

### Automated consent: critiques, creolizations and speculations

The drop-in computer class at the community centre is busy on Monday afternoons in this municipality near Vancouver, British Columbia. About thirty people are sitting around long tables amidst laptops, phones, note pads, pens, knapsacks, and cups of coffee. They're busy with a range of online activities: retrieving an email account; filling in government forms for pensions, childcare benefits and bus passes; watching the news, applying for jobs. Anton<sup>1</sup>, a current affairs buff, is in his usual spot, headphones on, catching up on the news on his favourite YouTube channel. Without Internet or TV at home he looks forward to Mondays. Suzanne (author XX) heads over for their usual chat. Today it's about the weather, hot, dry, so little rain, the air already smoky with wildfires. There's an awkward pause. Anton brings out a consent form for the study that she had given him a few weeks before. "I signed it" he says. Suzanne thanks him, "Did you have any questions?" "No, I don't think so, well, just, what is a server? When it says the data you collect will be stored on a secure server"?

Sina, another regular visitor to the computer café, is looking for a job on the online recruitment site *Indeed.com*. Gwen (Author XX) is sitting next to her. They have found a promising job posting, a clerk for a local health care agency that we will call LHA. When Sina clicks on the posting a long job description appears and then the "Apply Now" button. Another page, and a data field asking for Sina's email address, accompanied by a privacy notice explaining the data the LHA collects, how they use it, share it and protect

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<sup>1</sup> These names are pseudonyms.

it, along with a link to the privacy legislation in BC. Sina barely reads the privacy notice. The language is full of jargon and who has the time? She must apply for the job regardless of what happens to her data. Applying for the job *is* her consent.

## Introduction

We have drawn these stories of people's experiences with computers in a drop-in class that we call the "computer café" where we are doing research into how automation is structuring consent for people, both in our (online) research ethics and consent protocols, as well as in the 'click and continue' consent logics of automated platforms<sup>2</sup>.

In this chapter, we examine how consent – both in our research ethics protocol and on online platforms – inherit sociopolitical relations. We ask: What would happen to our research consent form, and to the online consent protocols, if consent was used in its etymological sense, as to feel-with, to be in relation, a felt sense? This question implies a critique of automation, and of consent, but also a creative exploration and speculation for what else is possible. We have organized this chapter according to this three-move method, first proposed by Denise de Ferreira Da Silva (2022). Da Silva argues that critique is essential for analysing onto-epistemological logics at play and the consequent appeals to necessity they produce. Creative exploration consists in investigating novel solutions to given problems that appeal to different modes of performing,

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<sup>2</sup> By automation, we refer to technologies that are designed to reduce human intervention to a minimum (Allied Media, 2018). These technologies are mostly hosted on service platforms such as *Indeed.com*, *Services Canada*, and *Gmail*. People enter data, but interact very little with humans. Increasingly, these technologies are also mobilized by algorithms that take the place of humans in making decisions about this data.

relating or intervening. Finally, speculation disrupts current spatio-temporal logics of consent, exploring counter-factuals and pursuing their implications.

Following this method, in the first section we draw out by way of critique the mutual entanglement of consent in colonial logics of personhood, extraction, and dataism, attending to how these play out in the digital encounters in the café and in our work in the academy.

In the second section, we think with Caribbean philosopher Edouard Glissant's (1997) concept of opacity to engage con-sent as feeling-with: uncertain, contingent, stretching time and space. We consider how this feeling-with is creatively practiced as *relation* among communities that are generating different spatio-temporal possibilities to that of Western logics (Boivin et al, 2019; Corbett, 2023; Lewis et al, 2018; Maynard and Simpson, 2022; Tuck & Yang, 2014).

In our third section, we engage this speculative project, re-imagining the automated logics of the research consent process in our institution. As de Freitas et al. (2021) argue, "actually experimenting" (p. 501) with alternate spatio-temporalities open new understandings of relational flows and possibilities.

We begin by describing in more detail the computer café as a context for our study and a generative space for re-thinking consent.

