

Clare Darcy Maunder
20308831

*Consenting in the Grey Area: Towards an
Ontology of Sexual Consent*

Trinity College Dublin

MPhil in Identities & Cultures of Europe
2021-2022

Supervised by Dr. Hannes Opelz

I declare that this dissertation has not been submitted as an exercise for a degree at this or any other university and that it is entirely my own work.

I agree that the Library may lend or copy this dissertation on request.

Signed:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Date:

25/08/2022

ABSTRACT

Consenting in the Grey Area: Towards an Ontology of Sexual Consent

- Clare Darcy Maunder

The so-termed ‘grey area’ of sexual consent has perplexed culture and critics alike since its initial coinage by journalist Laura Stepp in a 2007 *Cosmopolitan* article as ‘sex that falls somewhere between consent and denial’. The general disregard it was habitually met with has recently been matured into overt intolerance by the resurgence of the MeToo movement as it forced matters of sexual assault and consent into public discourse. The grey area’s rejection, within a movement whose philosophy espouses support of individuals’ sexual experiences, is puzzling. A contextualisation within a longer lineage of consent studies reveals the grey area’s essence of in-betweenness and ambiguity to challenge the binary mechanism by which consent functions to elucidate between consent and assault. Yet the confluence of personal accounts of the grey area and consent’s long-standing undertheorisation challenge a subscription to a binary of consent, and posit the ‘problem’ of the grey area rather as its potential solution. Elise Woodard, Ann Cahill, and Nicola Gavey are amidst the handful of scholars who, responding to the grey area’s critical paucity, produce works to diagnose the grey area, each citing agency as a crucial and defining metric. Finding, however, consent overly displaced by agency within these accounts, and seeking greater depth on the grey area, I turn to Kristen Roupenian’s 2017 short story, ‘Cat Person’, whose virality owes to its novel ability to depict an encounter of sex in the grey area. This analysis reveals a hermeneutics of consent, whereby the act of consenting is separated from the consenter, the consequences of which come to bear upon the characters in the story. The fault of consent, therefore, is revealed to lie in its very concept. To remedy this I propose an ontology of consent undergirded by a philosophical foundation of sex provided by Jean-Luc Nancy in his recent works *Sexistence* (2017), and *The Deconstruction of Sex* (2021). Nancy’s ontology, rooted in his principle of ‘being-with’, negotiates a strict self/other boundary, which similarly forms a consent that is co-created by and through sexual participants. This ontology of consent finds intuitive communication through the concept of touch, which figures a consent that is not ‘had’, but enacted, and stamped with the Nancian terminology of ‘consenting-with’. The grey area, accordingly, is the literal and metaphorical place where ‘consenting-with’ occurs.

Acknowledgements

I would like to thank my supervisor, Dr. Hannes Opelz, for his patience and faith in this dissertation over its long adolescence. Thank you to my friends and family who I've pestered about consent over the (long) past while.

CONTENTS

Introduction.....	6
Chapter 1: The Problem of the Grey Area.....	8
1.1: The MeToo Movement.....	8
1.2: The Grace-Ansari Encounter.....	11
1.3: Ambiguity & Elucidation.....	13
1.4: The ‘Myth’ of the Grey Area.....	16
1.5: Experiencing the Grey Area.....	18
Chapter 2: Deciphering the Grey Area.....	21
2.1: Terminologies & Agencies.....	21
2.2: Kristen Roupenian’s ‘Cat Person’.....	24
2.3: A Hermeneutics of Consent.....	30
Chapter 3: An Ontology of Consent.....	33
3.1: Subjectivity in/and Sex.....	33
3.2: Retheorising Consent.....	38
3.3: Touching Consent.....	40
Conclusion: The Future of Consent.....	45
Bibliography.....	47

Introduction

‘You didn’t think this was the end, did you?’ reads a text message that flashes up on a phone screen during the final scene of Emerald Fennell’s 2020 film *Promising Young Woman*. The text is the first of a series of messages sent by Cassie, the film’s protagonist, on a grief-driven quest for vengeance upon predatory men after a brutal assault drives her best friend, Nina, to suicide. Nina’s assault went unpunished and, by multiple people with whom Cassie interacts throughout the film, unremembered. Cassie’s ex-boyfriend, as he attends the wedding of Nina’s rapist, Al, is the recipient of the message, a foreboding signal following the less than savoury revelation of his morally questionable involvement with Nina’s assault as a passive bystander. The film is an illustration of the so-called ‘good for her’ subgenre, internet shorthand for a recent cluster of films whose plotlines are driven by female protagonists who gain autonomy through their quest to exact revenge not just upon an individual, but the fabric of the patriarchal climate from which their wrongdoers are cut (Heimberger 2022, 6). The recent socio-political culture, including the 2017 resurgence of the MeToo movement, tempered with Donald Trump’s presidency, is noted to have induced appetite for this specifically female-shaped catharsis (ibid, 5-6). *Promising Young Woman* displays similarly indelible ties with the contexts from which it was produced, indicative of the cultural storm that wages on beyond its filmic borders.

Cassie was prescient to the potential outcomes to which her quest for vengeance might lead her. Her texts are scheduled, sent beyond the grave after Al murders her, solidifying his identity as perpetrator by not one count but two as dual rapist and murderer. The double expectation for catharsis does not go unquenched. Cassie manoeuvres a final act of vengeance from beyond the grave through Al’s former lawyer to expose his wrongdoings, asserting a standard optimistically set by the MeToo movement whereby neither privilege nor power shields perpetrators from retribution. Justice – and catharsis – is served, through the emblem of police officers, sirens, and the expectation of prison sentences meted out beyond the film’s closing credits. The law’s sovereignty takes over where Cassie’s duty as lone watchman on sentinel duty ends.

But what if the law is unable to dispense justice? If the law is rendered impotent? Or even compounds the issues it seeks to resolve? These are the questions that the grey area of consent has troubled culture and critics alike with since its initial coinage as ‘sex that falls somewhere between consent and denial’ by journalist Laura Stepp in a 2007 *Cosmopolitan* article (Stepp 2007). An

already knotted and contentious term, the MeToo movement has added fuel to fire and matured the general distaste the grey area was habitually met with into intolerance. The resounding call of this intolerance, which overpowers the sympathetic minority who embrace the concept, is encapsulated through a series of refrains: the grey area is a myth, a tool to absolve perpetrators, and, above all, does not exist.

This dissertation argues that not only does the grey area resolutely exist, but holds the key for an under-theorised, and overly confused, concept of consent revealed by the MeToo movement. To mitigate an excessively saturated focus upon a binary of consent whose narrowness spurns the grey area's complexities, consent is instead interrogated through the lens provided by the grey area. The grey area is treated as a divining rod to disclose the inner mechanisms by which consent works or, as is demonstrated over the course of this dissertation, precisely does not work. As it is further probed, the grey area's identity morphs. It is first a problem, troubling culture's common understanding of consent, later a conundrum holding the solution for an atrophied concept of consent. Finally, it becomes a cornerstone in a new approach to consent as an ontology.

This evolution takes place over three chapters, each of which provides a different emphasis which cumulatively offers a holistic overview of the grey area to remedy its academic and cultural neglect. Chapter 1, 'The Problem of the Grey Area', takes as its cornerstone an article depicting a 'bad date' between the comedian Aziz Ansari and a pseudonymised Grace (Worthington 2020, 47). Published at the apex of the MeToo movement, the article's content, that of the grey area, ostensibly possessed a potency to destabilise the trajectory of the global movement, and thus triggered a severe backlash. The puzzling reactions the article accrued are used to explain the discord that arises between the grey area and consent; the grey area, in its ambiguity, troubles the very bedrock of consent as a binary, which itself is revealed to be a less than water-tight concept. Consequently, the untapped potential of the grey area figures as both problem and solution to an undernourished concept of consent.

Chapter 2, 'Deciphering the Grey Area', conducts a literature review of the grey area. Found lacking, this is supplemented with analysis of Kristen Roupenian's viral 2017 short story, 'Cat Person', which manages to edge closer to the evasiveness of the grey area by dint of its identity as a piece of fiction. A hermeneutics of consent is revealed, whereby the act of consenting is separated from the consenter, the problematic nature of which propel the remainder of the story:

Robert is misled by Margot's presumed, ostensible consent, the consequences of which come to bear upon Margot as the story progresses.

Noting the deficiencies in a hermeneutic understanding of consent, the final chapter, 'An Ontology of Consent', takes inspiration from the work of the late philosopher Jean-Luc Nancy, which posits an ontology of sex furnished with his principle of 'being-with', to figure a similarly pluralised ontology of consent. A metaphorical home for this new understanding of consent is found through the rich metaphor of touch, which, through a dismantling of delineated roles – there is no 'toucher' and 'touchee', but a touch that is co-created – provides an intuitive reference point for an ontology of consent. Consent under this model is not 'given', but rather 'co-created' through the mutual, willing involvement of sexual participants, which finds terminological expression through the aptly Nancian phrase of 'consenting-with'.

While the remit of this work necessitates a demotion of the law to a secondary concern, as surmised in the words of philosopher Linda Martín Alcoff who notes that '[t]hinking beyond consent will require pushing back against the presumed hegemony of the legal domain' (Alcoff 2018, 130), an ontological appreciation does not seek to supplant a hermeneutic or legal understanding of consent; each has their individual relevance and specific function. Rather, through directing much needed attention to this area of critical paucity, and fleshing out a deeper and more rounded understanding of the essence of consent, a focus upon consent's ontology is intended to benefit the wider field of consent studies as a whole.

Chapter 1: The Problem of the Grey Area

1.1 *The MeToo Movement*

The resurgence of the MeToo movement has reintroduced questions of consent into the public discourse. An unprecedented movement, its impact has been unparalleled. This chapter asks the following question: how and why a seemingly insignificant article, 'I went on a date with Aziz Ansari. It turned into the worst night of my life' (Way 2018), detailing a 'bad date' between a pseudonymised Grace and comedian Aziz Ansari (Worthington 2020, 47), was able to expose a weakness in the trajectory of a global movement? The article's troubling factor is revealed to lie in its exemplification of the grey area of consent, an experience that is orphaned by both labels

available under the binary of consent. Through a broader contextualisation of the history of consent, I demonstrate that the grey area threatens consent's very existence through a denial of the logic of its boundaries. This finding, however, when situated within the emerging understanding that consent is not as water-tight a concept as might be presumed, endorses its decoding as a matter of urgency to the betterment of consent as a whole. The grey area, simultaneously, and paradoxically so, is therefore both the problem and solution to resolve the question mark hovering above the concept of consent.

The intense spotlighting that the concept of consent has recently received has occurred off the back of 'seismic shift' of the MeToo movement's resurgence (Cooper 2018, 4). Its impetus came in the figure of Harvey Weinstein, as the *New York Times* and the *New Yorker* first began to surface allegations of his sexual misconducts stretching far back into his career, revelations that were to have a far-reaching impact on the umbrella term 'sexual misconduct'. Its impact was unprecedented; before the month was out more than eighty women had come forward with allegations against Weinstein (Williams 2017). The announcement that the 'silence breakers' were to be the recipients of the 2017 *Time* person of the year accolade, made just two months after the first allegations were brought to public attention, indicates the gravity of the movement's impact (Zacharek, Dockterman and Edwards 2017). Clearly, the movement was to amount to more than a cultural blip, and is indeed retrospectively regarded as a '[w]atershed in the main narrative' (Enloe and *Journal of International Affairs* 2019, 120).

Midway through October, in reaction to the growing number of allegations, and motivated by a desire 'to take the focus off the predator and put it back on the victim' (Birnbaum 2017), actor Alyssa Milano took to Twitter with a 'call to arms' (Hindes and Fileborn 2019, 639) that was to consolidate the movement into a global phenomenon. Her request for anyone who had been sexually harassed or assaulted to write 'me too' was amplified through some twelve million hashtags in the first few weeks alone (Brockes 2018). The message found expression in other languages as the movement continued to swell. France's #BalanceTonPorc ('Expose Your Pig') is one marked by a more vitriolic edge which resulted in over ten thousand Frenchwomen, just three days later, 'exposing their pigs' (Bilefsky and Peltier 2017). With the words 'me too', Milano had unknowingly aligned herself with, and thereby inherited, a movement of the same name, founded by Tarana Burke in 2006 in response to the endemic nature of sexual violence and harassment.

The movement's existence for over a decade before its resurgence bespeaks the deflating continual presence, if not prominence, of the very same issues Burke's movement sought to tackle.

What had begun as an outcry against Weinstein solidified into something much bigger as it cleaved independence of its original specificities and turned its attention outward. Weinstein remains a looming figure in MeToo's history: reading the token of Weinstein into the demise of others in comparable social standings was so prolific that it was anointed with its own nominative point of reference, the 'Weinstein effect' (CBS News 2017). The movement's ability to render obsolete previous circumstances such as privilege, wealth, and social capital that had previously made perpetrators immune to consequence, struck a chord and seemed to usher in a new day. Weinstein, sentenced to twenty-three years in prison for convictions of sexual assault and third-degree rape, is set to stand trial this coming October (Horton 2022). Its unparalleled power is something that stood out particularly in juxtaposition to the impunity of Donald Trump, a proven sexual predator, as he moved through the public and political eye and enjoyed an omnipresent visibility, which, as Ashwini Tambe points out, was likely retraumatising for survivors of sexual violence (Tambe 2018, 198). Tambe locates the origins of the seemingly sudden eruption in the 'groundswell' of feminist activist circles provoked by the 2016 US Presidential elections (ibid, 198). The notion that the movement had been brewing for some time, and the anguish and indignation that naturally accompanies such longevity, explains the war-like language that infused multiple recollections of the movement; the *New York Times* references the men that the movement 'brought down' (Carlsen et al. 2018), and philosopher Linda Martín Alcoff (appropriately) frames survivors as heroic, 'taking courage from each other's successes' (Alcoff 2018, 1).

The harsh spotlighting that consent subsequently received is indebted to its intertwinement with sexual assault. Milena Popova foregrounds their interdependence, writing: 'It is difficult to have in-depth conversations about sexual consent without at least touching on issues of sexual violence' (Popova 2019, 1). The attention that the MeToo movement brought to sexual assault thus ignited a corollary interest in consent, seen through the surge of recent publications that wrestle with the tangled nexus of gender relations, sexual assault, and consent (Helmores 2019). Katherine Angel's 2021 *Tomorrow Sex Will Be Good Again* joins Popova's *Sexual Consent* (2019) in fleshing out consent's social and cultural commentary, a trend that Parul Sehgal identifies within arts and entertainment, citing in particular Michaela Coel's 2020 BAFTA award-winning TV series *I May Destroy You* (Sehgal 2021). The motivation of these works to critically interrogate

consent and sexual assault bespeaks not only their conceptual co-dependence, but also the depth of analysis that MeToo has prompted, and the reflective space the movement has carved for society in which to hold these discussions. As Heidi Matthews declares, '[w]e are living, it seems, in the age of consent' (Matthews 2018).

1.2 *The Grace-Ansari Encounter*

Yet in early 2018, at the crest of MeToo, a story came to light that threatened to derail the trajectory of the movement. A pseudonymised 'Grace' had come forward with her experience of what Nancy Worthington (2020, 47) later termed a 'bad date' which ensued between Grace and the comedian Aziz Ansari through an article on online gossip site Babe.net.

