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CONSENT AS “FEELING-WITH”: EVERYDAY AUTOMATION AND ONTOLOGIES OF CONSENT IN A COMMUNITY TECHNOLOGY CENTRE

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Abstract:

In this article we investigate how automation structures consent for people, and the pedagogies that might expand or reframe consent, both in research contexts and on digital platforms. We do so as researchers involved with adults who attend a bi-weekly drop in “computer support” café, many of whom are new to computers even as their lives are increasingly organized by automated agencies. We think with theories (Jackson and Mazzei 2012) of Indigenous relationalities (Maynard and Simpson 2022), feminist approaches to sexual consent (Consentful Tech Project 2020; Siggy 2021; Ward 2019); and concepts of individuation and technicity (Simondon 1958; 2005) to explore what consent might entail if it returned to its etymological origins of consent, or feeling-with. In keeping with the theory-as-method approach we re-imagine two modes of consent, that of our university’s informed consent protocol for researchers, and the consent protocol for a government sponsored electronic ID. We find that both converge in the logics of corporate platform design that incentivize “epistemologies of ignorance” (Bhatt and MacKenzie 2019). We conclude with speculations upon how consent as feeling-with might be re-animated in research methods, design and pedagogy that foreground ethical relationality.

Keywords: *Meaningful consent; feeling-with; platform design; automation; digital literacy; theory as method*

Introduction

We are swept up in everyday encounters with automated agents of different kinds, auto-saving passwords, tracking our travels through the web, suggesting what we might like to buy, what job we can apply for, who we may want to ‘friend’. These agents fold so seamlessly into our lives, getting to know us, creating little efficiencies that we hardly notice, until the relation breaks down and we are suddenly stopped in our tracks: ‘your information cannot be verified’, ‘incorrect password’, ‘access denied’. Even more distressing is when we get no reply at all; the system is silent, unresponsive and

we are suspended. Practices of consent propel these interactions; we are (often) compelled to click-to-agree to privacy and data sharing policies we may not fully understand so that we can gain access to the service or resource we require.

The authors of this article have recently begun a project to understand automation within these affective, political and pedagogical encounters. For the purpose of this *Special Issue*, we focus on the question of how automation structures consent for people. In doing so, we have engaged thinking-with-theory (Jackson and Mazzei, 2014; 2018) as a mode of inquiry to re-consider the very idea of consent both within and outside of automated digital environments. We explore the question of consent as researchers involved with adults who attend a bi-weekly drop in “computer support” café, many of whom are new to computers even as their lives are increasingly organized by automated agencies: email, online-only services, job applications, shopping, watching the news online, and platforms including Zoom for education. We see thinking-with-theory as a way to interrupt, connect and contaminate aspects of this research context with new ways of sensing and making sense of consent. Instead of applying theoretical constructs to data, or generating theory from data, thinking-with-theory offers a means of bi-directional plugging in, which recognises the agency and relationality of theory, data, and research practices.

In what follows, we elaborate upon the computer café as a research site, our work there as researchers and educators, and how we came to study consent as a relational concept, with posthuman methods that account for the ‘more-than-human’ agencies in automated environments. We then describe the theoretical ideas we are thinking with to sense and make sense of our experiences of consent at the café, by way of two field research events. The first is the consent protocol we follow at the café, as university researchers bound by the mandates of our institution’s Research Ethics Board, and Canada’s Tri-Council Policy on Ethical Research with Humans. The second is that of a consent process for obtaining a government electronic identification called *BCeID* that was at one time a mechanism through which café goers and other residents of our province, could obtain proof of Covid-19 vaccination, called a “vaccine passport”. For clarity, we dissociate in these two subsections the field and the theories, but we invite readers to keep in mind that these are in conversation with each other. We seek to avoid falling into what Whitehead termed the paradigmatic philosophical error, which is to try “to explain a particular fact on the basis of universals” (Stengers, 2011, p. 189). Indeed, we borrow from Whitehead’s metaphor of the flight of an airplane, which “starts from the ground of particular observation; it makes a flight into the thin air of imaginative generalisation; and it again lands for renewed observation” (Whitehead, 1929/1978 p. 5). These renewed observations form our conclusions that include the potential for posthuman and relational methodologies in studies of automated life.