#### *The computer café*

Our research team began our work with computer café in 2020 with the goals to explore people's everyday encounters with automated platforms. Interest in the computer café has flourished since the COVID-19 pandemic, when many essential services moved online and have yet to return to in-person modes. This provided the impetus for a partnership with our Faculty to explore the new literacies and pedagogies of this automated ecosystem.

Apart from the public library, for many café-goers, the café is their only secure internet connection. At least two members of our team attend the café each week, working alongside volunteer tutors, community members, and the computer café coordinator in a spirit of collaborative problem solving, as people negotiate complex and opaque verification, consent and data entry protocols. None of us are computer experts; we rely on collective knowledge and the plurilingual skills of tutors and participants when people get frustrated, become bogged down, or locked out of site and services.

As White, middle class, cis-gender scholars with different subjectivities and experiences of online encounters than the café goers, we recognize that social inequalities and online inequalities are entangled, not because people are lacking in digital literacy skills, but because, as Dixon-Román et al. (2020) argue, automation and algorithms “inherit sociopolitical relations of society through data” (p. 239). We are keenly aware of the paradox of our project, asking people for their consent to collect data about the problematics of data extraction. We thus decided at the outset of our study that we would not make audio or video recordings, nor would we interview café goers about their lives and relationships with computers. Our ‘data collection’ took the form of generating with café goers stories of ‘encounters’ with automation; those that felt intuitive and pleasurable, tedious and alienating, frustrating and hopeful. We waited to collect such data until we had gotten to know the café goers<sup>3</sup>, and time for trust had developed. This rubs against our research protocol because we should not engage with participants until we have obtained consent, but as Maynard and Simpson (2022) ask, what kind of consent is possible without a relationship of trust?

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<sup>3</sup> In fact, this cannot be true: by virtue of being in the café, of affecting and being affected by the goings-on at the café—the frustration, fear and also delight and thankfulness—we as researchers are imprinted. Something—a trace, a memory, a feeling—persists beyond the then and there. But it is not something that can be stored in the cloud or replicated or captured.

As we described in the first of our opening stories, when we bring out our research consent form, carefully written in “clear language” for café goers, or conveyed orally, there is a rupture in the flow of conversation. Furrowed brows study the text or strive to follow our oral adaptation. We feel awkward. They feel awkward. For many, signatures on contracts on forms raise alarms, “Will the government in my country find out what I am doing here?”; “Will I get in trouble?”; “Am I supposed to know what it means for my data to be stored on a secure server?”; “I want to help with this research, but I don’t want to sign my name”. The text is long, in the interest of “fully informing” potential participants, listing all the eventualities, risks and mitigations with respect to research participation and data privacy. If the form must be so long, shouldn’t café goers be wary? They may sign the form, just as they may click through terms of use agreements online, but are they knowingly giving consent? Or are they not giving consent even though consent is being received? Or are they saying they trust us because they sign it, even though they are not entirely sure what will happen in the study, and neither are we?

The fears and doubts that café-goers express speak to an uneasy sense of ubiquitous surveillance (Gangadharan, 2015); that in the mysterious workings of the Internet, a signed research consent form, an online job application, traces of the countless online encounters they experience each day, might find their way into the security apparatus and decision-making machines of local authorities and far-flung repressive regimes alike. It is this felt sense of ubiquitous surveillance, perceived or actual, that further destabilizes assumptions that the academic institution is a place that can be trusted.

**Critique: Personhood, racialized logics of extraction, dataism.**

*Personhood*

The uncertainties surfacing in the computer café paradoxically arise in a context for research consent practiced in the academia that still owes much to Lockean post-Enlightenment thinking in which the determining power of *Understanding*, what it means to know, is to be *certain* (Da Silva, 2022, p. 117). Knowing is also a condition of what it has come to mean to be a person in Western law and ethics. According to feminist sociologist Imani Perry (2018), Lockean personhood is defined in legal and philosophical terms as a class of people able to enter into contracts (White Men, property owners), and to understand, or to perceive the causalities of these undertakings (Reason, literacy).