'I went on a date with Aziz Ansari. It turned into the worst night of my life' (Way 2018). This is how the date shared between Grace and Ansari was described by the former, the pair having met and exchanged numbers at a 2017 Emmy Awards' after-party. Following dinner, they head back to his apartment, where their relations sour. The evening splinters into interactions whereby Ansari 'repeatedly ignored' Grace's 'growing discomfort and the concern she voiced' as he continually 'tried to pressure her into sex' (Framke 2018). Grace verbalises her discomfort towards Ansari's persistence to which Ansari responded with seeming agreement. His ensuing actions belie the sentiment of his response; after suggesting the two of them move to the sofa to 'chill, but this time with our clothes on' (Way 2018), Ansari pushed his fingers down Grace's throat, kissed her, and attempted to undo her trousers. The evening ends with Ansari ordering Grace an Uber, where Grace 'cried the whole way home' (Way 2018). In the immediate aftermath, Ansari issued a short statement, remarking that while the two had 'ended up engaging in sexual activity', this 'by all indications was completely consensual' (Way 2018).

The internet's reaction was to 'explode in outrage' (Bunch 2018). The direction of this outrage, however, was puzzling, and evocative of cracks in the movement that were shortly to widen. One might expect from the story's placement firmly within the MeToo movement that criticism would be uniformly directed towards Ansari. Yet Grace received a level of vitriol that far exceeded the rumbling of disapproving sentiment that the MeToo movement was turning into a witch hunt. Softer, weaker reactions that empathised with the story – 'What better moment to talk about the power imbalances that can exist in dating scenarios and in sexual scenarios?' (NPR Radio 2018); 'What else is this reckoning for, if not to break down the norms that let sexual

coercion flourish in the first place?’ (Framke 2018) – were overpowered by a brutal disdain for Grace. Grace’s vilification and demonisation are exemplified by Caitlin Flanagan’s condemnation of the article as ‘3,000 words of revenge porn’, and wider diagnosis of a case of millennial self-victimisation of ‘young women who didn’t know how to call a cab’ (Flanagan 2018).

Beyond critique clipped to the confines of Grace, the article displayed its potential to destabilise the wider movement to which it was appendaged. It became fodder for the growing narrative that the movement was ‘now going too far’ (North 2018), or as pithily summarised by Framke, ‘the rumblings that #MeToo has become Too Much have officially found a distinct (and growing) voice’ (Framke 2018). Regret for the movement’s expected demise invited those braced for such consequences to (mis)direct these anxieties towards its perceived executor: Grace. The headline of Sonny Bunch’s article is indicative of this lamentation, ‘Babe’s Aziz Ansari piece was a gift to anyone who wants to derail #MeToo’ (Bunch 2018). Divisive to its core, the Grace-Ansari encounter was fuel not just for those nursing anti-MeToo agenda, but even provoked a conscious self-analysis of those situated within the support of MeToo’s walls, as Bradford Richardson notes in a somewhat gleeful tone that ‘even some feminists’ had become self-critical of the movement, now ‘voicing concerns about the precipitous turn’ it seemed to have taken’ (Richardson 2018). The potency the article possessed is evident in Chiara Cooper’s retrospective framing of the Grace-Ansari encounter as ‘somewhat of a turning point’ within MeToo’s chronology (Cooper 2018, 5).

The atmosphere of divisiveness created by the article further prompted Cooper to draw comparisons between the explosive reactions to the Grace-Ansari encounter and the 1990s iteration of the ‘sex wars’, which saw a drawn-out tussle between feminists after the introduction of new college campus’ sensitive sexual consent policies, the most memorable of which being Antioch’s ‘ham-fisted’ 1990 Sexual Offence Prevention Policy (Nicholls 2020, 127). A reactive locus of ‘backlash critics’ including Katie Roiphe and Camille Paglia formed in response (Gavey 2019, 98), grouped together under the mantle ‘anti-victim feminists’, abbreviated ‘AVFers’ (Cooper 2018, 5-6). AVFers argued that these consent policies’ heavy-handed paternalism presented a ‘retrograde image’ of women as inherently weak and in need of protection (Angel 2021, 20), and instead sought to assert feminism as ‘every woman’s duty to be assertive and confident’ (ibid, 24). That Cooper is able to rationally hold the reaction to Grace parallel to that of the 1990s battleground further demonstrates both the article’s inherent oddness in its ability to stir

up a cultural storm and the fact that the attacks levied against Grace transcend any level that might be routinely expected from a viral article.

While it seems natural for a movement of this scale to attract both opponents and proponents, the confluence of these puzzling factors continually beg the question as to why. This abnormality is perhaps most amplified when viewed within the elevated sensitivity that MeToo's philosophy, defined by Burke as 'using the power of empathy to stomp out shame', allocates to survivors (Vagianos as quoted in Cooper 2018, 5). Furthermore, it is evident that the article's blatantly 'unethical journalistic practices' (Hindes and Fileborn 2019, 640), including sloppy editorial decisions (Weiss 2018), a lack of appropriate anonymity (Friedersdorf 2018), and suitable allotted response time from Ansari (Filipovic 2018), seemingly did not dent, or at least little affected, the article's ability to be drawn into opposition to the global movement. What was it about this article that provoked a hardening of MeToo's ethos of empathy, and an undoing of what Tambe understands to be the uniqueness of the movement in altering the primary reaction to a survivor to one of belief, rather than distrust (Tambe 2018, 198)? Or as seen from within the movement, what was it about Grace's experience that deemed her unworthy of sharing in the movement's 'rallying cry' (Khomami 2017), receiving instead an authoritative voice of condemnation?

1.3 Ambiguity & Elucidation

Cooper locates the detonating kernel of divisiveness in the midst of the 'ambiguity' of Grace and Ansari's interaction (Cooper 2018, 1). Grace was not brutally raped, nor was Ansari a clear-cut perpetrator akin to the likes of Weinstein; Ansari had also long self-identified as a feminist (ibid, 5). Relegated from either binary option afforded to demarcate the experience, it was slippery, 'blurred': 'a grey area' that both deviated from the straightforward cases MeToo had become accustomed to deal with (ibid, 5), and disturbed the comforting idea that the 'badness' of a sexual experience is contained within the parameters of rape/assault, and as such threatened to seep through consent's boundary. Evidently, the MeToo movement was ill-equipped to deal with such displays of nuance. A similar conclusion regarding the movement's intolerance to scenarios that err from a black-and-white template are drawn by Hindes and Fileborn, who, expanding upon the specificities of the Grace-Ansari encounter, note that it was cases coloured by ambiguity that often wound up as most contested (Hindes and Fileborn 2019, 639).

In short, with ‘ambiguity’ as a key determining factor, what the Grace-Ansari encounter injected into the MeToo movement was an example of the infamous ‘grey area’. Known by many monikers, ‘gray rape’, ‘gray sex’, ‘unwanted sexual intercourse’, ‘unjust sex’ (Woodard 2022, 302), the grey area forgoes a committed tethering to a certain terminology, and is therefore perhaps more appropriately rendered by its description as a phenomenon that troubles the poles of consent than by definition alone. Indeed, it was originally glossed in terms of this in-betweenness in a 2007 *Cosmopolitan* article as ‘sex that falls somewhere between consent and denial’ (Stepp 2007). This tradition has continued, as seen in Erika Smith’s 2019 definition as ‘sex that is consensual but still harmful’ (2019). As something inherently *between*, the grey area resists the binary of consent, portrayed through its common depiction as a line, or boundary, between yes and no, between consensual sex and assault (Beres 2007, 1; Cooper 2018, 1). The line between these two poles is not inert, but rather animated with the power and potential to transform the moral fibres of an action, and is the deciding factor in the act’s ultimate identity as either sex or assault (Beres 2007, 101).

Awareness of the common conceptualisation of consent as a dividing line clarifies the various standards of consent that have since the 1970s been ‘co-existing and co-evolving’ (Popova 2019, 15), motivated by the primary goal of securing a higher level of elucidation by which to demarcate consent from assault. One might recall the ‘now-ubiquitous but always charming’ 2015 Thames Valley police video, ‘It’s Simple as Tea’, for an illustration of this objective (Nicholls 2020, 128). Its residing message proclaims consent to be as easy to understand, and to action, as offering someone a cup of tea: ‘If you’re still struggling with sex, just imagine instead of initiating sex, you’re making them a cup of tea’, the video voice-over cheerily suggests (Thames Valley Police 2015), with an optimism that papers over the complications that, as seen with the Grace-Ansari encounter, threaten to arise in real-life scenarios.

Consent’s current iteration, which Tracey Nicholls notes was incumbent during MeToo’s resurgence (Nicholls 2020, 128), differentiates itself from prior models through a choice of epithets to be appendaged onto ‘consent’: ‘yes means yes’, ‘enthusiastic’, and ‘affirmative’ as the ones more commonly used in the vernacular (Popova 2019, 17). Requiring a clear ‘yes’ from both parties prior to the commencement of a sexual act, its core tenets were to shift the responsibility of consent negotiation onto both parties, and sharpen a sensitivity to the ways in which a sexual partner might indicate their ‘yes’ (Pineau as cited in LaBore, 1-2). The viability of this model

resides on the (regrettably recent) perception that women possess the ability to act as autonomous sexual agents, and to communicate enthusiasm for sex as befits this model (Nicholls 2020, 126). As Angel writes, enthusiastic consent prised open ‘the right to refuse sex’, and introduced ‘the right to desire sex, to say yes to sex, and indeed to ask for sex’ (Angel 2021, 19).

Unsurprisingly (given the problematic and contentious nature of consent) the affirmation of affirmative consent was not unanimous. Jen Gilbert’s exploration of affirmative consent standards within sex education serves as a reminder of the reluctance the model was met with, espoused by Janet Halley and Laura Kipnis whose hesitance to endorse the model stemmed from their interpretation that the mechanism of affirmative consent was moulded from deeply ingrained social scripts in which young men are cast as active agents seeking consent, and women alternatively as consent’s perpetual gatekeepers (Gilbert 2017, 268-269). An indication of the ridicule aimed at enthusiastic consent’s introduction is immortalised in a *Saturday Night Live* sketch, which Angel reminisces as showering derision onto its contractual format: ‘May I elevate the level of sexual intimacy by feeling your buttocks?’ (Angel 2021, 20).

The seeds for the enthusiastic model were planted in the noted ‘deficiencies’ of the ‘no means no’ model (Popova 2019, 17), which was itself established during the 1970s women’s movement to fortify the meaning behind ‘no’, as ‘no’, opposing what Mithu Sanyal sees as a long-standing convention of ‘no’ acting merely as a flirtatious tactic to entreaty further advances, or at its most extreme, enact a lukewarm rejection that harboured malleable potential (Sanyal as cited in Angel 2021, 19). A broader context which forms the background of this model’s uptake was the liberation of the perception of sexual perpetrators from the caricature of lone, violent stranger to an acknowledgement that the label of rape is not wholly dependent on prior relationship between survivor and perpetrator, and can arise within existing relationships (Popova 2019, 15-16). An uneasy, if fatal, quandary onto which the ‘no means no’ model inevitably strays is a perversion of the famed philosophical thought experiment, ‘if a tree falls in a forest and no one is around to hear it, does it make a sound?’ By the same logic, with ‘no’ as the arbiter of consent under this model, is an assault that lacks a ‘no’ consensual? The ‘yes means yes’ model, in its supersession of ‘no means no’, sidesteps this problematic territory; under its regulation an absence of yes still affirms assault.

1.4 *The ‘Myth’ of the Grey Area*

In its transformation of what had been a concrete boundary into something blurred, the grey area threatens the very mechanism on which consent operates. The magic dividing line of consent wielding a diagnostic ability on an either/or axis is unable to function as a holding place for the ambiguous grey experience that spills over the narrowness of its line. Arguments that oppose the grey area fall predominantly into two camps: either as an assertion that the grey area functions as a purgatory for experiences that straddle the yes/no line, or as a by-word, or by-concept, for sexual violence that absolves perpetrators.

The framing of consent as engaged in a stand-off against the grey area goes some lengths to explain the vigorous resistance that has met the grey area. ‘#NoGreyZone’, comprising an ‘info hub, myth debunker, mind-set’, and movement, stands testament to this stance’s inflexibility (No Grey Zone, n.d). Established in 2018 by a collective of agencies including the Police Service of Northern Ireland as an educational resource (BBC 2018b), its website foregrounds its motive to quash the grey area: ‘There is #nogreyzone. Without consent, it’s sexual assault’ (No Grey Zone, n.d), which espouses their firmly held philosophy of the grey area as a dangerous delusion to the detriment of survivors. In a continuation of this narrative, an article published under the ‘UN Women’ website insists that ‘[w]hen it comes to consent, there are no blurred lines’ (UN Women 2019); Maddie Brockbank determines the grey area to amount to nothing more than a ‘myth’ created through alcohol’s ability to muddy clarity (Brockbank 2019, 14); and journalist Lorraine Courtney reaches similarly stark conclusions: ‘Yes, real life is messy – but there can be no grey areas around the issue of consent’ (Courtney 2017). These accounts do not merely seek to delegitimise the grey area, but eviscerate it entirely. The grey area, in their eyes, simply does not exist.

Granted, the term’s muddled history does little to encourage a warm reception; its initial coinage was met by an ‘intense yet appropriate backlash’ following the questionable experiences the article’s author used to illustrate the concept (Woodard 2022, 303), with some examples noted to be ‘clearly rape’ (Smith 2019). The pseudonymised Alicia tells her partner ‘flat out’ that she did not want to have sex (Stepp 2007), another commands her partner ‘No. Stop’ (Stepp 2007). He does not. The role that rape myths played in this article tarnished Stepp’s initial account for the grey area with charges of victim-blaming (Woodard 2022, 303), ‘maybe I wasn’t forceful enough in saying I didn’t want it’, Alicia self-examines (Stepp 2007), which ultimately validated the term’s

ample resistance. Arguably, the article reads as more of an exploration of rape myths in play than an examination of the grey area in any meaningful depth.

The adumbration outlined above can be pinpointed to the grey area's relative, logical impossibility. It is less that the grey area does not exist than that, under the regulation of consent's dichotomy, it *cannot* exist. Surely, the spark which resulted from the collision of the grey area and the MeToo movement proves a level of potency that would not have managed to ignite the reaction, and potential devastation, that it wielded, had the grey area been but an apparition? The level of criticism Germaine Greer received after the publication of her 2018 book *On Rape* – the BBC even published an article compiling the reactive tweets it engendered on social media – also amplifies the potency of this cultural fault-line that Grace fell upon (BBC 2018a). Notwithstanding the combination of her controversial figure, and the wider framing of Greer's book as pawn in a longer-standing debate between second and third wave feminism (Brooks 2020, 903), Brooks argues that Greer's work on consent is a separate matter to her previous academic output, from which the implicit suggestion that it ought to have been viewed independently of her more controversial topics follows (ibid, 910). A question mark is stamped onto the abuse that Greer, like Grace, received.

A conclusion begins to come into focus. With their foreboding potential to damage the 'entire conceptual integrity of consent' (Brooks 2020, 904), these examples that encouraged discussions of blurred sexual encounters sparked a feverish bout of self-preservation that viscerally lashed back at their authors. This explains the urge to suppress these topics and deny airtime, even when couched in hypotheticals. For, under the logic of consent, to be simultaneously receptive to both the grey area and a dichotomous consent would require a suspension of judgement. The grey area has shone a light upon the 'precarity of consent', to use Sikka's powerful phrasing (Sikka 2020, 24).