The ground: our team and its work in the computer café

Suzanne Smythe and Nathalie Sinclair are university professors and the principal and co-investigators of the *automated literacies* project, funded by Canada’s Social Sciences and Humanities Research Council. Gwénaëlle André is a doctoral student and research assistant, on her way to completing a thesis that

re-imagines digital literacy frameworks for young people. Smythe is a literacy educator and scholar, who carried out research at the café several years before. Sinclair is a mathematics educator and scholar with interests in technologies and algorithms.

The computer café is located near a large transit hub in an urban community that is rapidly “densifying”; low-rent three story walk-ups are rapidly replaced by 40 story high rises. It is nested within a community resource centre that takes up the first three floors of such a building, offering services and programs including adult English as an Additional Language courses, resources for newcomers to Canada, a community kitchen and food security hub, childcare, a seniors’ meeting place. Interest in the café has flourished since most pandemic public health measures were rescinded in the spring of 2020. The coordinator of the café, who is also a member of our research team, is of the opinion that most essential services moved online during the pandemic and these have been slow to return to in-person modes. This provided the impetus for a partnership between our Faculty and the computer café to explore the new literacies and pedagogies of this online ecosystem.

The café offers access to high speed internet, laptops (older and slower as they are) and support from tech savvy volunteer tutors who sit side by side with community members as they pursue a range of online tasks: subscribing to a new email, Instagram or Zoom account, (endlessly) recovering lost passwords, applying for jobs that are now almost only advertised online, looking for low cost food, learning ‘Excel’ and ‘Word’ to qualify for jobs that mostly all require these skills. Apart from the public library, for many this is their only secure internet connection, and one of the few places they connect socially and enjoy watching the news or a movie, out of the heat or the cold.

At least two members of our team attend the café each week, working alongside these tutors, community members, and the computer café coordinator in a spirit of collaborative problem solving. 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.

With Gangadharan (2018) and other scholars who are critical of the unchecked proliferation of data surveillance and algorithmic decision-making in educational spaces (see for example, Noble, 2018; Williamson, 2017), we have surmised that digital and data literacy skills can be very helpful for some tasks, but will do little to make automated modes of control and decision-making such as filtering, matching, predicting and authenticating people’s data more transparent or fair. We have attempted pedagogical interventions², but we are also concerned that in offering support to negotiate these environments (rather than merely observe people struggling), we are implicated in what Dixon-Román et al. (2019) refer to as the racializing (and also gendering, classist) assemblages of automation. We are

² These include: a short workshop on browsing incognito to avoid browsing histories being traced; another on privacy settings for one’s cell phone (for the few who have newer models); a new website to practice typing to facilitate accurate password entry and management; a paper-based “practice sheet” to create resumés that are machine-readable, saving hours in data re-entry, side by side support with tedious authentication and consent processes so that café goers can obtain government services.

white, middle class, cis-gender scholars with different subjectivities and experiences of online encounters than the café goers. We recognise that social inequalities and online inequalities are entangled, not because people are lacking in digital literacy skills, but because, as Dixon-Román et al. (2019) argue, automation and algorithms “inherit sociopolitical relations of society through data” (p. 4). Surfacing the often discriminating effects of these relations, however subtle, and attempting to rework them, are central goals of our project.