As Charlotte Kent (2023) elaborates in her essay on personhood and Artificial Intelligence, this Enlightenment-era Person was never meant to include all humans: “colonized and racialized people have historically been excluded from the category ‘human’. The question of who gets to be a person remains fraught” (p. 7). Even as narrow terms of personhood have expanded with legalistic concepts of the person, “the status of [this] legal person has always been structurally distinct from the fact of being a human being” (p. 22). In other words, the person who actually signs a consent form or clicks a button, is not the ‘same’ human being wondering what data servers might be, or what might happen to them if they sign.

What forms do these colonial logics take when they are mobilized in online platforms?

As Elinor Carmi (2018) has shown, efforts on the part of the European Union, the United Nations and other legislative bodies to create certainty and standards for consent online fail because they evoke the Western Person of Reason in which people are assumed to have “all the information and facts available to them”. Consent, according the European Union, is that which

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is 'freely given', 'specific', 'explicit' and 'informed' (Carmi, 2018, para. 5). "But", as Carmi continues, "[i]n an online context, to make an informed decision people need to know first how the online ecosystem works", and few, including those who design platforms can lay claim to such understanding (Carmi, 2018, para. 6). "To assume that a decision can, in the words of EU legislation be "freely given" and "informed", is misguided and simply wrong" (para. 6).

#### *The racial logics of extraction*

Keeping with Western logics of consent and of the impetus for research more generally, Tuck and Yang (2014) make the compelling observation that even when attuned to ethics of relevance and mutual benefit, academic research is often directed at Black, Indigenous and other 'marginalized populations' who are deemed to have problems, or to *be* problems that can be solved with more knowledge, more data:

[M]ost research rhetoric waxes the poetics of empire: to discover, to chart new terrain, to seek new frontiers, to explore, and so on. The academy's unrelenting need to produce "original research" is what makes the inquiry an invading structure, not an event. Social science hunts for new objects of study, and its favored reaping grounds are Native, urban, poor, and Othered communities. p. 813

A similar circular *logic of necessity* of racialized extraction animates Da Silva's (2022) *Unpayable Debt*, a project "designed to crack the circuitry, to expose, to crack open the racial dialectic and describe how it exposes the liberal political architecture in its complexity" (p. 14). Drawing inspiration from the sub-prime mortgage scandal that precipitated the global economic crisis of 2007-2008, Da Silva asks how it is that Latinx and Black communities were targeted as ideal candidates for sub-prime mortgage loans precisely because they were likely unable to repay them, and then when the inevitable defaults occurred, these same communities were blamed for having caused the economic crisis. Da Silva exposes the racial dialectic of this circuitry in the

liberal architecture of the post-Enlightenment and its expression in what she calls the onto-epistemological pillars of sequentiality, determinacy and separability, by which coloniality, capitalist extraction, and racial exploitation are made to be necessary. Our study is not nearly so ambitious<sup>4</sup>, but thinking through this circuitry allows us to recognize—and also re-think—the data logics of our research process, as well as our research site. For example, separateness allows us to isolate the café goer as marginalized, needing help, unable to understand on-line consent; determinacy allows us to talk about how their situation is caused by being poor or lacking language skills; sequentiality allows us to play along with the theory of change mentioned in the Tuck and Wang quote, according to which explorations lead to step-by-step progression towards improvement.

These onto-epistemological pillars are at work in our consent forms as well: being *fully* informed *before* signing the consent form is for the ERB and other institutions seen as a prerequisite for any research.