A commitment to a binary is coherent in terms of consent's legal origins with its roots planted in notions of property ownership (Sikka 2021, 25), which Popova links to the still-present dominance of consent discourse by legalistic frameworks (Popova 2019, 13). Yet the long shadow legality casts over consent has a tendency to obscure. Nicholls identifies that dominant interpretation of the Grace-Ansari encounter is filtered through a legal lens, which dislodges and overshadows the actual crux of the article – Grace's experience – by misplacing its emphasis upon

legality (Nicholls 2020, 129). Grace's article did not condemn Ansari as rapist; her story was rather dragged into this debate as the story's emphasis shifted.

The revelation that Grace's experience provided – that an act's consensuality is not necessarily commensurate with its 'goodness', either in morality, or, by extension, pleasure – is a criticism that is levied more generally against an overcommitment to consent. Robin West draws attention to the troublingly commonplace non sequitur that jumps from the premise that the 'badness' of a sexual act resides in its nonconsensuality, to the conclusion that all sex that is consensual is therefore ultimately 'good' (West as quoted in Woodard 2022, 301). Further teasing apart the logical strands that issue from a binary, she muses whether a dichotomy risks undercriminalising strains of sex that, while falling short of a legal standard of nonconsensuality, err on the side of violation (West 2017, 804). Echoing these conclusions, Elise Woodard concurs that the codification of any 'less-than enthusiastic sex' as rape is an incredulous possibility (Woodard 2022, 302).

1.5 *Experiencing the Grey Area*

The logical complexities that snag the smooth-running of consent, when compounded with empirical accounts that testify to the grey area's existence, reframe this commitment to a binary as rather blind. In 2018 the *New York Times* published a collection of semi-anonymised personal stories under the heading 'The #MeToo Movement: Navigating sex in the "Gray Zone"' (Bennett and Jones 2018). Published in the same newspaper that first broke stories of Weinstein's misconduct, the project testifies to the maturing of the MeToo movement, as conversations graduated into more nuanced territory.

Many of the forty-five stories proclaim the same existence of a territory peeking between the poles of 'yes' and 'no' as Grace's experience indicates. Christina writes of these experiences' ubiquity: 'every woman' she knows has a story of 'almost-but-not-quite sexual assault' (Bennett and Jones 2018). The hyphenation serves to underscore the inadequacy of terminological resources at hand, and the area's subsequent approximation through a hasty patchwork of language. Gabriela sifts through the assortment of labels on offer to elucidate her experience, finding none of them a satisfactory fit: 'Sexual assault (too harsh?), rape (way too harsh?), a nonconsensual first time (too kind?), a misunderstanding (way too kind?). He stopped when I asked him to' (Bennett and Jones 2018).

The hinge that these narratives pivot upon – a ‘yet’, a ‘not quite’, ‘both’, still ‘neither’ – while denying them admission to either binary label available under the model of consent, certainly does not deny their existence. Alternatively, the palpable idea that this work forms a groundwork to flesh out this unplumbed terrain, strengthened by the lack of surrounding analysis of the stories, thereby allowing the experiences to speak for themselves, concludes as premature the verdict that the grey area is but a myth, a function for perpetrator absolution, or a purgatory for unassimilated experiences. Philosopher Ann Cahill reads the prevalence with which the term ‘ambiguous’ is used to describe individuals’ stories of sexual experience as a sign that there is something ‘important’, ‘meaningful’, in this very descriptor which begets its preservation (Cahill 2016, 6).

The establishment of a fuller examination of consent gains in traction when contextualised within the current climate of consent studies. Indeed, there is a consensus within feminist scholarship that the concept is in need of reform (Brooks 2020, 911). Popova holds the awareness of consent’s knotted complexities as one of the key takeaways of the MeToo movement, stating candidly that ‘we as a society do not have a clear, uncontested idea of what sexual consent looks like’ (Popova 2019, 6). Moreover, its under-theorisation, Sikka argues, was part of the nexus of conditions that enabled the Grace-Ansari encounter to arise in the first place, by confusing the territory of consent and dislocating Grace’s desires from those of Ansari (Sikka 2020, 31). Carine Mardorossian even causally relates the lack of adequate academic theorisation of the nexus comprising sexual violence and consent to the election of conservative writers, such as Katie Roiphe and Camille Paglia, as its spokespeople by proxy (Mardorossian 2002, 748). Their contentious outline has arguably done little to soften its general perception in wider culture, which further stresses the urgency with which consent’s under-theorisation should be addressed. While consent is certainly on the contemporary mind, it appears to amount to little more than white noise hovering above consent’s conceptual instability.

Over a decade ago, Melanie Beres noted a hollowness within consent. ‘Many scholars use it without defining it explicitly, or questioning its use, assuming a shared understanding of the concept’, she writes (Beres 2007, 95). Terry Humphreys similarly hypothesised that an overly saturated focus on sexual assault had stripped attention from consent studies, resulting in their atrophy: ‘little research has examined sexual consent as a subject in itself and how it is perceived and understood in context’ (Humphreys 2007, 307). Seen alongside Popova’s insight, it seems little has changed, with Beres and Humphreys’ perceptions ringing true to this day. To echo Heidi

Matthew's proclamation, if we are living in an age of consent, it is a consent we do not know, or understand, all too well.

Taking appropriate inspiration from the ethos of MeToo, the resolution to the conundrum presented by the grey area begins by centring individual experiences. In the words of Nicola Gavey, to nurse a strict dichotomy 'overlooks a whole realm of sexual experiences that fall uncomfortably into the cracks between these two possibilities' (Gavey 2019, 2). Privileging the grey area requires a legal perspective to be shorn from its interrogation, as consent's legalistic origins essentially dislocate it from the complexities and nuances that arise in sexual experiences (Popova 2019, 13). The importance of this standpoint is portrayed through the underlying motive of Nicholl's 2021 book, *Dismantling Rape Culture*, to 'wrest consent analysis from legality, which she worries might obfuscate novel interrogative avenues, and shepherd it towards what might be a generative white space instead (Nicholls 2020, 129). Similarly, Woodard is enthusiastic that the grey area's complicated backstory, notably its perceived ties with excusing sexual violence, ought actually to rouse incentive for its fuller theorisation, instead of its avoidance (Woodard 2022, 316). Brooks transforms this motivation into an obligation; the maturity of MeToo as a 'fully-fledged' movement has delivered us to a stage where a thorough, and realistic, investigation of sexuality, gender norms, and all that this entails, is 'our responsibility', not solely for survivors, but for feminism as a whole (Brooks 2020, 910).

Sikka's interview series provides an insight that advocates now as the opportune time to conduct this investigation. The speed with which interviews consistently expanded from the specific bounds of MeToo towards its more theoretical underpinnings confirms the magnetism that conceptual discussion currently holds (Sikka 2020, 27). Individual groups are sensing an invitation to look deeply and transformatively into such topics, such as Hinds and Fileborn, who view the Grace-Ansari encounter as an 'opportunity' to delve into the interpretation and communication of sexual violence by news media (Hinds and Fileborn 2019, 640), which more broadly functions as a stimulus for others to partake in similar aspirations.

Within this interrogation, the grey area ought not to be regarded peripherally, but as a conceptual cornerstone, if justified alone by its ability to trigger a knee-jerk reaction that shook the trajectory of the 'juggernaut' that is the MeToo movement (Brooks 2020, 910). Its intolerance to a dichotomous consent, the personal consequences of which are framed by Christina in her *New York Times* submission – 'anything less than a violent rape does not deserve our concern or

condemnation’ – introduces the paradoxical idea of the grey area’s problem as its very solution (Bennett and Jones 2018). Christina’s admission that ‘[i]t’s never been that black and white’ calls for an analysis of the grey area that uncovers what might lie beneath the shades of grey (Bennett and Jones 2018).

Chapter 2: Deciphering the Grey Area

2.1 Terminologies & Agencies

Having hypothesised that the metaphorical key for unlocking consent resides in the grey area, I use both academic texts and works of fiction in this chapter to further decipher the various shades of grey. The work of scholar Elise Woodard, philosopher Ann Cahill, and psychologist Nicola Gavey, whose combined contributions form a diagnosis of the very fabric of the grey area, rather than a decoding of its surrounding climate, forms the basis of this approach. Finding the function that consent plays within these arguments strangely concealed, I turn to Kristen Roupenian’s viral short story ‘Cat Person’ to further interrogate the grey area. This analysis reveals a hermeneutics of consent, by which the act of consenting is seen as separated from its signifier. As this separation is in turn shown to be problematic, what I propose is a reframing of consent not as a hermeneutics, but rather as an ontology, which is presented in Chapter 3.

As in popular culture, academics wading into this terrain have taken advantage of the conceptual and terminological liberties offered by the grey area’s current paucity within scholarship. ‘Consented to unwanted sex’ (Cooper 2018, 1), ‘bad sex’ (Woodard 2022, 302), ‘consensual sexual dysphoria’ (ibid, 318, n. 9), and ‘unjust sex’ (Cahill 2016, 753), are some of the myriad terminologies currently used to evoke this area. The definitions, as their names, alter, but still pivot upon the same concepts of in-betweenness and ambiguity retained from Stepp’s original definition. Cooper’s application of Alcoff’s paradoxical expression ‘consented to unwanted sex’, is used interchangeably with the phrase ‘ambiguous sex’ (Cooper 2018, 8) to reference sexual experiences that fails to ‘reflect a clear and dichotomous giving or withholding of consent in line with a yes or no to sex’ (ibid, 1). Woodard’s use of ‘bad sex’ to label experiences that are ‘not rape yet are nonetheless violating’ similarly employs a ‘yet’ to bridge the two familiar concepts (Woodard 2022, 302). The concision of Cahill and Gavey’s ‘unjust sex’ to refer to

interactions that ‘are marked by a hesitation, reluctance, or an ambivalent kind of unwillingness’ (Cahill 2016, 753) contrasts with West’s more verbose and meandering definition of the grey area as ‘sex that is not rape and not regarded as rape by anyone: sex that is consensual, legal, and not a violation of anyone’s civil rights, but is nonetheless unwanted and unwelcome’ (West 2017, 806). That these terminological coinages are more indicative of the need to populate this sparse academic landscape, rather than participation in a terminological monopoly, is demonstrated through Woodard’s recycling of Bennett’s term ‘bad sex’; her acknowledgement of the term’s prior use, and its curtailment to a footnote indicates Woodard’s assumption that this mutual employment is of minor consequence (Woodard 2022, 318, n.9).

A number of reasons have motivated my terminological preference for the ‘grey area’, in spite of the above theorists’ noted fondness for alternatives. Its spatial emphasis ought not to go amiss: it coaxes out an important dimension of the concept in its integral resistance to a binary that is naturally evoked by descriptors of consent as a ‘line’. The grey ‘area’ therefore presents itself as a term and concept to unpack our current and dominant understanding of consent. Woodard, notwithstanding her lengthy justification of her terminology – including liberation from its knotty history, and privileging of the in-betweenness of individual experience granted by the ambiguity of its label ‘bad’ – draws upon spatial descriptors (Woodard 2022, 302-303). Bad sex is pinpointed as a ‘gap between consent and good sex’ (ibid, 301), which consent frameworks ‘attempt to bridge’ (ibid, 302). To conclude that the significance of these spatial metaphors does not expand past individual rhetorical choice overlooks the importance of the term’s easy and intuitive application, which indicates the concept’s inherent suitability to a spatial rendering. Indeed, Julia Metz, Kristen Myers, and Patricia S. Wallace illustrate their interrogation of ‘unjust sex’ with a diagram, which further bolsters the grey area’s terminological proficiency (Metz, Myers and Wallace 2021, 3). Additionally, the grey area does not centre the ‘act’, but rather its condition of greyness, which sidesteps the implication of a sexual agent or perpetrator. Given the rudimentary current stages of interrogation into the grey area, this strikes as a necessary criterion.

Finding the grey area to be ‘radically undertheorized’ in spite of its ubiquity – or, when theorised, done poorly so and lacking in clarity – Woodard devotes her attention to the classification of strains of ‘bad sex’ (Woodard 2022, 302). Three categories, or ‘dimensions’ (ibid, 306), are proposed to codify the grey area, their distinguishing factors rooted in the survivor’s ultimate decision for having sex: psychologically pressured sex, socially coercive sex, and

epistemically unsafe sex (ibid, 305). Psychologically pressured sex involves the wielding of either physical or nonphysical threats such as cheating, leaving, or withholding material or emotional resources to elicit a sexual response. This category branches into calculated trade-offs, which Woodard glosses as situations whereby an individual's decision to have sex is a consequence of the inclination that sex would be the 'least bad option' available (ibid, 307). Their union under a single heading is a result of their causal relationship: psychological pressure is often the mechanism by which an individual becomes ensnared in a calculated trade-off. Social coercion has its definition rooted in structural awareness, referencing scenarios where an individual feels pressured by the weight of obligation or persuasion established by cultural or social convention (ibid, 309). Sexual scripts, rape myths, and historically embedded templates, such as the notion of the 'dutiful' wife who must pander to her husband's wishes, are used to illustrate this category (ibid, 309). A more philosophically nuanced, if disturbing category, comes to the fore in the final dimension of epistemically unsafe sex, which describes sex where the validity of consent is called into question. An individual's consent, for example, might stem from fear that their consent might be disregarded; an incentive of 'risk aversion' motivates a decision in this scenario (ibid, 311). Alternatively, an individual might retrospectively doubt the relevance of their consent, an unresolved 'what if' left hanging in the aftermath.

While these categories provide criteria to more accurately identify specific scenarios, they all reside upon the metric of agency to secure their general status as 'the grey area'. In each of these categories, Woodard explains, an individual's sexual agency or autonomy is compromised in some way (Woodard 2022, 313). Cahill and Gavey's work also foregrounds agency as their distinguishing metric. Their work is best understood as a partnership: the concept of 'unjust sex', and its subsequent fleshing out, is the fruition of their academic dialogue spanning over a decade. 'Unjust sex' takes terminological inspiration from Gavey's 2005 book *Just Sex?*, whose title puns on the dual valencies afforded by the term 'just': sex that is moral, or that amounts to merely, and nothing more, than sex. Gavey here wrestles with the dichotomy of 'just sex' and 'sexual assault', and proposes the category of 'unjust sex' to cushion the border that separates them. Cahill's issues with Gavey's perceived failure to adequately differentiate these categories prompted the proposal of her own criteria for differentiation (Cahill 2016, 1). Agency, again, provides a hinge: unjust sex, 'sex that occurs despite the fact that the woman is somewhat less than willing' (ibid, 753), is juxtaposed with Susan Brownmiller's foundational definition of sexual assault as 'sex that happens

[...] explicitly *against* the will of another’ (quoted in Cahill 2016, 753). Cahill further sharpens this differentiation, noting that in cases of unjust sex, agency is in play as an ‘ethical cover’ (ibid, 10); it is actively sought, but shepherded towards the single goal of the acquiescence of a sexual partner’s wishes. While agency is required, it is stagnant, paralysed, or to use Cahill’s animated wording, ‘hijacked’, and engaged ‘in a weak way’ (ibid, 10). Sexual assault, on the other hand, nullifies agency, still therefore requiring its existence in order for it to be overcome (ibid, 12).