In these encounters, what becomes of digital literacy as a human goal or attribute, when digital technologies are doing so much of the literacy work? In their article, *Critical literacy for a posthuman world*, Leander and Burriss (2020) suggest that automation (which they refer to as computational objects) challenges literacy theories and research that rely upon binary “humanist subject-object formulations” such as “text” and “reader” (p. 1273). They ask how we might distinguish between text and reader when “[m]any of the chains of action in contemporary circulations begin with nonhumans (e.g. NH–H–H–NH), while others begin with humans” (p. 1273)? Leander and Burriss (2020) call for posthuman methodologies that make room for heterogeneous machinic, human and mixed agencies in the study of literacy. As we elaborate below, most methods of consent centre human agency, with a subject-object bifurcation of they-who-give and they-who-receive, and with a transaction whose affectivity and materiality are often ignored. How might consent operate in a context where the human and non-human are entangled?

We have thus shifted from studying the teaching of digital literacy to inquiring into the ways in which these automated controls are producing new relations of power, particularly in encounters that involve consent. For example, we are interested in how automation incentivizes pedagogies of ‘not-literacy’ in that processes of consent, both those of governments and private platforms, incentivize *not-reading* terms of agreement and privacy policies, reducing consent to a ‘click-to-continue’ logic. Bhatt and Mackenzie (2019) have referred to this phenomenon as “epistemologies of ignorance”, which concern “how ignorance can be maintained, produced and reproduced through practices of digital literacy in the everyday lives of individual users of technologies within their various networks and institutions” (p. 302). The concept of “epistemologies of ignorance” resonates with our experiences of consent at the café, although to study the phenomenon in the way Leander and Burriss (2020) invite, we want to decentre the human individual as the knowing subject (or, in this case, not knowing) and attend to the human-nonhuman knot that emerges from ‘click-to-continue’ consent. Are café goers knowingly giving consent? Or are they not giving consent even though consent is being received?

To approach these questions, we do not simply want to document the multiple forms of consent at play, but to inquire into the layers of con-sent (literally, to feel-with) that our encounters in the café actualised. Instead of our research forms providing *consent to be researched* obtained *from* participants and *for* the University, prepositional phrases that isolate and extract, we studied consent *tout court*, storying and sketching our way into multiple folds of consent as these surfaced in the everyday work of the café.

In the next section, we ‘take flight’ with theories that help us to think through these knotted questions and layers of ‘feeling-with’ that our encounters in the café actualised, and then we reconnect these theories with two stories of consent.

Taking flight: Thinking consent as relational

Etymologically, consent is about feelings and sensibilities. For Simondon (2007), affectivity arises as a “liaison between the relation of the individual to itself, and its relation to the world” (p. 98). Affectivity is here a pre-individual intensity, ontologically prior to emotion, which Simondon proposes as an individuating perception or sensibility, a *felt-sense*. To con-sent is then to be in relation; perhaps trusting, reluctant, hopeful, yearning, curious, proceeding together toward the unknown, opening to something new. Yet in institutional contexts, and in the online platforms we are interested in examining, consent has become transactional, a ritual mode of compliance with prevailing legislation that researchers or service providers often try to get out of the way as quickly as possible (Lee and Tolliver, 2019).

As we worked in the café and shared stories from our experiences, we came to see that our research is also a form of con-sent in that it is a feeling-with of its own, informed by readings and experiences, but also producing new theories and practices in which we are *also* concerned with the question of the possible: what becomes possible when we think con-sent as feeling-with? For this we have turned to the insights of Gilbert Simondon (2005) for two reasons. The first is because of his specific attention to technicity, as the entanglement of human experience and technical objects. The second is because his theory of transindividuation provides, as Keeling (2019) writes, “an intervention into Western conceptualisations of Being” (p. 38), which demands that we move away from thinking consent as a transaction between intact, static, rational individuals, and pay attention to the heterogeneous agencies, *including affectivity and emotions* that produce consent.