#### *Dataism*

Academic consent operates on the premise that data can and should be extracted *from and about* human and nonhuman life, a warrant activated by the signature on the form. Canada's Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans (TCPS 2) (2018) acknowledges that there is a “difficult course between the two main goals of providing the necessary protection of participants and serving the legitimate requirements of research” (Chapter 1, Article 1.1 para 15). Data is necessary. The word *data*, etymologically, means “that which is given” (etymonline, 2023). But ‘to give’, in the post-Enlightenment onto-epistemology,

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<sup>4</sup> Indeed, we draw primarily on da Silva's critique of post-European thought and the images of existence it makes possible. Her critique aims to expose the way raciality is essential to the accumulation of capital because it facilitates the expropriation of labour.



comes hand-in-hand with ‘to take’ and once the relation is severed—temporally and spatially—between giving and taking, ‘to take’ becomes extractive. But only certain kinds of things can be extracted: the separable and determinate. Little and Winch (2021) also liken the desire for data to that of “seeking new frontiers”, and refer to such desires as dataism:

Implicit within [dataism] is the belief that, with enough information, context can be flattened out and all information can become comparable and all decisions made objectively. But data is not neutral – it is always an applied form of knowledge that has been gathered (i.e. removed from context) and organised in specific ways. So, data is radically decontextualized knowledge; and it is also constantly being recontextualised in the service of finding solutions to problems. (p. 49)

In the second story that opens this chapter, we sense how Sina ‘consents’ to become data the moment she clicks on the job application form, now a problem to be solved, flattened into an algorithmic flow in which she is decomposed as photons, bits of data, and recomposed as a potential worker, streamed into a file of ‘top’ results or disappearing from view.

Within these logics of dataism, data are considered essential for the smooth running of society, government and corporate affairs alike<sup>5</sup>. As Van Dijck (2014) argues, thanks to the data flows made possible by the Cloud, once disparate institutions of government, academia and corporations now co-mingle and cooperate in the quest for data. We have noticed this in our everyday work at our institution which hosts an expanding list of private companies offering “Software as a Service”: *Kuali*, which structures and monitors the ethics protocol as work flow, *eTracs*, which keeps track of our teaching loads, our moves through the tenure ranks, and even

<sup>5</sup> Data has also been essential to surfacing inequities. For scholars such as da Silva (2022), however, data reifies the post-Enlightenment onto-epistemological pillars. She might ask how changing the questions (are certain groups of people represented? Are they getting paid the same?) might in turn obscure the need for data (how do settlers pay their debts for the land they occupy?).

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automatically generates our recommendation letters, and the full suite of Microsoft 365 applications, including *One Drive* for data storage, replacing our in-house secure server, *Teams* for project collaboration, and so on.

This platforming of university labour means we are generating for these services data about our data generation, while the spatio-temporalities of our study ethics (when things will happen, when we will report, and so on) are choreographed by Quali's ultra-discrete grammars of thought. The convergence of digital platforms produces the spatio-temporalities of our consent form where we promise people that data will be stored on a secure server hosted by our university during a certain amount of time. Yet our university acknowledges that we can never quite be sure of where data is as it moves from one platform to the next<sup>6</sup>.

We are not suggesting that our research data is not secure, but with Carmi (2018), Little & Winch, Van Dijck (2014) and others, we call attention to the missing link between the necessity of data, abstracted, universalized, separated, determined, and the opacity and uncertainty of everyday research work and settings that produce and are being produced as solutions to problems—a logic that dominates this era of dataism.

### **Creative Explorations: Different ontologies of consent**

As we think through the socio-politics of certainty and the Western occlusions of who and what can be a knowing, consenting, “person”, we seek alternatives to this colonial logic. For example, Glissant's (1997) notion of opacity posits the indeterminacy of life and knowing, which would trouble the assumptions made by transactional consent that, for instance, future risks can

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<sup>6</sup> Even though SaaS platforms are approved under BC's provincial privacy legislation known as FIPPA, the focus of this approval is “personal information, not overall data security [and] does not address issues arising out of where our *software* comes from” (para. 5) or where data may be as it moves across platforms. “SaaS locates the software *and* the data in the cloud meaning that the provider cannot be arm's length from the data” (SFU Office of Research Ethics 2022, para. 5).

be anticipated and that consent is something that belongs to an individual person and can therefore be given.

