

Consent

Sample syllabus for a special topics graduate-level seminar. This course could also be modified as an upper-level undergraduate special topics course by reducing the amount and difficulty of the texts.

Course Rationale

Though often taken for granted, consent, or the indication of freely given affirmation, has not always been thought of as an adequate grounding for political legitimacy or for ethical social relationships. Throughout history, consent has been seen as at once contributing to radical political instability and as leading to violent exclusions from civic life. This is because, as an act of communication, consent is inherently ambiguous and often times misunderstood. This graduate seminar will be devoted to understanding the role of consent in modern life. The class will first explore the historical development of consent as a coherent concept within liberalism, tracing its evolution from classical Greek and Roman theories of rhetoric to its instantiation as the basis for the modern contract. Next, the class will look at consent as ideology and trace its impact on racialization, law, and politics in the United States. The second half of the class will extend these inquiries into the ideologies proffered by consent to how they influence and are influenced by its mediation. We will examine how consent is communicated through a variety of organic and inorganic mediums such as voice, code, and paper in order to further study the evolution of consent throughout time. Last, we will examine communicative, political, and cultural problems emerging from the dominance of consent in our ideations of politics and ethics by reading feminist, critical race, and Indigenous critiques of consent. The end goal of the class is to not only problematize the communicative and political dimensions of consent but also to work towards thinking of alternate ways of founding an ethics of communication.

Assignments:

60%.....Final essay due on the last day of class. This should be around 15-20 pages. This should be an original project that is engaged with course material as well as your own project.

20%.....Attendance and participation.

20%.....Weekly precis. Every week, pick one text and write a precis on it.

Historical Development of Consent(s)

Week 1: Classical Theories of Consent

- Sections from Aristotle, *Politics*
- Sections from Cicero, *De Inventione*, *De Officiis*, *De Oratore*, and *De Legibus*
- Daniel Lee, *Popular Sovereignty in Early Modern Constitutional Thought*, Ch. 2

Week 2: Development of Social Contract Doctrine

- Ian Maclean, *Interpretation and Meaning in the Renaissance: The Case of Law*, Ch. 2-3
- Hugo Grotius, *De Jure Belli*, Book I, ch. 1 and 4; Book II, chs 1-16

- Max Weber, sections from *Economy & Society*

Week 3: Dueling Theories of Consent

- Sections from Thomas Hobbes, *Leviathan*
- John Milton, *Tenure of Kings and Magistrates*
- Victoria Kahn, *Wayward Contracts*, chapters 5 & 6

Week 4: Liberal Consent

- John Locke, *Treatise I & II*

Week 5: Dueling Consents 2.0: Rousseau and Herder

- Jean-Jacques Rousseau, *Social Contract*
- Sections from Johann Gottfried Herder, *Werke*

Consent and Contract in/as Ideology

Week 6: Contract Doctrine in Anglo-European Law

- Pamela Haag, *Consent: Sexual Rights and the Transformation of American Liberalism*
- Saidiya Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America*, ch. 3

Week 7: Contract Doctrine in Anglo-European Politics

- Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation*

The Contract and the Mediation of Consent

Week 7: Paper

- Ben Kafka, *The Demon of Writing: The Powers and Failures of Paperwork*
- Richard Cullen Rath, "Hearing Wampum: The Senses, Mediation, and the Limits of Analogy," in *Colonial Mediascapes: Sensory Worlds of the Early Americas*

Week 8: Voice

- Eric King Watts, "Voice and voicelessness in rhetorical studies" *QJS* 87.2 (2001)
- Carla Mazzio, *The Inarticulate Renaissance: Language Trouble in an Age of Eloquence*.

Week 9: Digital

- Benjamin Bratton, *The Stack: On Software and Sovereignty*

Week 10: Body

- Gilberto Rosas, *Barrio Libre: Criminalizing States and Delinquent Refusals in the New Frontier*.

Week 11: Eye

- Ariella Azoulay, *The Civil Contract of Photography*

Consent and its Discontents

Week 12: Agency: Sex

- Andrea Dworkin, *Intercourse*
- Encouraged readings → Read some of the rhetorical agency scholarship: Karlyn Kohrs Campbell, “Agency: Promiscuous and Protean,” *CCCS* 2.1 (2005): 1-19; Cheryl Geisler, “How Ought We to Understand the Concept of Rhetorical Agency?” *RSQ* 34.3 (2004); Chris Lundberg and Josh Gunn, “Ouija Board, Are There Any Communications?” Agency, Ontotheology, and the Death of the Humanist Subject,” *RSQ* 35.4 (2005).

Week 13: Agency: Sovereignty and Infrastructure

- Keller Easterling, *Extrastatecraft: The Power of Infrastructure Space*

Week 14: Refusal

- Sections from Fred Moten’s trilogy, *consent not to be a single being*

Week 15: Refusal

- Audra Simpson, *Mohawk Interruptus: Political Life Across the Borders of Settler States*

Week 16: What is beyond consent?