Simondon (1958) defines technicity as the mode of relation between the human and the world, the intersection of different realities such as economic, political, social, affective and corporeal dimensions. In other words, the form to fill out on a website encompasses the values, norms and affectivities of (in our context) Western concepts of human rights and global hegemonic technocapitalism (Mbembe, 2021). The technicity of society is both the result and the process of its specific mode of knowing, ignoring, and perceiving. For Simondon, this knowing does not concern the human individual (always in a process of becoming, or individuating), but rather the transindividual, the more-than-human and material assemblages, such as digital interfaces. Thinking con-sent with Simondon drew us to two spaces far removed from our own institutional logics. The first was that of Black and Indigenous scholars writing about consent within and outside Western and settler colonial contexts. The second was feminist scholars who are developing models of sexual consent.

Settler colonialism refers to a form of colonialism that lays claim to Indigenous territories by seeking to replace Indigenous peoples with a settler population that comes to stay. Settler colonial logics are closely tied to extractive capitalism and white supremacy (Simpson, 2017). Land, water, air, soil,

forests, animals are not relations with which one is embedded in mutual responsibilities but are instead regarded as resources or commodities to extract, exchange or sell. Obtaining consent is a transaction with the intent to possess property that belongs to someone else. Maynard and Simpson (2022), writing from Indigenous and Black perspectives, propose a different consent ontology, one that is enmeshed in ongoing pasts, presents and futures of relations of people, nations, forests, air, water, soil 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).

We wonder how this relational ontology of consent would play out if data was not normalized as a commodity, if consent is not a transaction in a frozen moment, but a process enfolding histories, presences and future response-abilities, especially in the lives of Black and Indigenous peoples who are frequently the subjects of data extraction and surveillance (Noble, 2019). 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 quite different in the cases we are concerned with in this article, Simpson’s thinking about consent draws attention to how any conception of consent relates to relationships and to contested ideas of ownership (what is mine to ‘give away’ or to take?). Transposed to our context, this raises questions about who data belongs to and, therefore, how the responsibility for the giving and taking of data is distributed in acts of consent.

Turning to the work of feminist scholars on sexual consent, we noticed similar disruptions to the dominant logic of consent. Siggy (2021) in an article entitled *Consent as a felt sense*, observes that “consent isn’t about saying one particular word or another. It’s about communication, by whatever means are effective” (para. 3). Siggy refers to this modality of consent as a ‘felt-sense’, or in Simondon’s terms, a *sensibility*, in that “[c]onsent is not about outward communication, it’s about the internal state of being okay with the situation. ‘Consent’ is contrasted with ‘violation’, which is the internal state of feeling bad about the situation” (para. 4).

They go on to argue that rather than a strictly ‘rule-based’ and legalistic approach to sexual consent that paradoxically heightens conflict and alienation of different parties, a felt – sense that emphasizes compassion unfolds consent as inter-related tiers or processes. This unfolding of consent, this sensibility much The first tier pays attention to reducing harm by clarifying options, the second tier is that of informed consent that is enthusiastic, and only at the third tier, do the social and legal rules of affirmative consent become the focus of policy, enforcement and consequences. Similarly, psychologist Amanda Ward (2018) describes sexual consent as “staying in your feelings” (para. 1) and

here too, consent is a verbal affirmation but also a felt-sense, “Openly expressing feeling eager, ready, conflicted, or unsure allows for both partners to be and feel heard. That moment then becomes part of a larger social system filled with tugs at power, identity, sense of belonging, and safety” (para 14). Feminist organizations have created the acronym FRIES as a heuristic to help people navigate the complexities of sexual consent. In this model, meaningful consent is freely given, reversible, informed, enthusiastic and specific. FRIES is a relational and affective concept, each aspect is in a felt-sense entangled with another, not lockstep, but unfolding layer upon layer.

