, lies another way of thinking about our dealings with others. On the cover of this edition it is cropped before the diamond closes and convergence happens. Perhaps this is OK; perhaps this closure is sometimes a shame. Perhaps the groan zone could be an end in itself.

7. The Groan Zone and an Ethics of Indecision

Endorsing *consent-as-collaboration* poses a similar challenge to consensus decision-making. It challenges us to enter a space in which the outcome has not yet been articulated, let alone decided. It demands that we enter a negotiation without *seeking* a yes or merely *giving* one, but creating something cooperatively. However, *consent-as-collaboration* differs from consensus decision-making in one important respect. In consensus, the aim is to exit this zone with an *outcome* agreeable, if not ideal, to everybody. For feminists, by contrast, the aim of consent is to *avoid unwanted outcomes* - even at the cost of inaction (Cochrane, 2013; Holsomback, 2013; Riotgrrrl Press, n.d., *Fig. 8*). *Consent-as-collaboration* demands an exceptionally high tolerance for the Groan Zone, with no guarantee of agreement at the end.

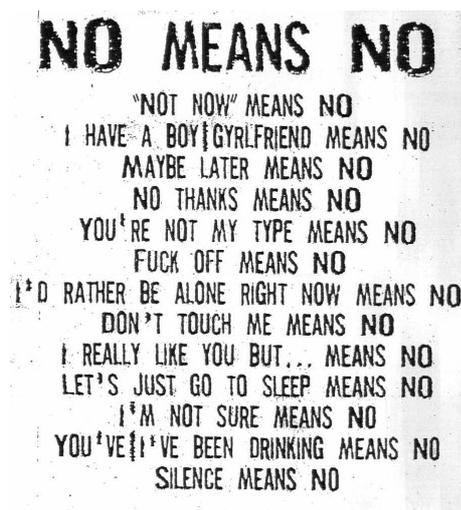


Fig. 8.: Page from Riotgrrrl Press (n.d.), 'Learning Good Consent' (detail).

As Millar (op. cit.) says, our attachment to perfunctory and problematic grammars of consent comes from the imperative for “commerce to thrive”. By contrast, a collaborative grammar demands an open space in which outcomes are not predetermined; in which no eventual “deal” is guaranteed. We shouldn't underestimate the demand made by this approach. Resistance to the spectre of indecision and inaction that it raises is strong. At the mild end of this resistance are the comments encountered by Holsomback (op. cit.) in her consent workshops: “that's not something I want to bring up, it kills the mood.” Holsomback's reply, typical of the 'consent is sexy' approach, is telling: “I'm like, 'no it doesn't, raping someone will kill the mood’”. Cochrane

(op. cit.) makes a parallel appeal to the beauty of surrendering to a consensual dialogue: “For consent and for consensus, when you've got a safe and held space, you can let go of outcomes.” When I countered that it is precisely its inefficiency in producing outcomes that is the chief criticism levelled against both consensus and feminist demands for consent, she replied that not only is risking the outcome better than risking coercion, but “if you let go of outcomes and you can really be in a process (in either consensus or in a consent situation), then actually [the outcome] is more beautiful”.

Holsomback and Cochrane employ elegant and irresistible paradoxes: avoiding 'killing the mood' with non-consent kills the mood; letting go of outcomes delivers better outcomes. This is the logic behind consensus decision-making, and may be true in some contexts. But the problem with this approach is that consent *can* 'kill the mood'. In Kerney's terms, “chaos and confusion” are “a natural integral part of the decision making process”. And not only can a genuinely consensual discussion 'kill' the elusive (sexual or artistic) 'mood', it may well rule out your desired outcome - or any outcome. Glossing over these facts misses a valuable opportunity. By stressing that *consent-as-collaboration* produces better outcomes, we are co-opted by the old instrumentalism which stops us appreciating that a tolerance for the Groan Zone, and a commitment to “space for dialogue”, may themselves be the winning features of

feminist consent.

Any system that encodes *consent-as-collaboration* must therefore encode a tolerance for difference, indecision, and inaction. This poses a problem if we propose applying such a decision-making process to collaborative production - which, by its nature, must surely involve the elimination of most of the options ("sea of content") to produce a singular outcome. But if we understand consent as a process of dialogue, then to 'agree to disagree' is a valid outcome. To agree to do nothing, or to do nothing *now*, or to continue talking - all of these are, in fact, decisions. Could these decisions count as such in the context of collaborative production? 'Agreeing to disagree' or 'deciding not to decide' is a rich ethical approach; could it be an artistic one too?