Agency’s prominence within the grey area’s diagnostic work is consistent with a larger body of consent research. Gavey notes that the discourse of the 1990s ‘date rape’ epidemic splintered largely around the topic of agency, whether or not to reify women as passive and eminently weak (Gavey 2019, 98). A focus on agency has different consequences for this analysis of consent, however. For if agency has become the divining rod to distil the various shades of grey, what becomes of consent, wrested of its ‘moral magic’, to use Heidi Hurd’s memorable phrase (Hurd 1996, 121)? Indeed, beyond advocating the production of a greater body of research, grey area theorists are notably silent on the position consent will obtain within this new work. Woodard seems aware of consent’s limitations, foreboding that it ‘does not have the robust powers of moral transformation often attributed to it’ (Woodard 2022, 301), but beyond this offers no estimation for what this consent, stripped of power, might look like. Cooper similarly urges consent’s supplementation with analyses of power dynamics (Cooper 2018, 1), but again no hypothesis for the future shape of consent, nor its role, is provided. Self-conscious, and at times self-effacing, their work is referenced as ‘merely a starting point’ (ibid, 309). Even Cahill, who eschews the apparent etiquette of gesturing to the bulk of further work to be done, leaves no indication of where her findings leave consent.

2.2 Kristen Roupenian’s ‘Cat Person’

To remedy consent’s neglect within existing grey area scholarship I turn to Kristen Roupenian’s viral 2017 short story ‘Cat Person’. Some five years after its initial publication, ‘Cat Person’ has enjoyed several afterlives, including print publication in Roupenian’s 2019 short story collection *You Know You Want This*. The ‘most discussed short story ever to have hit the internet’ (Cosslett 2021), it first grabbed attention through its publication in *The New Yorker* in December 2017, at the crest of the MeToo movement, and then again in early 2018 due to its eerie similarities to the Grace-Ansari encounter. More recently, the story has surfaced for a third time, following a

revelation aired in *Slate* magazine that Roupenian harvested and camouflaged biographical origins for the story's outline from a vague friend-of-a-friend, a claim that a somewhat sheepish Roupenian has acknowledged and confirmed (Nowicki 2021). The story's third foray into the spotlight, and ignition of a discourse that once more spiralled away from discussions in a purely literary nature, highlights the story as a zeitgeist for this particular, modern era (Johnson 2020, 241).

There are some more obvious endorsements of the use of fiction for the purpose of interrogating consent. Its ability to animate topics that might have been made stale through the dryness of academic discourse is one that easily comes to mind. A look to the relationship between fiction and culture at large similarly validates this approach. Nicholls' book is an exercise in this partnership, looking above all at 'the stories we tell ourselves' (Nicholls 2020, 4) to examine the deeply entrenched mechanisms of rape culture. Consequently, at the end of each chapter she revises a children's fairy-tale, an inventive illustration of the recognition that 'cultural understandings of events are enshrined not just in law but in individuals' beliefs also' (ibid, 111). Above all, Woodard's central use of 'Cat Person' to instantiate her diagnostic work on the grey area corroborates the value works of fiction hold within the wider objective of grey area interrogation.

Indeed, for the specifics of the grey area, fiction might be the only suitable means of enquiry, a claim endorsed by journalist Conor Friedersdorf, highlighting fiction's adeptness at providing 'much more constructive vehicles' for approaching the complexity and trickiness of 'noncriminal, nonworkplace sex' (Friedersdorf 2018). Literature can defuse 'what if' consequences that might detonate should the subject matter be interrogated 'in reality'. Fiction also has the capacity to animate concepts that might be otherwise epistemically denied. Linda Fairstein, former chief of sex crimes at the Manhattan district attorney's office, references the discrepancy between the lived realities of the grey area and legality's belief system: 'certainly in the criminal system there's no such thing as grey rape' (Smith 2019). It is for these reasons in particular, perhaps, that the dominant mode of discourse surrounding the grey area is confined to fiction writing (Woodard 2022, 318).

That said, 'Cat Person' is not just a typical piece of fiction. Within only two days of its publication, it had been shared more than a thousand times, and gathered just under 2,500 likes (Sini 2017). Luke Johnson propounds the short story's significant cultural weight, reading it as a

paradigmatic example of the mutual relationship between history and literature, as parsed by historian K. N. Panikkar whereby one affects, and is affected by, the other (Johnson 2020, 242). This interpretation is further affirmed by Lopes, who credits the story with propelling the cultural narrative of the MeToo movement, turning its attention from the more clear-cut ‘sexual assault and harassment in elite circles’, to examining sex murkied by shades of grey (Lopes 2021, 704). The short story’s author, too, benefited from its wildfire reaction; two weeks after its publication Roupenian was presented with a two-book deal from Scout Press, a direct result of the story’s success (Walsh and Murphy 2019, 89). Its virality was an ‘unprecedented cultural phenomenon’ (Lopes 2021, 703) and gave oxygen to a ‘public debate’ about its contents that began to rage online (Sini 2017). A Twitter account for disgruntled (read: male) readers, ‘Men React to Cat Person’, was set up to catalogue critiques and distaste for the story as they circulated through social media (Fishbein 2017). Many were reacting to the very reaction the story engendered, and decried its widespread virality. As one reads:

Was 4,000 words really necessary to say that a woman met an insecure jerk, didn’t like that the sex didn’t matchup with her fantasy, ended it poorly with the guy, & then was surprised when he was upset. Well stop the presses. (Fishbein 2017)

Whether the response was supportive or disapproving, ‘Cat Person’ was stirring up an unusual cultural storm.

To read ‘Cat Person’ in isolation from its contexts is to deny the very crucible that formed its content; so firmly interwoven in its culture, it has become impossible to look at one without the other. Johnson sifts through a global assortment of articles that all ponder the crux that sparked its virality, and locates his conclusion in its temporally precarious contexts, including discussions that had been brewing over gender and power dynamics, thereby creating the perfect conditions for its ‘firestorm reaction’ (Johnson 2020, 241). Perhaps more so than other pieces of fiction, and unusually so, ‘Cat Person’ resists efforts to pare its readings to myopic analyses shorn of its rich contexts. This is evidenced no more clearly than the short story’s rejection of a firm boundary between fiction and reality. So knotted was this interplay that many actually thought it was a piece of nonfiction, in spite of the rather obvious give-away of the story’s third-person narrator. ‘Wait, was “Cat Person” fiction, or a nonfiction personal essay?’, asks Constance Grady, exposing its generic confusion (Grady 2017). Grady later devotes more attention to this matter, musing whether

its generic misreading occurred because of its feminine, confessional tone, which is more instinctively associated with the personal essay format; ‘Women’s subjectivity is not for serious literary fiction, after all’ (Grady 2017). The short story’s undeniable intertwinement in the very fabric of reality proves any interrogation into the grey area that sidesteps ‘Cat Person’ to be a misstep.

‘Cat Person’ owes its unprecedented success, as the only short story to ever have achieved such a level of dizzying virality (Nowicki 2021), to its ability to verbalise a previously inarticulable scenario: that of the grey area. Walsh and Murphy even situate the confusion over the story’s fictional/factual status within this ‘verisimilitude’ (Walsh and Murphy 2021, 90), which readers evidently felt ‘struck a very strong chord’ (Johnson 2020, 242). Jessica Bennett explains: ‘it gets at a crucial nuance that seems to have long been missing from the conversations around sexual harassment and assault: that consent isn’t always black and white’ (Bennett 2017). ‘Extremely relatable’ (Woodard 2022, 304), the story managed to convey a thorny phenomenon that had been experienced by many but that few had found expressed in any medium. It became a tool to decode an individual experience for the masses: ‘Thousands shared the story and announced “read this if you want to understand me”’ (Parker and Wilkinson 2017). Compounded with its application as a cipher for the Grace-Ansari encounter, this combination of factors explains its ability to confound the line between reality and fiction.

‘Cat Person’ tells the story of a 20-year-old college student, Margot, and her brief relationship with Robert, a 30-something-year-old man whom she meets at a film concession stand where she works. The two exchange a flurry of text messages, and later go on a date to a cinema. At the end of the date Margot and Robert drive to his home, where an episode of sex – sex in the grey area – ensues. Margot’s reluctance to have sex is clear to the reader, who obtains insight into her thoughts through the narrative’s third-person focalisation, but seemingly not to Robert. As putting a stop to the sexual encounter becomes a seemingly impossible task, Margot swallows the exit that vocalisation might have afforded her, and attempts to placate her own resistance into willingness through a mixture of alcohol and self-objectifying fantasy. Their sexual encounter is the clear apex of the story; its remainder sees Margot’s return to her dorm, her struggle to comprehend her own experience, Robert’s escalating persistence over text, and his eventual rejection via Margot’s bolder roommate. The denouement, the story’s final line, clinches the uneasy tone that brews throughout its reading. Robert, having unexpectedly seen Margot from

across a bar, issues a series of increasingly drunk and desperate messages, culminating in a single-worded text, 'Whore' (Roupenian 2019, 98). Readers are not privy to Margot's reaction to its reception.

Much of the public reaction splintered around the question of how to interpret the sexual portions of the story. A typical understanding partook in what Lopes describes as a 'dominant pop feminist reading', where Margot was viewed as a limited agent whose actions were determined by a looming patriarchy (Lopes 2021, 702). Under this view, the emblem of Margot's 'choice' to have sex melts away: 'It was actually the product of subtle and systemic coercion, either embodied by Robert or present more diffusely in the social context' (ibid, 705). Woodard's interpretation of Margot's sexual experience as an example of 'socially coerced sex' fits into this narrative (Woodard 2022, 309). She reads Margot's reluctance to have sex, and eventual decision to 'get it over with' (ibid, 305), in light of the 'norms of politeness' that make up anticipated social standards (ibid). These above arguments, importantly, do not frame Robert as perpetrator, but cast Robert and Margot as actors in a larger field of play, of social norms and social scripts, that form a background beyond their individuality.

Whatever the interpretations, most readers agree that Margot and Robert's sexual experience falls distinctly within the grey area (Woodard 2022, 304). Indeed, the grey area was a motivation for Roupenian writing the story: she expresses her keenness in an interview to explore the 'messy edges of sex that we've been calling grey area sex' (Day 2019). The mixed feelings, and ambivalence, that boil within Margot are evocative of the various descriptions that demarcate the grey area. Her reaction to the escalating sexual encounter certainly corresponds to Cahill's summary of the grey area as an experience that is coloured by 'hesitation, reluctance, or an ambivalent kind of unwillingness' (Cahill 2016, 753). The sight of Robert undressing strikes Margot as unappealing, and prompts a wave of doubts that flail against their inexpressibility: 'But the thought of what it would take to stop what she had already set in motion was overwhelming; it would require an amount of tact and gentleness that she felt was impossible to summon' (Roupenian 2019, 88). Her 'ambivalent kind of unwillingness' is not condensed in a single word but comes to bear more gradually upon the reader as an overall impression of the text forms (Maunder 2021, 137). This lack of direct communication of her ambivalence which allows for its seeping, uneasy tone to increasingly colour the text corroborates the notion that this experience is one that falls within the grey area, as a site of in-betweenness, of 'not quite', 'neither', 'yet both'.

Margot's 'complicated feelings' that ensue in the immediate aftermath further secure her experience's grey area identity (Woodard 2022, 305). Having received a 'harmless' text from Robert, she felt 'overwhelmed with a skin-crawling loathing that felt vastly disproportionate to anything he had actually done' (Roupenian 2019, 95), and similarly experiences a 'knot of fear in her stomach so solid that she thought she might retch' (96) after sending a break-up text. She struggles to pinpoint their exact origin, 'But why should she feel that way?' (97), and remains confused by her own reactions as she attempts to analyse them: 'It was so over-the-top that she wondered if she was acting like a mean girl, but, at the same time, she truly did feel sick and scared' (97). Her experience does not easily map onto a depiction of rape, which denies Margot the opportunity to gain comprehension or at least terminological clarity over what happened. Her continual puzzlement – 'He's a nice guy, sort of', Margot later relays to her roommate (96) – relates to Woodard's account of the grey area as violating, without amounting to the label of rape (Woodard 2022, 302). The residual tenor of the story is of bubbling unease that evades efforts to pinpoint it. So impactful is this overall feeling that Kerry Walsh and Terry Murphy make the objective of their paper 'Irresolute Endings and Rhetorical Poetics' a collation of the 'divergent search strategies' that they find readers employ to navigate and make sense of the short story's so-termed 'irresolute ending' (Walsh and Murphy 2019, 88).

To look closer at the narrative reveals the layers of equivocation that embroider the text, particularly during sex. From the seemingly arbitrary moment inside Robert's room where Margot is perplexed by Robert's act of opening his laptop before realising he was putting on music, their interactions are punctuated by an awkward ambiguity that forms a separation between the two of them. During sex, Robert's vocalisations strike Margot as unclear, their meaning obscured:

When she was on top, he slapped her thigh and said, "Yeah, yeah, you like that,"
with an intonation that made it impossible to tell whether he meant it as a question,
an observation, or an order. (Roupenian 2019, 91)

Robert's actual intention – whether 'question, an observation, or an order' – is lost on Margot, which is suggestive of the solipsistic, individual sex they have (or for Margot, endure). Communicated through a third-person focaliser, the story is refined to Margot's perceptions, making it impossible for the reader, like Margot, to decipher the underlying meaning of Robert's vocalisation. Other details that readers can confirm about Robert's character are similarly left

sparing and vague. This was an intentional choice: Roupenian reveals she ‘deliberately left space’ that would deny a full, conclusive picture of Robert (Parker and Wilkinson 2017). The titular choice also amplifies the loose ends that trail the story – do Mu and Yan, Robert’s cats, actually exist, as he insists they do (Roupenian 2019, 80), or were they inventions to manufacture a closeness to Margot? Readers, following an amalgamation of half-confirmed readings, are left with an uneasy combination of theories regarding Robert. More optimistic renderings of Robert as a ‘clueless, but well-meaning’ man (Parker and Wilkinson 2017), the owner of two cats who makes ‘great scrambled eggs’ (Roupenian 2019, 94) sit beside a darker, ‘sinister’ Robert, who throws Margot around ‘as if they were in a porno’ (93), and whom Margot worries might murder her – ‘she hardly knew anything about him, after all’ (80).

Amplified by the narrative style, the perpetual equivocation becomes symptomatic of Margot and Robert’s inability (or refusal) to share in a common sexual experience beyond purely physical means. Robert’s sexual intensity is not matched by Margot: Robert ‘growled in her ear, “I always wanted to fuck a girl with nice tits”’ (Roupenian 2019, 91); Margot ‘had to smother her face in the pillow to keep from laughing again’ (91). To say that Margot and Robert are not quite on the same page would be putting it lightly. Indeed, Margot further removes herself from occupying the same page as Robert by seeking refuge in ‘a fantasy of such pure ego’ (89) that she refigures herself from Robert’s eyes, allowing her to transcend the immediate reality of her sexual experience (Maunder 2021, 138). The chasm that splits open between Margot and Robert extends beyond the purely sexual portion of their date. After sex, Robert reveals his feeling for Margot, admitting his previous anxiety that Margot might have rekindled a romance with a high-school boyfriend on her recent trip home (Roupenian 2019, 93). For Margot, this conversation takes place ‘out of nowhere’, referencing the gap between them that engulfs the possibility of a requited meaning (93). Johnson rather bluntly summarises their jarring interpretations that solidify over the date – for Robert, the date was a ‘great success’; for Margot, it was ‘a disaster and she cannot wait to put it all behind her’ (Johnson 2020, 247).