Digital justice scholar Costanza Chock (2020) asks how digital technologies would transform if FRIES was followed; in other words, what if technology was concerned with the safety and well-being of “digital bodies”? (p. 5). They offer the concept of *consentful* technologies, in other words, “digital applications and spaces that are built with consent at their core, and that support the self-determination of people who use and are affected by these technologies” (p. 6). In other words, if consent online is to be *freely given*, no one should be misled or overwhelmed by information so that they cannot make informed decisions about the data they want to share. People should also be able to *reverse* their decision at any time (and can do so in institutional research consent contexts). Information about what data is being stored, where and for what purposes needs to be clearly written and explained; digital consent should be freely enthusiastically given and not because it is required to access necessary services; and finally, consent is specific; assenting to share data for one app or service should not preclude that it is shared with others, or that data shared can be used for any purpose.

In thinking with transindividuation, which eschews the intact, fixed subject, and therefore the final ‘Now, I consent’ (rather than the provisional, “we con-sent for now”), 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. We think *consentful* as an ontology that assumes *ongoing* relationships and mutual response-abilities; we want to think of this outside the binary of designer-user.

In order to help instaure³ these new ways of thinking consent—or, with Whitehead, to land with new observations—in our grounds of the computer café, we work through two particular events, from which we will attempt to investigate the possibility of feeling-with. The first one relates to how we have enacted and experienced the research consent process that is requested by our institution before

³ We use the word ‘instaure’ in the sense of Souriau (1939), for whom it involves ‘all processes, abstract or concrete, of operations that create, construct, order or evolve, that lead to the position of a being in its pathos, which is to say with a sufficient burst of reality, and instaurative is all that pertains to such a process’ (p. 10, our translation). The idea of instauration blurs the subject-object dichotomy and avoids substantialist assumptions of application, causation and transfer.

starting any research project. The second one describes an automated consent process that we had to go through during the pandemic COVID-19.

Research ethics: the transactional logic of the consent form

Our research process reinscribes the technicity of automation and meaningful consent that we have described above. We obtained ethics permission for the café to be a data-gathering site, and experimented with how to strive for consentful practices. This required that we subvert some of the logics of the protocol, while still adhering to its commitments and principles. For example, research consent forms are animated by the idea of the individual participant and their data, but we are not only concerned with documenting individual experiences or beliefs about consent; rather, we aim to generate stories and theories from collectives, which Simondon (2007) describes as a group of individuals in the process of individuating. We also decided at the outset that we would not make audio or video recordings, nor would we interview café goers about their lives and relationships with computers. We were concerned that doing so would re-inscribe the very practices of data surveillance and extraction that our study seeks to avoid. Thinking with Freely Given, Reversible and Informed consent, we waited to ‘collect data’ until we had gotten to know the café goers, and time for trust had developed, and then we asked for a moment of their time when they didn’t look busy. This too rubs against the protocol because we should not engage with participants until we have obtained consent, but as Maynard and Simpson (2022) have shown, what kind of consent is possible without a relationship of trust?

We offered a spoken word description of the goals of our study in everyday English: ‘We want to understand how people deal with online platforms, especially when the computer does things automatically, in ways that are surprising or give you trouble. If you don’t want to be part of that, it’s OK, we will still help you with your stuff. You can also change your mind about participating at any time.’ We asked café goers for permission to write about the problems, stumbles, insights, and breakthroughs. We committed to sharing what we were learning with them as we went along. We assured them we would not write down information that would identify them, and each time we came to the café we asked again if it was ‘a good day’ to write about things, or if they wanted to write or share stories about a particular online experience. Some have done so, for example, by engaging in their own online experiments in how the YouTube recommendations work, or showing us job applications that ask for identifying information. We feel this allowed for consent in that that it was specific to how people felt on any given day. But we can’t be sure; and thus far, while no one has declined to participate, we have not noticed great enthusiasm either. Even with these adaptations in place, we loathed bringing out the consent forms; they transmute the flow of our talk and collaborative activities to an awkward kind of transaction. We often felt torn between our consent attempts with café goers and the consenting required by the university.