8. Provisional Publishing

In his book *Post-Digital Publishing*, media critic Alessandro Ludovico (2012a) provides a useful survey of the situation of publishing today, which gives a context for the question of how to curate publications in a democratic way. He describes the online distribution phenomenon of "atomising content", in which individual articles (for example) circulate independently from - and often prior to - their inclusion in cohesive publications such as newspapers or websites (ibid, p.60). Ludovico is concerned primarily with how this phenomenon relates to print publishing. Echoing the London Indymedia collective who spoke of the need for "curation from within the sea of content", he describes the way that atomising content makes filtering and curation central. Newspapers, for example, become edited "best-of" collections of yesterday's news. Readers collate personal scrapbooks of relevant content. An online quality ecosystem mediated reputation-based hierarchies ruthlessly separates quality content from the chaff. Above all, "the function of content filter is moved away from the publisher... and handed over to the user." (ibid, p.61). What of undertaking such filtering in a collaborative, consensual way? Ludovico doesn't seem to take this prospect particularly seriously. In an interview discussing a reader he helped to compile, he commented:

“It came about in a period when there was no activity, and the [Magnet] network was about to die. We received an invitation... to participate in a conference and present a reader we were loosely assembling. At that point I thought that this was the only opportunity to get it done, and that was the end of the whole idea of democratic decision-making, of discussing everything together. In the end I'm with my friend Geert from Staalplaat label who once said: production is not democratic. I think he's right!” (Ludovico, 2012b)

In February 2013 I was fortunate enough to attend the first worksession of a project based in Brussels which sets out to question this position. *Collision* is research project organized by Pierre Huyghebaert and others of the Libre Graphics Research Unit and art association Constant. Its first meeting was an attempt to critique, and explore alternatives to, the logic of decision-making underlying conventional graphic design practice. An introductory text summarizes:

“Maps, schematics and books are complex graphic surfaces where meaningful elements fight for space in different dimensions. ...design is essentially the work of organising collisions. In a conventional design practice... tension is deflated through erasure, simplification and filtering. What would be ways to articulate collisions, instead of avoiding them?” (Libre Graphics Research Unit, 2013a)

These questions are not only relevant in the context of graphic design, but, as they deal fundamentally with the problem of democratic decision-making, they apply to the compilation of publications in a much broader sense. And while this is a highly formalist brief, there is a clear ethical imperative behind its line of questioning. Mapnik, the graphical engine used by the collaborative mapping project Open Street Maps, is given as an example: “If a streetname doesn't fit, it disappears from the map; if there is a conflict, contributors are advised that it all comes down to a simple choice: 'yours or mine'.” The conflict between competing graphical elements, then, stands in for a conflict between people. Femke Snelting summarized this adversarial approach: “If it collides, erase. If it doesn't fit, take it out.” (Libre Graphics Research Unit, 2013b) Parallels with a black-and-white discourse of 'yes or no' consent are immediately apparent (“...if they say yes you go ahead and do it, and if they say no you don't” (Cochrane, 2013)). The tenacious assumption behind the *Collision* project is that digital tools (and ways of thinking) undermine the necessity of this approach. Despite his pessimism about democratic production, Ludovico makes a similar argument in *Post-Digital Publishing*. He rejects the simplistic rhetorical opposition

between 'printed' (stable, final) and 'digital' (unstable) matter, arguing that printed publications are increasingly taking on what we think of as 'digital' properties: becoming provisional and malleable, for example in small print-on-demand editions that evolve to mirror the online content filling them. While this approach to publishing is informed by digital media, it doesn't rely upon or fetishize it.



Fig. 9.: Outcomes from Lafkon's 'Forkable' workshop at Collision 1, February 2013.

The projects shared at *Collision's* first meeting provided examples of how provisional, malleable publications might take form both digitally and on paper. Designer Gijs de Heij facilitated a battleships-style game in which two teams plot circles on the same sheet of paper, attempting to avoid 'collision' by not overlapping the other team's shapes. De Heij's custom browser interface allowed us to draw, or write text commands, in real-time, and see our designs rendered instantly by the plotter pens moving over the paper. The game was difficult - owing to the various layers of mediation between our bodies and the page. But importantly, it was also pointless. A plotter - which can go back and re-work the same surface in a fluid way impossible with a laserjet printer - lets us re-imagine the printed page as an open space where interactions can occur, rather than a grid in which lead blocks compete for their share. Another workshop took a more digital approach to the same problem. Christoph Haag ran Lafkon's *Forkable* workshop, using speculative software that creates a space for multiple design options to co-exist. We were invited to clone a repository containing an image file (an SVG reading 'Badness and Conflict'). Each letter of this text was stored in a different layer of the SVG file, meaning it could be independently manipulated. We were invited to make and save changes to any or all layers, and add our version as a new file to the repository. Thus, multiple versions of the same file existed, with various possible permutations (Fig. 9). Rejecting the imperative to choose one over another, this 'conflict' is resolved by a