2.3 A *Hermeneutics of Consent*

An awareness of the gap that separates Margot from Robert during sex paints an investigation of their consent a similar colour. While any analysis of consent in ‘Cat Person’ must begin from the outset that the sex is consensual – an acknowledgement that Woodard also endorses

(2022, 305) – this verification ought not to stray into victim-blaming or minimising Margot’s violation, but simply should shine a light upon the crevices of the grey area.

The greyness of the consent throughout Margot and Robert’s interaction is habitually chalked up to a misreading. Khazan reads ‘Cat Person’ as an illustration of ‘how badly people can misread each other’ (Khazan 2017), and Johnson claims that ‘[o]ne does not need clinical training to declare “Cat Person” the story of a failed relationship, of a couple who aren’t quite on the same page’ (Johnson 2020, 247); the association of the failure of their relationship with disharmony implicitly prescribes its cure by way of elucidation. But this conclusion misses a small but important point, easily forgotten in the background noise of Margot and Robert’s relationship: Robert does not ‘misread’ Margot. Her actions, indeed, *do* signal consent, and it is from these that Robert takes his cues. He is ‘encouraged by her progress’ (Roupenian 2019, 89), that of Margot straddling him, and responds with a continuation of his sexual advances. To be specific, Robert is encouraged by Margot’s physical ‘progress’, what he believes to be an embodied symbol of that consent, and during sex remains unaware that their motivational impetus is Margot’s own fantasy.

Readers, privy to Margot’s interiority, are aware that the performance of her physical acts belie the hesitation and ambivalence which is masked from Robert. This performativity surfaces in the narrative. While ensconced in her fantasy, Margot revels in her self-objectification for Robert, ‘bit her lip and put on a show’ (Roupenian 2019, 90). It might even be possible to frame this instance as an inversion of Woodard’s epistemically unsafe sex, whereby Robert acts under the presumption of the validity Margot’s consent ostensibly indicates. What this reveals is a hermeneutics of consent, or, more accurately, a faulty hermeneutics of consent, whereby the performance of consent is interpreted as a symbol for the inner consent that this is presumed to indicate. A hermeneutics of consent attempts to bridge the gap between consent and consenter by reading a performance of consent as proof of that consent’s authenticity, yet in Margot’s case there is no such correlation. In a proverbial case of putting the cart before the horse, a hermeneutics foregrounds perceived signs of consent before consent’s actual authentic enactment. Coded within the very rhetoric of Ansari’s statement issued in the aftermath of his date with Grace is a manifestation of this hermeneutics. He writes that their sexual activity ‘by all *indications* was completely consensual’ (Way 2018); whether Grace’s actions corroborated a cerebral consent is not the issue at hand. Under a hermeneutics of consent, evidently consent is interpreted not as

something enacted, but secured through outward – and potentially, worryingly, hollow – displays, which cleaves the act of consenting from the very consenter.

Two readings are habitually offered to resolve the issues that consent in ‘Cat Person’ highlights. One, following on from the perception that the main fault illustrated is a misreading of consent, offers a prescription to double-down on affirmative consent standards. Khazan exemplifies this reading, following up the quandary of what should be made of this act, ‘technically consensual’, yet still “the worst decision” she’s ever made’, with an optimistic promotion of the ‘new, enthusiastic standard of consent’ (Khazan 2017). The other conclusion, habitually levied by theorists working within the grey area, is to advance a more fully fledged armoury of vocabulary, or call for further, similarly linguistically-centred, constructive discussions to take place. Lena Gunnarsson concludes that her analysis of the Swedish #prataomdet (#talkaboutit) campaign demonstrates the dire need for new terminologies which can dually furnish the conceptually bald grey area and relate more keenly to individual experiences (Gunnarsson 2017, 12). Woodard also endorses this approach, quoting Elise Whittington who causally links the grey area’s trickiness to its terminological paucity: ‘we don’t really have a language for talking about it’ (quoted in Woodard 2022, 314). That the project of improving consent has gravitated towards this area is understandable – one needs only to recall the frustration Gabriela underwent in her submission for the *New York Times* project to locate a word whose content might enable an articulation of her experience (Bennett and Jones 2018). Having previously analysed ‘Cat Person’ via hermeneutical injustice, I too came to similar conclusions, arguing that the inexpressibility of Margot’s thoughts, and her subsequent inability to vocalise or comprehend her experiences, underscored the urgent need to address consent’s terminological ineptitude (Maunder 2021, 134).

But a reading of the hermeneutics of consent prompts a re-evaluation of both these supposed solutions. The issue does not lie in consent’s communication, but within the very concept of consent itself. Woodard even notes the compatibility of epistemically unsafe sex with affirmative consent (Woodard 2022, 211). The inability to distinguish between them must prompt even committed enthusiasts of affirmative consent to wonder what the next steps are for a model, rooted in elucidation, that has nowhere to go. The logical next step is to conceive of a new framework by which to understand consent that begins from the deficiencies found in a hermeneutic model. With this understanding, Khazan’s insistence on affirmative consent to sidestep miscommunication is revealed as misguided and overly optimistic. Similarly, while the

charge for linguistic development is admirable, and certainly of use in its own right, it forms only part of consent's whole picture.

Larry Alexander proposes an understanding of consent that reads as inverse to its current, faulty, understanding: 'Consent is a mental state, and its signification is merely evidence of its existence' he contends (Alexander 2014, 102), which places the emphasis and meaning of consent not in its performative action, but in its very enactment. Allowing the consenter to 'consent', and forego performing actions that are merely seen to signify consent, the gap that issues forth between Margot and Robert is sewn shut, and is instead transformed into the place from which consent originates. What this calls for, in place of a hermeneutics of consent, is an ontology of consent. This ontological hypothesis, presented in the next chapter, does not advocate abandoning terminologically-oriented approaches, rather it offers a complementary approach.

Chapter 3: An Ontology of Consent

3.1 Subjectivity in/and Sex

As argued in Chapter 2, analysis of Roupenian's 'Cat Person' has revealed that the perceived need – or even ability – to further elucidate consent is fallacious: the hermeneutic model by which we understand consent is faulty. To assemble a new understanding of consent, I turn to a philosophical foundation of sex, or, more specifically, of 'sexistence', offered by the recent work of Jean-Luc Nancy. Two of his later works, *Sexistence* (2017), and *The Deconstruction of Sex* (2021), a dialogue with Irving Goh and Nancy's final publication, explore the question of subjectivity during sex. Their commitment to the principle of 'being-with' establishes sex principally as a relation that occurs between, and because of, individuals, inviting a consideration of consent upon similar lines. Situating these findings among recent work undertaken by other theorists who also seek to reconceptualise consent validates this approach via subjectivity: each of their works is underscored by an awareness that consent ought to be mutual and collaborative. Nancy and Goh, troubling the strict self/other boundary in the specificities of sex, provide this groundwork. Another similarity uniting their works is the acknowledgement of the need for a more material and embodied conceptual framework by which to communicate consent. To outline this ontology of consent, I turn to the concept of touch, whose ability to reinstate and dissolve

boundaries between self and other in a creative act serves as a fitting re-conceptualisation of a consent that is intuitively understood. This ontology of consent, as opposed to a hermeneutics, presents a consent that is co-created. The grey area forms the figural and literal space in which ‘consenting’ occurs.

Nancy, in the past decade, has expanded and built upon his corpus that has carved a well-worn groove throughout his career in the remits of community, religion, aesthetics, politics, and touch (Goh 2021, 18), with two recently published texts that spotlight sex as its central concern, his 2017 *Sexistence*, and his 2021 *The Deconstruction of Sex*. These texts are best viewed in conversation with one another. The impetus behind *The Deconstruction of Sex*, a dialogue crystallised into a book’s format between Nancy and academic and author Irving Goh, was a desire to situate the ideas expounded in *Sexistence* in a specifically MeToo climate; *Sexistence*’s 2017 publication narrowly prevented its analysis within the movement, which risked dating and undermining the relevance of its ideas.

Throughout these works, ambiguity during sex is granted a primacy which is denied within conventional conceptualisations of consent, as explored in Chapter 1. Ambiguity is lauded by Nancy and Goh: ‘[s]ex is, as always, a messy affair’ (Nancy and Goh 2021, 8), turning the popular notion among consent studies that any trace of ambiguity, any ‘blurred’ sexual encounter (Cooper 2018, 5), warrants its evisceration with the same insistence as the #NoGreycapaign, on its head. Instead, it is clarity that is framed as the anathema of sex. As Goh reminds Nancy, ‘[w]e cannot reduce the thinking of sex to some clear, clinical, logical form of thought’ (ibid, 8). To do so, he adds, ‘would only be sweeping the messiness of sex under the rug, keeping all the troubling aspects in the closet’ (ibid, 8). To come to an understanding of consent based upon Nancy and Goh’s principles of sex is to keep any seduction of imposed and reductive binaries well at bay.

With a bedrock of complexity established, sex’s identity as something mysterious, something inherently unknowable, is celebrated: sex is ‘always and everywhere complex, multiple, elusive’ (Nancy and Goh 2021, 26), and a ‘polysemous term’ (ibid, 25). Lee Edelman’s review of *The Deconstruction of Sex* is coloured with a particular cheerfulness at the lack of teleological conclusions offered: ‘Happily, no one will leave this book with an understanding of sex’ (ibid, Backcover). The presumption that reaching the book’s final page rewards readers with a clear understanding of sex is a misplaced expectation, not to mention the limitation of this understanding

to, at best, a myopic approximation. The prize of a fuller picture of sex is found in its complexity's preservation, not in its untangling.

It is of little surprise then, given this motivation, that consent does not receive a favourable lighting in these texts. Of the few instances where it is mentioned, a disregard for its conceptual clunkiness and rigidity are palpable. Goh bemoans the sterility of the contractual obligations that inform the sexual scenarios of our contemporary culture '[w]here prior consent by all parties on all terms and limits of that relation must be documented and signed' (Nancy and Goh 2021, 35). The colourlessness of this sentence seems hardly congruous with the complexities of sex, framed more prosaically elsewhere as 'like an experience of an oceanic, bottomless abyss' (ibid, 35). A clinical hermeneutics of consent jars with an appreciation of sex's richness.

The subject, and in particular the desire to challenge the so-termed 'metaphysics of the subject' (Librett 2014, 37), has enjoyed an enduring prominence within Nancy's works, and these texts prove no exception. A peripheral understanding that sex muddles clear-cut borders between self and other – '[s]ex dissolves boundaries'; selves are 'undone by sex' – is quickly established (Nancy and Goh 2021, 21). In a chapter devoted to this quandary, Goh seeks to locate sex more precisely as an experience that is split across two subjects (ibid, 54). He proposes a 'subject of two' as conclusion to the epistemological interrogations he issues in an attempt to bring the specificities of subjectivity into focus: 'How is the subject shared between/among lovers?'; 'Is it a subject that only lasts during sex, that is a subject that dissolves after the act?' (ibid, 53). Nancy resists questions that risk simplifying sex for the sake of quantification and qualification, answering simply that '[t]here is no "subject" of this sort' (ibid, 54). Precedence is instead granted to the ambiguity and in-determinability of sex's subjectivity; his ensuing description does little to further pinpoint subjectivity during sex in a manner that would satisfy Goh's interrogation:

But there is, like another space/time, a point/instant outside bodies, outside consciousness, outside the "self"; a "one" that is not one in the sense of a distinct unity of other unities, neither a fusion nor a communion of two. (Nancy and Goh 2021, 54)

The subject continues to evade both Nancy and Goh. In place of a singular depiction, multiple images are repeatedly drawn, erased, and redrafted in an attempt to encapsulate a slippery subjectivity that seeps through the bounds of its descriptions. The subject is emptied during sex,

entering into the unknown: ‘Then it goes elsewhere, into another matter, it swims in an unknown water’ (Nancy and Goh 2021, 55). Later, it is reflexively abandoned: ‘the abandonment of self, and the abandonment of goals, codes, and functions’ (ibid, 65). An exhausted yet unsated conception of sex seen through the subject plateaus as the experience of being ‘outside-of-oneself’, while yet simultaneously being ‘more than *and* no longer one’ (ibid, 59).

In its eclipsing of the individual, the above subject displays its inheritance of Nancy’s key concerns that are threaded through his longer body of work. The concept of ‘being-with’, which suffuses Nancy’s understanding of the nature of community in particular (Raffoul 2014), is one that keenly resonates with sexistence. Being-with forms the primary ‘ambitious’ goal of Nancy’s *Being Singular Plural* (2000) in positing a ‘provocatively new ontology’ (Hutchens 2005, 116) of the ‘singular plural’ as the foundation of being (Nancy 2000, xv). Being, for Nancy, is being-with. This ambition owes largely to Nancy’s substantial absorption of Heideggerian principles; Critchely examines Nancy’s *Being Singular Plural* by the light of Heideggerean philosophy to posit ‘being-with’ as a French framing of Heidegger’s *Mitsein*, proposed in the 1927 *Being and Time* (Critchley 1998, 198). Critchley encapsulates the effect this ‘co-existential analytic’ has upon an understanding of the individual through a causal chain (Nancy as quoted in Critchley 1998, 198), beginning with Nancy’s proposition that sense depends upon a self: ‘If there is no sense without a self, then there is no self without being-with, as the self is fundamentally structured co-existentially’ (Critchley 1998, 206-207). To use Nancy’s own words: ‘Coexistence is existence insofar as it does not begin with a subject (who would then meet or recognize other subjects), but with the plurality of subjects, a plurality which belongs to being subject’ (Howells 2009, 162). So foundational is this concept that Marie-Eve Morin figures the ‘singular plural’ as a code to decipher the whole of Nancy’s works (Watkin 2013).

A ‘singular plural’ ontology contrasts the sovereign concept of self, whose impenetrable borders are palpable in Shildrick’s description of the modern self: ‘To be a self is above all to be distinguished from the other, to be ordered and discrete, secure *within* the well-defined boundaries of the body rather than actually being the body’ (Shildrick 1999, 79). This ‘atomic’ (Hutchens 2005, 116) self-conception bears its roots in Charles Taylor’s ‘modern identity’, which ‘boldly’ demarcates a self established on the conceptual bedrock of individualism, uniqueness, and interiority (Wahrman 2004, xiv). With the modern self’s biography largely agreed to have begun with the ‘mainspring’ of Cartesianism (Fairbairn 1972, 416), Basturk proposes its later life has

propelled a ‘subjectivity crisis’; with the ego exalted, individuals find themselves alienated from one another, and the possibility of a collective being is rendered void (Basturk 2020, 62). It is from within these fraught conditions that Nancy’s relational ontology was produced.

The strain of subjectivity that a hermeneutics of a consent is built upon borrows wholly from the atomised, ‘ordered and discrete’ sovereign concept, in its requirements of a strict delineation between selves. Implications of the subjectivity assumed by a hermeneutics of consent are betrayed by the common token of consent as something ‘given’, a rendering that broaches academic and cultural spheres alike. The four separate times that consent is thus evoked in Beres’ study (2007) testify to its prevalence within academic literature, and an article published on the website of the sexual health and wellbeing charity, Brook, titled ‘How to give and get consent’, demonstrates the active employment of consent framed as something ‘given’, ‘withdrawn’, or ‘asked for’, in wider society (Brook, n.d). The ability for consent to be ‘given’ further depends on the prerequisite of multiple, distinct, atomised selves, between whom consent can be passed, conditions that can easily be applied to the framing of Margot and Robert as essentially distanced selves.