Glissant's emphasis on opacity is part of his larger archipelagic thinking. For Glissant, the Caribbean archipelago is not only a geographic location, or a moment of contact between the old and new worlds, but also as a centre without a centre, a dispersion of islands, of intentions and extensions, of relations, folds of futures and pasts, of becomings:

What took place in the Caribbean, which could be summed up in the word creolization, approximates the idea of Relation for us as nearly as possible. It is not merely an encounter, a shock (in Segalen's sense), a 'métissage' but a new and original dimension allowing each person to be there and elsewhere, rooted and open, lost in the mountains and free beneath the sea, in harmony and in errantry. (p. 34)

This "poetics of relations" reconfigures the abyss, the Middle Passage, as a place of opacity, referring "both to the knowable and the unknowable of the past and those ways in which they are folded into the present [...] opacity, by way of Relation, also opens upon a future without closure" (Glissant, 1997, p. 17). Glissant thus points to the opacity in any relation and is critical of claims to universalism, namely, according to Davis (2020), "a 'transparent' one—one in which there is a desire to know, comprehend, grasp, and enclose ways of life alternative to a globalized Western standard" (p. 15).

Similarly, da Silva's (2022) re-composing of Glissant's opacity into refusal challenges the assumption of the "transparent I", inherited from post-Enlightenment philosophy, and invites attention to the indeterminacy of existence. Without the transparent I, who has full autonomy around will and desire, what does it mean to *give* consent? She draws on the quantic and the fractal to mobilise ideas of a non-intact, non-transparent I whose consent necessarily folds in the past and the future, as well as the actual and the virtual.

Resistance, refusal, and generative ontologies of consent are found, not surprisingly, among racialized, Indigenous and otherwise marked communities designated as ‘problems’, resisting enclosures and the logics of extraction. Strategies have emerged within communities that feel they have been over-coded, simultaneously hyper-surveilled and invisible, and in which the word “research” has become a dirty one (Tuhawai Smith, 1999, p. 1; Tuck and Yang, 2014). According to Tuck and Yang (2014), such pushback raises questions such as: who gets to know, what knowledge is desirable? Who profits from the research? Who gives something away? Who is empowered?

Tuck (2009) invites us to transition from extractive, “damage-centered” research to a different research of *desire*. Far from being only semantic, this shift is firstly an affective one concerned with complexity, multiplicity and opacity of lived lives. As Tuck (2009) writes, “Desire is about longing, about a present that is enriched by both the past and the future. It is integral to our humanness” (p. 417), involving not only persons in this framework, including both researcher and researched, but also human and nonhuman collectives and communities, in a shared past, present, but also future.

Shifting to this perspective involves another conception of relation between researcher and participants, extending beyond the signature of the consent form. For example, in British Columbia, Canada, those in an “over-researched” community, the Downton Eastside, wrote a manifesto explaining what they expect from researchers who engage with them.

This project, “Research 101: A Manifesto for Ethical Research in the Downtown Eastside” (Boivin, et al, 2018) not only resists several of the logics already evoked above but also articulates an otherwise view of inquiry. Community members refer to the manifesto as an expression of “community ethics” defined as “a set of principles to guide behavior, based in lived

experience, acknowledging the interconnectedness of our humanity, fostering relationships of respect, responsibility, reciprocity, and return” (Boivin et al, 2018, p. 2).

Importantly, they animate “empowered informed consent” as a regenerative, ongoing research that requires researchers to know who they are as people rather than as an abstracted

Person:

In the relationship between researchers and research ‘subjects’, we feel that the questions need to go both ways. If we can get to know you a bit beyond your identity as a researcher, that can also help make research feel less disconnected, and the whole experience feel more human. Oftentimes research can feel cold, impersonal, and dehumanizing – we want to try and make research a more human and equal exchange between people. (p. 5)

In keeping with this generative, relational ontology, Simpson (in Maynard and Simpson, 2022) proposes a consent ontology that is enmeshed in ongoing pasts, presents and futures of relations of people, nations, forests, air, water, soil, canoes and the mutual responsibilities they have for another: “consent in this context is about whether you trust someone to uphold the responsibilities to the reciprocal relationships within which life is enmeshed” (p. 145).