Bash script which picks layers at random from each SVG contributed, re-combining them each time the script is run. One time my version of the letter 'M' may be included; the next, yours may be. On the final day of the *Collision* meeting, I spent the day with Femke Snelting and Pierre Marchand researching a real-world example of collision: the choice of which metadata to render on Open Street Maps (OSM). While anyone can contribute metadata to the OSM database - for example, describing a route as a 'footpath' or a building as a 'shop' - only certain tags are rendered on the official OSM website's map. Footpaths and shops will be labelled; but if you've tagged a place as a gay cruising area, don't expect that to show up. While Lafkon's *Forkable* simply picks at random which options to include, the decision about which OSM tags to render is a complex, quasi-democratic process. There are various interest groups lobbying for their tags of choice to be rendered in the official map - presumably so they don't have to render and host their own versions. Amongst these are the proposal to tag adult shops, and the proposal to tag gay-friendly places. The latter has been proposed by Open Queer Map, a group who are already actively adding metadata to the OSM database indicating places which are gay-friendly. While this metadata is stored in the OSM database, it is not rendered on the official map, and Open Queer Map currently have to render and host their own map in order for this information to show up. There were several people present at the meeting who argued that, instead of 'cherry-picking' the most important tags - resulting in the current scenario of lobbying an elite of programmer-curators - OSM should be providing an interface which lets users, not OSM programmers, decide which metadata to render.

In both the *Forkable* workshop, and the debates about Open Street Map, an approach emerged which offers possible answers to the question of whether indecision could be a viable editorial approach. Indecision needn't mean paralysis, deadlock, or mediocrity. Instead, it could mean provisionality. In each iteration of the *Forkable* SVG, different people's versions will 'win'. Just as, if OSM gave users the power to chose which metadata to render, each map would still render only a limited range of this data. The difference is that that the decision is not final, and the algorithm used to arrive at the decision is made visible. Such projects' rejection of the imperative to reach agreement on a singular, final version open up space for the type of consent I have been discussing. They attempt to articulate a graphical language which validates uncertainty, ongoing negotiation, and an absence of the clarity that comes from a singular editorial voice. They give concrete graphic form to the feminist proposal of an indecisive and process-oriented collaboration, in which negotiation does not consist of successful or unsuccessful

proposals, but an open space in which possibilities are communicated and can co-exist in provisional assemblages.

9. Conclusion

I began with the ethical and artistic question of how we might produce collections of content contributed by a project's participants, in a democratic manner which honours the multiplicity of their voices. I took as a starting-point the proposal to undertake the editing process using consensus. I attempted to evaluate the ethical merits of this approach by looking in detail at what is meant by the term *consent*, upon which it relies. I explored some of the various possible models of consent available to us, giving examples of how these models influence the design of collaborative processes and systems, and produce consent of differing types. In particular I have argued that the shortcomings of a conventional *giver-receiver* grammar of consent, highlighted by feminist activists, call into question the democratic claims made by processes based upon it. I then looked at proposals from feminists for how we might conceive of consent differently. I grouped these proposals under the heading *consent-as-collaboration*, and suggested that this model might be fruitfully applied beyond sexual negotiation, to other collaborative contexts.

Consent-as-collaboration is a practice in which consent is not an outcome, or a permission given by one person to another, but a process which demands a tolerance for ambivalence and indecision. Rather than positing collaboration or consensus as something which *follows* from individual consent, it mandates collaboration as an essential part of consent itself. As this practice relies on a refusal of the imperative for clear-cut outcomes, locating this imperative as an enemy of meaningful consent, I went on to ask how it might apply in settings where an artistic outcome is desired or necessary. I closed with some practical examples of the way that ambivalence and indecision needn't foreclose outcomes per se, but might give rise to provisional versions, multiples or interfaces which maintain the integrity of multiple contributions while making this content accessible and intelligible to viewers. I situated these examples within a cultural context in which individual items of content often appear prior to being curated into unified publications, and in which the provisional nature of digital media provides useful ways of

thinking about this curation, whether in paper or on screen.

Through this discussion I have attempted to articulate what I feel is an exciting feminist contribution to discussions about how we do decision-making. I have argued that far from seeing its refusal of clear-cut outcomes as a weakness or flaw, we might consider this an intriguing challenge and look for ways to apply it. Such a project invites us to question our assumptions about the outcome we are aiming for when entering into a project, and to consider how this outcome might be reconceived to allow for a more genuinely consensual collaboration.

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