Teasing the strict boundary between selves, Nancy’s ontology renders a ‘given’ consent simply untenable. Nancy’s 2001 essay, ‘The ‘There Is’ of Sexual Relation’, however, offers an alternative pathway to interpret consent according to a pluralised ontology. Taking inspiration from Lacan’s dictum that ‘[t]here is no sexual relation’ Nancy constructs his own ideology on the matter (Nancy 2013, 1). Collected alongside the other translated works in his 2013 *Corpus II*, the essay shares in one of the book’s biological impetuses, namely Nancy’s 1992 heart transplant, following prolonged ill-health in the late 1980s that motivated the writing of its predecessor, *Corpus* (2008), as well as ‘two of Nancy’s most personal texts’, that of ‘Dialogue Under the Ribs’, and *L’Intrus* (Goh 2021, 6). Christina Howells notes Nancy’s commitment to collapse dualism as a prominent feature of *Corpus*, seen through his illustration of the body as a trinity of body, mind, and soul, a claim that can be extended to *Corpus II* as *Corpus*’ successor (Howells 2009, 162).

Anne O’Boyd’s work emphasises the dynamism inherent in Nancy’s relationality which helps to galvanise an animated conception of consent according to a pluralised ontology. She offers a clarifying lens by which to interpret Nancy’s proposal: ‘we can say there is no relation of the sexual, or that the sexual does not relate anything’ (Nancy 2013, 5). The sense of in-betweenness that surfaces in Nancy’s language of relation is coaxed out and celebrated as providing ‘an

ontology in motion' through an underscoring of its dynamism (O'Boyd 2012, 79). 'Sexual relation is already an odd term' (ibid, 85), O'Boyd admits, noting the discrepancies between the inference of the words, and the action to which the words refer. In the place of a description of relation denoted by nouns, O'Boyd instead advocates the employment of verbs: their organic alignment with dynamism and motion creates a more capacious description by which sex can be 'more appropriately' rendered (ibid, 85). Sex, and sexual relation, is not 'had', but rather something enacted. Nancy's phrasing of relation as something that 'happens between things, from one thing to another' (ibid, 6) amplifies the movement of, and the energy engendered by, sex as relation. Sex, consequently, unfolds between, and through, sexual participants, inviting a consideration of a consent that operates in a similar fashion.

Relation's significance is further amplified by its function as the standard by which sex is valorised. 'Sex without relation [...] is not human [sex] or, at least, does not partake in human relations', Nancy remarks (Nancy and Goh 2021, 64). Nancy continues to promote relationality as the factor that distinguishes between what might be termed 'good' sex, and the 'miserable wretchedness' (ibid, 43) of the 'impoverished sex' (ibid, 42) that constitutes sexual harassment and assault. Relationality therefore performs the same role that agency was seen to fulfil in the work of Gavey, Cahill, and Woodard: 'Rape nullifies sex: it suppresses relation' (ibid, 42). If relation performs a determining role within an ontology of sex, it ought to form a cornerstone of a new-fangled understanding of consent.

3.2 *Retheorising Consent*

Retheorising consent is not entirely uncharted territory. Ellie Anderson, Quill Kukla, Mark Levand, Nicolle Zapien, and Jordan Pascoe, are among the small number of scholars who have over the past five years plied consent into an assortment of shapes in response to its critiqued limitations. It is of note that the grey area remains neglected even within these proposals, which bespeaks its untapped potential in the remit of consent reformulation. Anderson's focus on the grey area is curtailed to a critique that a hermeneutics of consent is blind to any ambiguities that arise in sexual encounters (Anderson 2019); for Levand and Zapien, the grey area remains a corollary issue that they expect to be resolved through a fresh approach to consent. The idea that the grey area may form a part of this very solution remains unspoken (Levand and Zapien 2019, 161).

In spite of a disregard for the grey area, the issues that the grey area shines a light upon are recycled in all theorists' defences for their critiques of a hermeneutic model of consent. Anderson's taxonomy of reasons to reject consent as '*the* regulative concept' employed in sex provides a useful summary of these noted complaints (Anderson 2019). Many of her points boil down to the untenability of consent with human sexual experiences: she references consent's incompatibility with 'the temporally unfolding nature of sexual encounter' (Anderson 2019), its neglect of 'the way that desires may emerge subjectively, over the course of an encounter', and finally that the self may harbour desires which remain inarticulable, even to the self (Anderson 2019), all of which implicitly come to light by the chasm that engulfs Margot and Robert's sex.

Along with a baseline agreement that the current standard of consent ought to be reformed, similar ideas of mutuality surface in each of their works. Anderson's background in continental and deconstructive philosophies encouraged her to approach consent from the 'unique collaborative intentionality' involved in sex (Anderson 2019). The end-product is an understanding of a '*felt* register' of consent, taking inspiration from Edith Stein's pioneering work on empathy to assemble a model grounded upon attunement (Anderson 2019). The boundaries between sexual participants are softened through the cushioning that empathy provides for them in the 'embodied, reciprocal interaction' of attuning to one another (Anderson 2019). Resonances of Nancy's 'being-with' are found in Anderson's declaration that 'sexual subjectivity is inseparable from sexual intersubjectivity' (Anderson 2019). Kukla's 2019 article 'Sex Talks' argues for a rejuvenation of a consensual contract as an invitation of gift. Their later paper 'A Nonideal Theory of Sexual Consent' (2021) discusses the conditions that might maximise sexual autonomy under patriarchy. Within this, mutuality is introduced through their framing of 'relational autonomy': autonomy is 'not a property that adheres in individuals, but rather an enacted capacity that is essentially supported by other people and the environment' (Kukla 2021, 282). Aiming to move 'beyond consent' (Pascoe 2022, 325), Pascoe recycles the Kantian maxims Louis Pineau proposed in her 1989 'Date Rape: A Feminist Analysis' to figure a theory of sexual respect rooted in the description of sex as a 'shared activity' (Pascoe 2022, 327). Consent, for Pascoe is a 'cooperative act, cocreated by the people engaging in it' (Pascoe 2022, 327). Finally, Levand and Zapien introduce consent as a 'sexual dialogue' between participants bearing a 'willingness or openness to engage' (Levand and Zapien 2019, 7) through their uptake of Husserl

and Merleau-Ponty's phenomenological principles informed by Martin Buber's 'I-Thou' relationship (ibid, 154).

A Nancian approach to subjectivity is implicitly validated by the recurrence of mutuality in each of these theories in its similar negotiation of a self/other boundary. Mutuality's emphasis, however, dually unfolds a criticism that is directed back at the theorists: a comparison between a pluralised Nancian ontology and mutuality reveals the lack of corresponding subjective framework upon which each theorists' proposals of consent are posited. A focus upon Nancian sexistence therefore provides a subjective underpinning to complement the conceptual work on consent developed by these theories.

Each of the above proposals are also informed by material and embodied perspectives. Whether lying dormant, or performing more operative work within their theory, embodiment is framed as the gateway to the mutuality which each theorist holds as a cornerstone. It is because of the embodiment of sexual relations that Pascoe argues they require a greater 'burden of respect' (Pascoe 2022, 328). Anderson sews together these two concepts in her depiction of attunement as 'an embodied, reciprocal interaction' (Anderson 2019). These findings help light a path towards a rendering of consent couched in the parameters of embodiment and materiality; this, I argue, is found through the concept of touch.

3.3 Touching Consent

The concept of touch occupies a thorny and often contradictory position within academia and culture. Donald Landes surmises this succinctly, noting touch as curiously both 'the foundational and the most *aporetic* sense' (Landes 2007, 80). Touch is always already everywhere; in Schanberg's words, '[w]e forget that touch is not only basic to our species, but the key to it' (as quoted in Hermans 2021, 1). Yet in spite of this ubiquity, touch has found itself largely neglected by scholars, remaining a subject 'under-explored, under-represented and marginal' (Paterson 2012, 5). We now inhabit the era of 'post-embodiment' (ibid, 5), a term coined by sociologist Mark Paterson to differentiate the recent bodily attentiveness from a dominantly instrumental interest the 1980s 'sensory turn' showed in the body as a site of political and gendered study (Howes 2013). Within this epoch, a nexus of 'sensuous scholarship' (Paterson 2012, 5), spanning an array of disciplines, has emerged which seeks to rectify the sensual hierarchy of what Martin Jay first dubbed 'ocularcentrism' (ibid, 5), where vision holds primacy as the 'noblest of senses' (Elo 2018,

37), and touch is relegated to a base, and oft forgotten, modality of worldly interaction. In addition to repatriating the haptic into harmonious communion with the optic, this goal furnishes a fresh understanding of touch that allows an intuitive rendering of an ontology of consent.

Touch is habitually framed in terms of excess within these authors' outputs. While this is doubtless informed by touch's core contradiction as the most 'unclear of the senses', in spite of its immediacy and primitivity (Naas 2001, 260), this ambiguity unfolds touch to accommodate an expansiveness of meaning. 'Skin is not only a physiological site, it is also an existential structure', Mika Elo writes (2018, 39), adding that it 'would be too simplistic' to limit touch to sense experience, seeing as it incorporates 'mental and social, even spiritual processes' (ibid, 40). Penelope Deutscher, comparing Sartre and de Beauvoir's renderings of touch, similarly hints that 'the touch of the skin does not remain on the surface' (Deutscher 2005, 105), and Paterson finds excitement in touch's multivalency which 'reaches beyond the immediacy of present cutaneous sensations, unfolding to encompass a range of affective, empathic, metaphoric and other meanings' (Paterson 2007, 154). For Paterson, touch's very ambiguity prides open a depth of expression which permits a conceptual traversing into 'more affective and metaphorical' realms (ibid, 6), consequently revealing 'manifold meanings' which imbue touch with a capaciousness to house a reframed understanding of consent' (ibid, 1).

To better understand its modalities, Paterson posits two poles at opposing ends of the concept of touch. On one hand is the immediacy of touch, its 'cutaneous contact' (Paterson 2007, 2), which his 2007 book *The Senses of Touch: Haptics, Affects & Technologies* first explores, and on the other, a 'deep' or 'metaphorical' touch (ibid, 2), which Paterson progresses towards on his journey into touch's multiplicities. One of the book's overarching objectives, a liberation of touch from solely sensation (ibid, 171), is achieved through analysis of the 'deep' touch provided by therapeutic practices (ibid, 147). Touch's metaphorical couching in this chapter is brought to bear through Paterson's examination of Reiki practices, amidst an assortment of other therapeutic procedures which prioritise skin-to-skin contact such as Swedish massage and Shiatsu (ibid, 13). Reiki's incorporation of both tactile and non-tactile methods expand touch to reside within this more metaphorically-oriented realm, allowing Paterson to unpack proximity through both the physical, embodied closeness of cutaneous touch, and the emotional nearness provided by the concept of empathy (ibid, 170).

The ‘felt proximity’ (Paterson 2007, 13) that ensues from these therapeutic practices, both embodied and incorporeal, dissolves firm boundaries between self and other. Porous, the self and other enter into a reciprocal state of affect. In Richard Kearney’s words, ‘if touch is something we do to the world it is also something the world does to us’ (Kearney 2019, 306). Kym Maclaren explores the extent of this reciprocal affect through the scenario of petting a cat (Maclaren as cited in Hermans 2021, 2). ‘The question is: Who is petting whom?’, she queries, concluding that ‘I am petting the cat but the cat is petting me as well’ (Maclaren as cited in Hermans 2021, 2). Simultaneously an active, and passive operation, there is no ‘toucher’ and ‘touchee’; there is only the very act of touching, which in its reciprocity inhibits hierarchisation. Feeling is here substituted for the Nancian ‘feeling-with’, a state that functions to underscore the ‘affective power of touch’ and ‘its empathic qualities’, in which touch transcends bodily boundaries and brings the other into a proximity (Paterson 2007, 13). This notion of transcending a bodily boundary to reach a common ground, and its accompanying phraseology bears both terminological and conceptual resonances with Nancy’s ‘being-with’.

Carolien Hermans emphasises a spatial orientation to magnify her understanding of touch. Returning to the quandary of who pets whom, she concludes that both create a ‘we-space’, where petting is ‘a co-authored activity’ by dint of the agency of both beings (Hermans 2021, 2); a haptic interaction with a non-animate subject would not engender the opening of this mutually created and shared space (ibid, 2). Paterson also takes care to underscore spatiality throughout his explorations. ‘Therapeutic touching’ is used interchangeably with ‘therapeutic setting’, and other spatial surroundings, such as ‘medical institutions’ (Paterson 2007, 149), which sews touch into its spatial context. Hermans physicalises the relation between touchers as ‘the place where sense-making takes place’ (Hermans 2021, 3). This place is outlined through an assortment of phrases: ‘a shared nomadic territory, a we-space, a third party’ (ibid, 3), finally borrowing from Godard and Bigé’s terminology to describe the place as ‘neither you, neither me, neither us, but at the interstice between these three pronouns, a third-included’ (as quoted in Hermans 2021, 3). Spatially and subjectively, there is a tangible sense of creation at work in the process of touch. Hermans’ poetically inclined phrasing adds temporality into this mix: ‘To touch is to re-organize space and time, to invent worlds’ (Hermans 2021, 9). She goes as far as to frame movement as ‘the prerequisite of touch’ (ibid, 2).

Paterson and Hermans' evocations of feeling-with one another underscore the very nature of touch itself: to touch is to be touched. 'While we can look without being looked back at, we can't touch without being touched in return', Laura Crucianelli explains (2020). Reciprocity is not an optional procedure, but instead touch's experiential framework. Ophelia Deroy applies this mutuality to undermine the common adage that 'seeing is believing'. Musing on the phenomenon of the common urge to feel a set of keys to believe they are really there, she suggests that we might 'trust touch more because we feel more active and in charge when we explore something by touch than through vision' (Deroy 2017). Veracity is borne from the belief one has 'actively collected and sampled the evidence' (Deroy 2017). Paterson's theory provides a contextual backing to Deroy's hypothesis, through his depiction of the 'co-implication of body, flesh and world' (Paterson 2007, 2) where touch involves a 'mutual co-implication' (ibid, 3). The faint tautology at play, 'mutual', and 'co-implication' overlapping in their reference, stands testament to the continual slippage between roles during touch.

This is not to say that touch demands the total evisceration of individual subjectivity. Inherent in touch is a plasticity that allows touch to reshape itself into either a gateway to transcend the boundaries of self, or a tool for their reinscription. Therapeutic touch exhibits dual potential to be 'potentially cathartic, expressive', or to 'produce instantaneous negative affects such as anxiety, fear, disgust' (Paterson 2007, 153). The factor for differentiation is appropriateness; the unfolding of a 'non-verbal communication pathway' between individuals can buckle in an instant if a touch is found unwanted (ibid, 153). 'It is all a matter of tact', as Goh writes (Goh 2021, 21). Touch tempered with tact prevents the annihilation or appropriation of a self through the act of touch, a process that Deutscher reads into Sartre's (infrequent) depictions of touch as 'a complicated game of entrapment' where touch asserts a hierarchy that seeks to appropriate the other through caress (Deutscher 2005, 103).