Working through the example of two canoes—one which she has bought at the store and made of Kevlar, and another made from local materials with Indigenous knowledge—Simpson compares the different forms of ownership at play for each canoe, writing that while the former canoe belongs to her, the latter canoe has a much broader net of belonging, which would have implications on how she would experience the ‘theft’ of each canoe. In the case of a community member who took the latter canoe, she would trust that they were upholding their responsibilities—she would consent to their taking the canoe not because they asked her, or signed a form, but because the canoe isn’t exclusively hers in the first place.

Although the context of consent is different in the cases we are concerned within this chapter, Simpson’s thinking about consent draws attention to how any conception of consent

relates to relationships of the human and nonhuman; the canoe is not an object to be sold or traded, not property, but a relation, kin, folded into mutual reciprocity and responsibilities.

Transposed to our context<sup>7</sup>, we might similarly ask questions about who data belongs to (what is mine to ‘give away’ or to take?) and, therefore, how the reciprocal responsibility for the giving and taking of data is distributed in acts of consent. Additionally, Simpson doesn’t need to know why her canoe was taken—there’s no logic of necessity at work (they took it because there was an emergency)—which leaves time/space for opacity.

These conceptions of relationalities, supported by the creolization of Glissant and by Indigenous epistemologies lead us to think consent, not in terms of possession but in terms of relationalities and of unpredictable, sometimes opaque, reciprocal and respons-able unfoldings.

### **Speculative con-sent: spatio-temporal interventions**

So far, we have mapped out some spatio-temporal assumptions of consent. Here, we engage in our own speculative thinking about con-sent, where we intentionally deform and recompose these assumptions. We do so by working closely with diagrams, which insist on making relations visible, and therefore surfacing images of thought at play. This in turns enables the creation of counterfactuals (or, more specifically, counterdraws) that are then made available to the kind of what-if thinking that is speculation.

We begin first with our own research consent process, asking what are its existing spatio-temporalities? Figure 1 depicts the consent process as part of our University ethics process,

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<sup>7</sup> There are many ways in which Simpson’s example cannot be transposed: she is talking about canoes and her Indigenous community while we are talking about data collected by researchers or by online vendors. That said, it is Simpson’s thinking about consent in her context that exposes for us assumptions about consent in our own, enabling us to ask questions—and think of alternatives—that we might not otherwise have asked.

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sequenced in the Kualii platform we described above. The dashed lines are things that happen in the institution—and not in the space of the study (or with participants)—which is therefore separated from the study (and not included in the first is the yearly monitoring that goes on). The tick marks show hard temporal breaks of discrete time (cutting the before from the after).

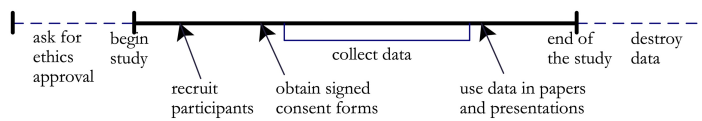


Figure 1: Current research process

In the next diagram (Figure 2), we recompose the spatio-temporal relations. There is no space “outside” the study—no institutional space. There are no tick marks that are governed by scientific time. Instead, there are singularities (the circles) that are moments/places when questions are formulated that require joint agreements about what is going to happen, when and to whom, as well as when/where the intentional data creation ends. There are then the intentional data creations and also the non-intentional ones, which can never be planned or destroyed. There is no space devoted solely to institutional access or monitoring—though agreements could certainly involve institutional guidelines, values and currently effective practices *for the kind of research at hand* (rather than for an abstract, universal idea of research).