An ontology of consent, understood as touch, stresses the collaboration and mutuality of its activity as a process that co-implicates sexual participants. Just as Paterson's therapeutic touch necessitates appropriateness to open communicative and healing channels, tact and tactility furnish touch with a hinge between, on the one hand, facilitating Nancy's 'mutual abandonment' to form a 'more than *and* no longer one' (Nancy and Goh 2021, 59), and, on the other, re-establishing emotional or bodily boundaries. Alcott's suggestion that touch functions to make individuals visible to themselves, which enables the identification of what is wanted or unwanted, rings true

(Alcoff 2018, 73). In this manner, consent as touch observes the principles of relation that prompted its enshrinement by Nancy and Goh as a hallmark of ‘good sex’.

As homage to its Nancian origins, this ontology of consent might aptly be stylized in the same tradition by which Nancy finds an expansiveness of new meaning in words well-worn by familiarity. Take Nancy’s ‘comparution’, proposed in his 1991 book of the same name (Critchley 1998, 203). Nancy finds ample space in between the prefix and stem to broaden its anticipated meaning from ‘appearing before a court of law’ to its redefinition of ‘appearing-with’ (ibid, 203). Compassion is similarly liberated to ‘com-passion’, redefined as ‘the contagion, the contact of being with one another in this turmoil’ (Nancy 2000, xiii), used to evoke Nancy’s cure for modern society. Consent might therefore be stamped ‘con-sent’, a new-fangled terminology that evokes a mingling of co-existing subjectivities. Consent becomes *consenting*, or, in a continuance of Nancian phraseology, *consenting-with*, a pleonasm which has the additional incentive of repatriating consent to its etymological birthplace of ‘consentire’, ‘to feel with’, an aptness of which Anderson is also conscious (Anderson 2019). Encapsulated in its present participle form is the inherent sense of motion and activeness that befits consent’s continual creation and enactment. ‘Cat Person’ provides an example as illustration. With the prospect of sex looming, Margot feels a reluctance to deny the sex that, in her eyes, she had invited, worrying that to do so ‘would make her seem spoiled and capricious, as if she’d ordered something at a restaurant and then, once the food arrived, had changed her mind and sent it back’ (Roupenian 2019, 88). ‘Consenting-with’, however, cannot be ‘withdrawn’: it is never ‘given’ in the first place, but rather continually co-created through the willing relation of sexual participants. Under an ontology of consent, the simile of food/consent as something material that can be handed over, and then sent back, collapses.

The grey area also finds recreation under this ontology: it becomes the ‘we-space’, the temporal and spatial context within which ‘consenting-with’ takes place, an idea readily shaped by the spatial inclination of the grey ‘area’, understood on both metaphorical and literal renderings. An ontology of consent, in comparison to a distanced hermeneutics, better facilitates the messiness and complexities that characterise sexual experience. The grey area has doubly marked the deathblow for a hermeneutics of consent, and a birthplace for its ontology.

Conclusion: The Future of Consent

She Said, a film adaptation of the Pulitzer prize-winning book of the same name by Jodi Kantor and Megan Twohey, the *New York Times* journalists who first broke news of the Weinstein allegations, is scheduled for release this November (Horton 2022). Detailing the movement's unwitnessed backstory, and thereby casting a retrospective glance over the MeToo movement's resurgence, there is evidently appetite enough almost half a decade on for matters the movement first brought to light to continue to spark public interest. The film's surrounding climate is markedly different to the one of the Grace-Ansari encounter, or even of *Promising Young Woman*, with this year drawing the MeToo movement into new waters. The ruling of the Johnny Depp v. Amber Heard defamation trial – both in terms of its legal verdict and the opinions dispensed by the court of social media – has kindled a worry that we might be witnessing the movement's last gasps. 'Is the #MeToo movement dying?', as one journalist asks, vocalising a widespread anxious disposition to check the movement's pulse (Bokat-Lindell 2022). As ever, these matters are not so easily stripped back to a black-and-white colour scheme. Murmurings that *She Said* is tipped for several Oscars contest the certainty with which such claims of the movement's demise are made (Horton 2022).

To return to the furore that first drew attention to the grey area by way of the Grace-Ansari encounter, it appears that the fervid insistence to denounce the grey area in a bid to protect consent's binary was not entirely unfounded. The investigation of the grey area undertaken in the first two chapters by way of both academic material and works of fiction has indeed resulted in a fatal critique for consent, but perhaps not in the way anticipated by the grey area's ardent opponents. For while the fruits of 'Cat Person' have issued a swansong for consent, its recipient is not the entirety of the concept, but rather its couching specifically as a hermeneutics in its dislocation of consent from *consenting*. Consequently, the final chapter of this dissertation performs the first steps towards fleshing out a broader understanding of an ontology of consent to mitigate the deficiencies of a hermeneutics of consent. Through an appeal to Nancian sexistence, underwritten by the notion of 'being-with', a consent rooted in a similarly pluralised ontology has been assembled which further finds an intuitive expression provided by the richness of the concept of touch. A confluence of consent's long-standing under-theorisation, and the patchwork testimonies of the grey area, which push back against its avid critics, reinforce this foray into an

ontology of consent as a much-needed change. With this said, this dissertation does not function as a mathematical equation to produce consent, but rather a tool to provide a deeper understanding of consent as an ontology that both incorporates the ‘messiness’ of sexual experience previously scolded by binaries, and offers a new lens by which a hermeneutics, as well as a legal understanding of consent, might be further redressed.

Sam Parker argues ‘the real opportunity missed’ relating to ‘Cat Person’ was the inhibition of productive discussions by its limited reading as a pointed attack on men (Wilkinson and Parker 2017). Similarly, to fail to regard the bubbling of the grey area to the surface of contemporary culture as a call for further probing would be another opportunity sorely missed. The grey area has aptly retained a sense of the myriad terminologies that orbit around its blurred edges with the multiple identities that have surfaced throughout this dissertation. It is simultaneously the problem of consent, the pathway to its solution, and, within an ontology, the literal and metaphorical context where ‘consenting-with’ occurs. Further study into the ontology of consent is doubtless required to fully shine a light upon the full fruits this area might bring, temporality as one such enticing area to complement the spatiality emphasised over these three chapters. This dissertation hopes to function as an invitation towards these further endeavours, as it is through future interrogative excursions into the grey area that its other, dormant identities still hidden within its depths might be revealed.

Bibliography

Alcoff, Linda Martín. 2018. *Rape and Resistance*. Cambridge: Polity Press.

Alexander, Larry. 2014. "The Ontology of Consent." *Analytic Philosophy* 5 (1): 102-113.
doi.org/10.1111/phib.12035.

Anderson, Ellie. 2019. "Women in Philosophy: The Limits of Consent in Sexual Ethics." *Blog of the APA*. 24 April, 2019. <https://blog.apaonline.org/2019/04/24/women-in-philosophy-the-limits-of-consent-in-sexual-ethics/>.

Angel, Katherine. 2021. *Tomorrow Sex Will be Good Again*. London: Verso.

Basturk, Efe. 2020. "Nancy and the Idea of 'Being-in-common': An Alternative Existentiality for the Subjectivity." *SATS* 21 (1): 61-80. doi.org/10.1515/sats-2019-0011.

BBC News. 2018a. "Germaine Greer rape comments criticised." *BBC*. May 31, 2018.
<https://www.bbc.co.uk/news/uk-44315214>.

———. 2018b. "Sexual consent campaign launched by PSNI." *BBC*. October 3, 2018.
<https://www.bbc.co.uk/news/uk-northern-ireland-45737121>.

Bennett, Jessica, and Daniel Jones. 2018. "We Asked College Students How They Navigate Consent. These Are Their Stories." *New York Times*. May 10, 2018.
<https://www.nytimes.com/interactive/2018/05/10/style/sexual-consent-college-campus.html>.

Bennett, Jessica. 2017. "When saying 'Yes' is easier than saying 'No.'" *New York Times*. December 16, 2017. <https://www.nytimes.com/2017/12/16/sunday-review/when-saying-yes-is-easier-than-saying-no.html>.

- Beres, Melanie A. 2007. "Spontaneous Sexual Consent: An Analysis of Sexual Consent Literature." *Feminism & Psychology* 17 (1): 93-108.
doi.org/10.1177/0959353507072914.
- Bilefsky, Dan, and Elian Peltier. 2017. "France Considers Fines for Catcalls as Women Speak Out on Harassment." *The New York Times*. October 17, 2017.
https://www.nytimes.com/2017/10/17/world/europe/france-harassment-twitter-weinstein.html?_r=0.
- Birnbaum, Debra. 2017. "Alyssa Milano on #MeToo Campaign: 'I Wanted to Take the Focus Off the Predator.'" *Variety*, October 17, 2017. <https://variety.com/2017/biz/news/metoo-alyssa-milano-harvey-weinstein-1202592308/>.
- Bokat-Lindell, Spencer. 2022. "Is the #MeToo Movement Dying?" *New York Times*. June 8, 2022. <https://www.nytimes.com/2022/06/08/opinion/depp-heard-me-too.html>.
- Brockbank, Maddie. 2019. "The Myth of the 'Gray Area' in Rape: Fabricating Ambiguity and Deniability." *Dignity: A Journal of Analysis of Exploitation and Violence* 4 (4): Article 2, 1-17. <https://doi.org/10.23860/dignity.2019.04.04.02>.
- Brockes, Emma. 2018. "#MeToo Founder Tarana Burke: 'You have to use your privilege to serve other people.'" *The Guardian*, January 15, 2018.
<https://www.theguardian.com/world/2018/jan/15/me-too-founder-tarana-burke-women-sexual-assault>.
- Brook. n.d "How to give and get consent." Brook website. n.d. <https://www.brook.org.uk/your-life/how-to-give-and-get-consent/#:~:text=To%20consent%20to%20sexual%20activity,pressure%20to%20say%20'yes'>.

Brooks, Victoria. 2020. "Greer's 'Bad Sex' and the Future of Consent." *Sexuality & Culture* 24: 903-921. doi.org/10.1007/s12119-019-09671-x.

Bunch, Sonny. 2018. "Opinion: Babe's Aziz Ansari piece was a gift to anyone who wants to derail #MeToo." *Washington Post*. January 15, 2018.
<https://www.washingtonpost.com/news/act-four/wp/2018/01/15/babes-aziz-ansari-piece-was-a-gift-to-anyone-who-wants-to-derail-metoo/>.

Cahill, Ann J. 2016. "Unjust Sex vs. Rape." *Hypatia* 31 (4):746-761
 doi.org/10.1111/hypa.12294.

Carlsen, Audrey, Maya Salam, Claire Cain Miller, Denise Lu, Ash Ngu, Jugal K. Patel, and Zach Wichter. 2018. "#MeToo Brought Down 201 Powerful Men. Nearly Half of Their Replacements Are Women." *New York Times*. October 29, 2018.
<https://www.nytimes.com/interactive/2018/10/23/us/metoo-replacements.html>.

CBS News. 2017. "Powerful men confronted as 'Weinstein Effect' goes global." *CBS News*. November 14, 2017. <https://www.cbsnews.com/news/harvey-weinstein-effect-goes-global-powerful-men-confronted/>.

Cooper, Chiara. 2018. "Speaking the Unspeakable? Nicola Lacey's *Unspeakable Subjects* and Consent in the Age of #MeToo." *feminists@law* 8 (2): 1-19.
 doi.org/10.22024/UniKent/03/fal.669.

Cosslett, Rhiannon Lucy. 2021. "The Cat Person debate shows how fiction writers use real life does matter." *Guardian*. July 9, 2021.
<https://www.theguardian.com/books/2021/jul/09/the-cat-person-debate-shows-how-fiction-writers-use-real-life-does-matter>.

Courtney, Lorraine. 2017. "Yes, real life is messy - but there can be no grey areas around the issue of consent." *Independent*. January 26, 2017.

<https://www.independent.ie/opinion/comment/yes-real-life-is-messy-but-there-can-be-no-grey-areas-around-the-issue-of-consent-35398993.html>.

Critchley, Simon. 1998. "With Being-With? Notes on Jean-Luc Nancy's Rewriting of 'Being and Time.'" *Phänomenologische Forschungen* 3 (2): 198-210.
<https://www.jstor.org/stable/24360424>.

Crucianelli, Laura. 2020. "The need to touch." *Aeon*, October 26, 2020.
<https://aeon.co/essays/touch-is-a-language-we-cannot-afford-to-forget>.

Day, Elizabeth. 2019. "S3 BONUS EPISODE How to Fail: Kristen Roupenian." *How to Fail*. February 22, 2019. Podcast. MP3 audio, 49:49.
<https://howtofail.podbean.com/e/how-to-fail-kristen-roupenian/>.

Deroy, Ophelia. 2017. "Why you need to touch your keys to believe they're in your bag." *Aeon*. November 29, 2017. <https://aeon.co/ideas/why-you-need-to-touch-your-keys-to-believe-theyre-in-your-bag>.

Deutscher, Penelope. 2005. "Desiring Touch in Sartre and Beauvoir." In *The Book of Touch*, edited by Constance Classen, 102-105. Oxfordshire: Routledge.

Elo, Mika. 2018. "Light Touches: A Media Aesthetic Mapping of Touch." In *Figures of Touch: Sense, Technics, Body*, edited by Mika Elo and Miika Luoto, 33-57. Helsinki: The Academy of Fine Arts at the University of Helsinki.

Enthoe, Cynthia, and Journal of International Affairs. 2019. "Hypermasculinity and #MeToo: Backlash and Hurdles in Feminist Movements." *Journal of International Affairs* 72 (2): 119-124. <https://www.jstor.org/stable/26760836>.

Fairbairn, A.W. 1972. Review of *The Concept of the Self in the French Enlightenment*, by Jean A. Perkins, *The Modern Language Review*, 67 (2): 415-417.
<https://doi.org/10.2307/3722338>.

Fennell, Emerald, dir. 2020. *Promising Young Woman*. United Kingdom: Warner Home Video, 2021. DVD.

Filipovic, Jill. 2018. "The poorly reported Aziz Ansari exposé was a missed opportunity." *Guardian*. January 16, 2018.
<https://www.theguardian.com/commentisfree/2018/jan/16/aziz-ansari-story-missed-opportunity>.

Fishbein, Rebecca. 2017. "Men are confused about why women are relating so hard to this short story about a bad date." *Bustle*. December 11, 2017. <https://www.bustle.com/p/the-men-react-to-cat-person-twitter-account-is-screenshotting-mens-posts-about-the-short-story-cat-person-in-the-new-yorker-7531850>.

Flanagan, Caitlin. 2018. "The Humiliation of Aziz Ansari." *The Atlantic*. January 15, 2018.
<https://www.theatlantic.com/entertainment/archive/2018/01/the-humiliation-of-aziz-ansari/550541/>.

Framke, Caroline. 2018. "The controversy around Babe.net's Aziz Ansari story, explained." *Vox*. January 18, 2018.
<https://www.vox.com/culture/2018/1/17/16897440/aziz-ansari-allegations-babe-me-too>.

Friedersdorf, Conor. 2018. "How #MeToo can Probe Gray Areas with Less Backlash." *Atlantic*. January 18, 2018.
<https://www.theatlantic.com/entertainment/archive/2018/01/how-metoo-can-probe-gray-areas-with-less-backlash/550559/>.

Gavey, Nicola. 2019. *Just Sex? The Cultural Scaffolding of Rape*. Oxfordshire: Routledge.