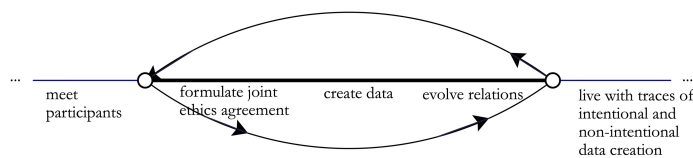


Figure 2: Con-sent as making space

Though evocative of other spatio-temporal possibilities, even this diagram sticks closely to the fixedness of space and time: the idea that space is a container in which things happen, that space and time are independent of each other and of humans, and that time is linear and uni-directional. These spatial imaginaries are the ones that frame our current consent processes, that enable an anticipatory ethics in which the research (its settings, participants, tools) can be predicted and contained in advance, and the only variable will be the data. The diagram in Figure 3 depicts well these spatial imaginaries:

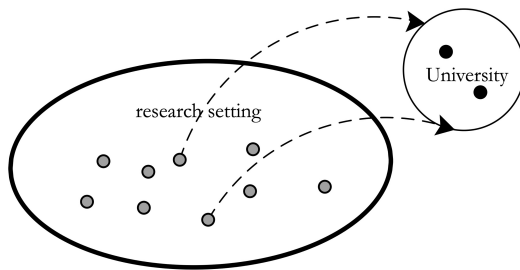


Figure 3: Gray dots are participants (individuals) inside a given setting; black dots are researchers inside their given settings

Once configured as given and known, the setting cannot itself be transformed through events; the participants are fixed—and rooted to continents, in the image offered by Glissant (1997) — according to their properties (they attend the café; they need help; they can provide consent). All the conditions are set for extraction. But more: what is extracted is worlds apart from any accounting of what happened, when and where, and how.



Rather than taking space as fixed, as the container for action, if we take space to be produced through action, as Glissant would have it, then it cannot be (fully) circumscribed ahead of time. Rather than take people as individual, sovereign entities having fixed predicates (gender, technicity, class, language ability), if we see them in constant individuating, where any particular individuation is produced through a singular spatio-temporal cut (what time of the day, what question they were asked, how hungry they might be, how hot it is in the room, etc.), then they cannot be gray dots located in fixed space. Further, given the implication of the researcher in that spatio-temporal cut, *the data cannot actually be plucked so neatly* and then jettisoned from one space to another.

In the image shown in Figure 4, people are taken as events (the two different waves form on the left) that, when brought together (in the third wave form on the right), produce effects that cannot be separated from each individual and that produce new spaces that may exceed the ones already carved out. There is not fixed 'there' or pre-given identity. This isn't a spatial imaginary of consent (or ethics), but a spatial imaginary that can bring about new ways of thinking consent. The ethics officer is also a wave and, in that sense, is affected by and affecting what relations can emerge (and what data will be created). Involved in the process of research in this way, the ethics officer joins the fold of the research space (becoming ethics counsellor), responding to new events. At a meeting that can be scheduled when needed, to share stories, seek guidance, the researchers ask: what do we do when a research participant cannot sign a form for fear of being identified in her home country? The ethics counsellor responds: "we don't have existing procedures for that, but in this case, it seems that an oral consent is appropriate".

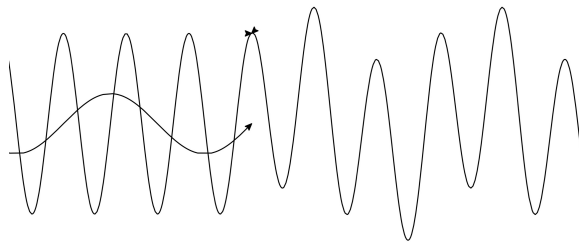


Figure 4: Towards archipelagic con-sent

The space of research expands, bringing in relations that are in-the-moment (how to deal with a breach—which may no longer be a discrete problem, but a new expanse of con-sent?) and creative (what’s a good solution right here, right now?), and reconfiguring the policing-against-bad-behaviour wall against which ethics officers and boards have been made to stand. Temporal relations are not independently given (every year or before|after) but emerge as singularities that might be iterative, cyclic, going backwards and not just forward, teleporting ahead in quantum hops or slowing right down to a standstill.