- Gilbert, Jen. 2018. "Contesting consent in sex education." *Sex Education* 18 (3): 268-279. doi:10.1080/14681811.2017.1393407.
- Goh, Irving. 2021. "Insistence, or the Force of Jean-Luc Nancy." *Angelaki* 26 (3-4): 17-31. doi:10.1080/0969725X.2021.19368086808.
- Grady, Constance. 2017. "The uproar over the *New Yorker* short story 'Cat Person,' explained." *Vox*. December 12, 2017. <https://www.vox.com/culture/2017/12/12/16762062/cat-person-explained-new-yorker-kristen-roupenian-short-story>.
- Gunnarsson, Lena. 2018. "'Excuse Me, But Are You Raping Me Now?' Discourse and Experience in the (Grey Areas of) Sexual Violence." *Nordic Journal of Feminist and Gender Research* 26 (1): 1-15. doi:10.1080/08038740.2017.1395359.
- Heimberger, Tara. 2022. "Female Rage, Revenge, and Catharsis: The 'Good for Her' Genre Defined in *Promising Young Woman*." Master's thesis. Georgia College University.
- Helmore, Edward. 2019. "#MeToo: after Weinstein and Epstein, an 'unprecedented' wave of books." *Guardian*. September 14, 2019. <https://www.theguardian.com/us-news/2019/sep/13/metoo-the-unprecedented-movement-that-launched-a-wave-of-books>.
- Hermans, Carolien. 2021. "To Touch and Be Touched: Interconnectedness and Participatory Sense-making in Play and Dance Improvisation." *Journal of Dance Education*: 1-12 doi:10.1080/15290824.2020.1836647.
- Hindes, Sophie, and Bianca Fileborn. 2019. "'Girl power gone wrong': #MeToo, Aziz Ansari, and media reporting of (grey area) sexual violence." *Feminist Media Studies* 20 (5): 639-656. doi.org/10.1080/14680777.2019.1606843.

- Horton, Adrian. 2022. "She Said: first trailer for Oscar-tipped Weinstein abuse drama revealed." *Guardian*. July 14, 2022. <https://www.theguardian.com/film/2022/jul/14/she-said-harvey-weinstein-trailer>.
- Howells, Christina. 2009. "Mortal Subjects: Passions of the Soul in Sartre, Derrida and Nancy." *Paragraph* 32 (2): 154-167. doi.org/10.3366/E0264833409000509.
- Howes, David. 2013. "The Expanding Field of Sensory Studies." *Sensory Studies*. August, 2013. <https://www.sensorystudies.org/sensorial-investigations/the-expanding-field-of-sensory-studies/>.
- Humphreys, Terry. 2007. "Perceptions of Sexual Consent: The Impact of Relationship History and Gender." *The Journal of Sex Research* 44 (4): 307-315. doi.org/10.1080/00224490701586706.
- Hurd, Heidi. 1996. "The Moral Magic of Consent." *Legal Theory* 2 (2): 121-146. doi:10.1017/S1352325200000434.
- Hutchens, B.C. 2005. *Jean-Luc Nancy and the Future of Philosophy*. Chesham: Acumen Publishing.
- Johnson, Luke. 2020. "There's No Such Thing as a Cat Person: A Lacanian Approach to the Literary Criticism in Light of #MeToo." *symplokē* 28 (1-2): 241-256. <https://muse.jhu.edu/article/773853>.
- Karlsson, Lena. 2019. "Towards a language of sexual grey zones: feminist collective knowledge building through autobiographical multimedia storytelling." *Feminist Media Studies* 19 (2): 210-244. doi.org/10.1080/14680777.2018.1467944.
- Kearney, Richard. 2020. "Philosophies of Touch: from Aristotle to Phenomenology." *Research in Phenomenology* 50 (3): 300-316. doi.org/10.1163/15691640-12341453.

- Khazan, Olga. 2017. "A Viral Story for the #MeToo Moment." *The Atlantic*. December 11, 2017. <https://www.theatlantic.com/technology/archive/2017/12/a-viral-short-story-for-the-metoo-moment/548009/>.
- Khomami, Nadia. 2017. "#MeToo: how a hashtag became a rallying cry against sexual harassment." *The Guardian*. October 20, 2017. <https://www.theguardian.com/world/2017/oct/20/women-worldwide-use-hashtag-metoo-against-sexual-harassment>.
- Kukla, Rebecca. 2019. "Sex Talks." *Aeon*, February 4, 2019. <https://aeon.co/essays/consent-and-refusal-are-not-the-only-talking-points-in-sex>.
- Kukla, R. Quill. 2021. "A Nonideal Theory of Sexual Consent." *Ethics* 131: 270-292. <https://www.journals.uchicago.edu/doi/pdf/10.1086/711209>.
- LaBore, Kathryn. 2018. "Yes Means Yes But Does It Work?: An Empirical Investigation on the Performance of Affirmative Consent Policies on Hetersexual Assault Scenarios." PhD diss., University of North Dakota.
- Landes, Donald A. 2007. "'Le Toucher' and the 'Corpus' of Tact: Exploring Touch and Technicity with Jacques Derrida and Jean-Luc Nancy." *L'Espirit Créateur* 47 (3): 80-92. www.jstor.org/stable/26289324.
- Levand, Mark A., and Nicolle Zapien. 2019. "Sexual consent as transcendence: A phenomenological understanding." *International Journal of Transpersonal Studies* 38 (1): 154-165. [doi.org/https://doi.org/10.24972/ijts.2019.38.1.154](https://doi.org/10.24972/ijts.2019.38.1.154).
- Librett, Jeffrey S. 2014. "On an Intermittent Subject in Jean-Luc Nancy." *The Prepositional Senses of Jean-Luc Nancy* 42 (2): 36-58. www.jstor.org/stable/43304260.

- Lopes, Filipa Melo. 2020. “‘Half Victim, Half Accomplice’: Cat Person and Narcissism.” *Ergo: An Open Access Journal of Philosophy* 7: 701-729. doi.org/10.3998/ergo.1123.
- Mardorossian, Carine M. 2002. “Towards a new feminist theory of rape.” *Signs: Journal of Women in Culture and Society* 27 (3): 743-775. www.jstor.org/stable/10.1086/337938.
- Matthews, Heidi. 2018. “How do we understand sexual pleasure in this age of ‘consent’?” *Aeon*. March 6, 2018. https://aeon.co/ideas/how-do-we-understand-sexual-pleasure-in-this-age-of-consent.
- Maunder, Clare. 2021. “Self-Silencing: Hermeneutical Injustice & Kristen Roupenian’s ‘Cat Person.’” *Trinity Women & Gender Minority Review* 5 (1): 130-143.
- Metz, Julia, Kristen Myers, and Patricia S. Wallace. 2021. “(Re)Mapping the Grey Area: How Sexual Violence is Normalized in Discussions with University Students.” *Gender and Women’s Studies* 4 (5): 1-16. doi.10.31532/GendWomensStud.4.1.005.
- Miller, Shaun. 2022. “Sexual Autonomy and Sexual Consent.” In *Palgrave Handbook on Sexual Ethics*, edited. by David Boonin, 247-270. London: Palgrave McMillan.
- Naas, Michael. 2001. “In and Out of Touch: Derrida’s ‘Le Toucher.’” *Research in Phenomenology* 31: 258-265. www.jstor.org/stable/24659218.
- Nancy, Jean-Luc. 2000. *Being Singular Plural*. Translated by Robert D. Richardson and Anne E. O’Byrne. Stanford: Stanford University Press.
- . 2013. “The ‘There Is’ of Sexual Relation.” In *Corpus II: Writings on Sexuality*, translated by Anne O’Byrne, 1-22. New York: Fordham University Press.
- . 2017. *Sexistence*. Translated by Steven Miller. (New York: Fordham University Press).

Nancy, Jean-Luc, and Irving Goh. 2021. *The Deconstruction of Sex*. Durham, North Carolina: Duke University Press.

Nicholls, Tracey. 2021. *Dismantling Rape Culture: The Peacebuilding Power of “Me Too”*. Abingdon: Routledge.

No Grey Zone. “End Rape and Sexual Assault”. No Grey Zone website. n.d.
<https://nogreyzone.com/>.

North, Anna. 2018. “The Aziz Ansari story is ordinary. That’s why we have to talk about it.” *Vox*. January 16, 2018.
<https://www.vox.com/identities/2018/1/16/16894722/aziz-ansari-grace-babe-me-too>.

Nowicki, Alexis. 2021. “‘Cat Person’ and Me.” *Slate*. July 8, 2021. <https://slate.com/human-interest/2021/07/cat-person-kristen-roupenian-viral-story-about-me.html>.

NPR Radio. 2018. “The Fine Line Between a Bad Date and Sexual Assault: 2 Views on Aziz Ansari.” *NPR*. January 16, 2018. <https://www.npr.org/2018/01/16/578422491/the-fine-line-between-a-bad-date-and-sexual-assault-two-views-on-aziz-ansari>.

O’Boyd, Anne. 2012. “Nancy’s Materialist Ontology.” In *Jean-Luc Nancy and Plural Thinking*, edited by Peter Gratton and Marie-Eve Morin, 79-93. New York: State University of New York Press.

Parker, Sam, and Abi Wilkinson. 2017. “‘Cat Person’: A Male And Female Take On The Most Talked About Short Story Of 2017.” *Esquire*. December 12, 2017.
<https://www.esquire.com/uk/culture/a14414351/cat-person-a-male-and-female-take-on-the-most-talked-about-short-story-of-2017/>.

Pascoe, Jordan. 2022. “‘Respect Women’: Thinking Beyond Consent after #MeToo.” In *Palgrave Handbook on Sexual Ethics*, edited by David Boonin, 325-338. London: Palgrave McMillan.

Paterson, Mark. 2007. *The Senses of Touch: Haptics, Affects and Technologies*. Oxfordshire: Routledge.

———. 2012. *Touching Space Placing Touch*. Edited by Mark Paterson and Martin Dodge. Surrey: Ashgate Publishing Limited.

Popova, Milena. 2019. *Sexual Consent*. London: The MIT Press

Pouliquen, Gwénaél, and Pierre Testard. 2021. “Interview with Jean-Luc Nancy.” *The White Review*. September. <https://www.thewhitereview.org/feature/interview-with-jean-luc-nancy/>.

Raffoul, François. 2014. Review of *Jean-Luc Nancy and the Thinking of Otherness: Philosophy and Powers of Existence*, by Daniele Rugo, *Notre Dame Philosophical Reviews*. 4 June, 2014. <https://ndpr.nd.edu/reviews/jean-luc-nancy-and-the-thinking-of-otherness-philosophy-and-powers-of-existence/>.

Richardson, Bradford. 2018. “‘MeToo’ has gone too far with Aziz Ansari accusation, feminists say.” *Washington Times*. January 18, 2018. <https://www.washingtontimes.com/news/2018/jan/18/metoo-has-gone-too-far-with-aziz-ansari-accusation/>.

Roupenian, Kristen. 2019. “Cat Person.” *You Know You Want This*. London: Penguin Random House.

Salmon, Peter. 2021. “Jean-Luc Nancy and the Myth of the Individual.” *IAI*. September 2, 2021. <https://iai.tv/articles/jean-luc-nancy-and-the-myth-of-the-individual-auid-1877>.

Sehgal, Parul. 2021. "Yes, No, Maybe So: A Generation of Thinkers Grapples with Notions of Consent." *New York Times*. June 21, 2021.

<https://www.nytimes.com/2021/06/21/books/literature-about-consent.html>.

Shildrick, Magrit. 1999. "This Body Which is Not One: Dealing with Differences." *Body & Society* 5 (2-3): 77-92. doi:10.1177/1357034X99005002005.

Sikka, Tina. 2021. "What to do about #MeToo? Consent, autonomy, and restorative justice: A case study." *Sexuality, Gender & Policy* 4: 24-37. doi.org/10.1002/sgp2.12027.

Sini, Rozina. 2017. "The short story people are talking about." *BBC*. December 1, 2017.

<https://www.bbc.co.uk/news/blogs-trending-42307714>.

Smith, Erika W. 2019. "What Do We Mean By Grey Rape?" *Refinery29*. October 4, 2019.

<https://www.refinery29.com/en-us/2019/10/8515346/what-is-grey-rape-consent>.

Stepp, Laura Sessions. 2007. "A New Kind of Date Rape." *Cosmopolitan*. 11 September, 2007.

<https://www.cosmopolitan.com/sex-love/advice/a1912/new-kind-of-date-rape/>.

Tambe, Ashwini. 2018. "Reckoning with the Silences of #MeToo." *Feminist Studies* 44 (1): 197-203.

www.jstor.org/stable/10.15767/feministstudies.44.1.0197#metadata_info_tab_contents.

Thames Valley Police. 2015. "Tea and Consent." Thames Valley Police. Published on November

16, 2015. *Youtube* video. 2:49. <https://www.youtube.com/watch?v=pZwvrXVavnQ>.

UN Women. 2019. "When it comes to consent, there are no blurred lines." *UN Women*.

November 18, 2019. <https://www.unwomen.org/en/news/stories/2019/11/feature-consent-no-blurred-lines>.

- Wahrman, Dror. 2004. *The Making of the Modern Self: Identity and Culture in Eighteenth-Century England*. New Haven: Yale University Press.
- Walsh, Kerry, and Terry Murphy. 2019. "Irresolute Endings and Rhetorical Poetics: Readers Respond to Roupenian's 'Cat Person.'" *Style* 53 (1): 88-104.
doi.org/10.5325/style.53.1.0088.
- Watkin, Christopher. 2013. Review of *Jean-Luc Nancy*, by Marie-Eve Morin. *Notre Dame Philosophical Review*. June 31, 2013. <https://ndpr.nd.edu/reviews/jean-luc-nancy/>.
- Way, Katie. 2018. "I went on a date with Aziz Ansari. It turned into the worst night of my life." *Babe*. n.d, 2018. <https://babe.net/2018/01/13/aziz-ansari-28355>.
- Weiss, Bari. 2018. "Aziz Ansari Is Guilty. Of Not Being a Mind Reader." *The New York Times*. January 15, 2018. <https://www.nytimes.com/2018/01/15/opinion/aziz-ansari-babe-sexual-harassment.html>.
- West, Robin. 2017. "Consensual Sexual Dysphoria: A Challenge for Campus Life." *Journal of Legal Education* 66 (4): 804-821.
- Williams, Janice. 2017. "Harvey Weinstein Accusers: Over 80 Women Now Claim Producer Sexually Assaulted or Harassed Them." *Newsweek*. October 30, 2017.
<https://www.newsweek.com/harvey-weinstein-accusers-sexual-assault-harassment-696485>.
- Woodard, Elise. 2022. "Bad Sex and Consent." In *Palgrave Handbook on Sexual Ethics*, edited by David Boonin, 301-324. London: Palgrave McMillan.
- Worthington, Nancy. 2020. "Celebrity bashing or #MeToo contribution? New York Times Online readers debate the boundaries of hashtag feminism." *The Communication Review* 23 (1): 46-65. doi: 10.1080/10714421.2019.1704110.

Zacharek, Stephanie, Eliana Dockterman, and Haley Sweetland Edwards. 2017. "The Silence Breakers." *TIME*. 18 December, 2017. <https://time.com/time-person-of-the-year-2017-silence-breakers/>.