While this speculative reformation applies to consent in our specific research context, it can help modulate thinking con-sent ontologies of automation. Indeed, as Smythe et al. (in press) have already shown, the sequentiality of the typical on-line consent process, in which there is no choice but to accept or abort, can be disrupted by introducing multiple options and bi-directional feedback loops that invite recursivity and indeterminacy. The flow of con-sent could be modulated by qualitative factors, such as how much the user trusts the organization seeking consent—the degree of trust would determine the kind of information given and/or offered to the user. Consentful technologies also engage a past-present-future temporality where people can

return, change their minds, exit or re-engage; it is a form of consent that refuses to fix the present and, therefore, to reify the individual as a static entity that is separate from its enmeshments.

### Conclusion

We began this chapter with a concern for how automation is structuring consent. We wanted to re-animate consent as feeling-with, to recover and re-imagine consent in its felt-sense. Guided by Da Silva's (2022) method of critique, creation and speculation, we traced how the logics of post-Enlightenment consent, the Transparent I, racialized logics of extraction and dataism are at work in the institutional context for academic research, and in the pretences of 'click and continue' consent process among the café goers we work with.

Experimenting with the spatio-temporalities of these different, but related socio-politics, we come to see that the whole idea of the research site or the website, as the pre-determined territory of extraction, both of which are artificially cut off from place—the site as sight line that fixes space—would have to dissipate, leak, mix to form other spatio-temporal relations. For example, when the café goer helps a family member at home to apply for a job, following in line with what she learned to do at the café, the research site can no longer be seen as confined to the time and space covered by consent forms. How might an ontology of consent, generated in relations of mutuality and trust, structure automation?

Kent (2023) reminds us that "AI has been conjured from a very specific culture, country and context" (p. 7) and it can be conjured differently, such as how Indigenous scholars Lewis et al (2018) propose in *Making kin with machines*. Ultimately, our goal is that we, as a species, figure out how to treat these new non-human kin respectfully and reciprocally—and not as mere tools, or worse, slaves to their creators". Theirs is a project to decolonizing and reclaim the imagined countries and territories that make up the AI assemblages. The authors think with the

ontologies of Kānaka maoli (Hawaiian people), Lakota ethics of Wakhán, and Cree *nēhiyaw* *nisitohitamowin* to “conceive of our computational creations as kin and acknowledge(s) our responsibility to find a place for them in our circle of relationships” (p.4).

One example of ‘making kin’ that the authors offer is the creation of programming in Indigenous languages. In our own university of Simon Fraser University, Jon Corbett (Métis Nation of Alberta) is developing a programming language for nehiyawewin (the Plains Cree language) with the goals to decolonize and Indigenize automated logics. As Corbett (2023) describes in *Cree Coding*, this involves disentangling the spatio-temporalities of sequentiality, determinacy and separability baked into automated technologies. Instead, he generates programming codes that animates Indigenous worldviews, such as the sacredness of water:

In programming with acimow/Cree#, the word *sīpiy*, the nehiyaw word for “river,” is used instead of the English “if ... then” statement. In this context, the code is presented as a river of instructions allowing the programmer to flow the story in the code along a digital waterway that can branch into *sīpīsa*—smaller rivers or creeks—as needed. (para.

8)

Programming creates relations and worlds. Thinking consent as a place of openness to the relation and the unpredictability invites us to move away from the idea of property, and consequently of data extraction and to think consent as a place of ongoing relationality, of creolization, of kinning; a creative remapping of historical relations across human and nonhuman boundaries. Why must English remain the dominant language in the socio-politics of AI? Why can’t consent be expansive rather than enclosed? Rather than flattening into impersonal data flows of competition, why can’t the ‘click’ open into a network of empathetic filters that

privilege contingency, recursivity, and proximity? From this reshaping unfolds a new unpredictable, sometimes opaque consent.

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