Consent as “feeling-with”: Everyday automation and ontologies of consent in a community technology centre

In Canada, the *Tri-Council Policy: Ethical Conduct for Research Involving Humans* (also known as TCPS-2) consent is described as “*free, informed and ongoing consent.*” The definition of consent is consent, as if no explanation is necessary, no underlying assumptions made. Like most Research Ethics boards in academic institutions in North America, TCPS-2 derives its principles from Western jurisprudence and a framework of “human dignity” according to the principles of *Respect for Persons, Welfare and Justice*. *Respect of Persons* implies honouring the individual’s autonomy and right to choose, for example in the requirement to “*seek their free, informed and ongoing consent*” to participate in a study (TCPS-2 p. 12). Although we support principles of respect, well-being and justice, we find here that these relate to the individual as fully formed, independent of the enmeshments of collective and technicity that we find when we think with Simondon, as well as Maynard and Simpson. Moreover, when converted to a consent process with the necessary weighty language of rights and obligations, that can run into several pages of spoken word text, protocols can paradoxically introduce distrust.

Even when we do our best to explain the important points of the study, the participants’ rights, and our obligations to protect their data, we sense that consent is only given because the participants trust us—and not because they understand exactly where their data will go or how it will be used or what will happen in the research. As researchers, we become responsible to this trust even though we too are uncertain.

For example, as our university shifts from ‘in house’-designed secure servers to commercial ones, we are told to trust that data hosted on these platforms are ‘secure for now’, and we are assured by the Office of Research Ethics (ORE) that these platforms have been approved for use by our provincial privacy legislation known as FIPPA (Freedom of Information and Protection of Privacy Act). But they insert a caveat that the focus of this approval is “personal information, not overall data security [...] the requirements have served to limit exposure of academic data to US government intrusion, but does not address issues arising out of where our *software* comes from” (para. 5). The ORE further explains that “on-premises software, as was previously used by ORE, is becoming “a thing of the past” and that the use of ‘software as a service’ (SaaS) such as Survey Monkey, Office 365, Salesforce, PeopleSoft, and so on, to manage research and faculty data have become the norm, even as “SaaS locates the software *and* the data in the cloud meaning that the provider cannot be arm’s length from the data” (Office of Research Ethics 2022, para. 5).

This convergence of digital platforms used for research, government, and corporate services thus risks subverting the ethical groundings of informed consent. The Canadian Federal Office of the Privacy Commissioner is concerned that meaningful consent is eroding as services move to digital platforms:

[...] Advances in technology and the use of lengthy, legalistic privacy policies have too often served to make the control – and personal autonomy – that should be enabled by consent nothing more than illusory. Consent should remain central, but it is necessary to breathe life into the ways in which it is obtained. (2021 para. 1)

There is a sense of a power struggle underway to rescue meaningful consent from the design logics of the client-provider transactional approach to consent, a logic that relies upon ignorance because people can't understand the terms of use, and platforms do not, or cannot, explain the actual movements of data, or the consequences of data disclosure.

Our sense of vulnerability in moments of transactional consent required for research ethics became more palpable as we worked in the café and noticed similar transactional ontologies at play in the platforms people were using. To benefit from online services, people must disclose extensive personal data, work through long, detailed and high stakes platforms, and navigate authentication and privacy protocols that then compel them to share their private information with human and nonhuman actors. The extractive nature of these platforms destabilizes the promises of learner agency and control that guide mainstream literacy pedagogies (Leander & Burriss 2020; Sefton-Green and Pangrazio 2021). But it also made us complicit in this extraction, and, drawn into intimate processes in which personal data is shared with us, we were put at risk of knowing things we should not know. We are entangled in multiple data folds.

Government services: Click to Consent

In this section, we describe processes of consent involved when Gwen worked alongside a café goer whom we will call Jeannie⁴, to download a government electronic identification application (the BCeID) onto their cell phone. The goal of this description is twofold. The first is to continue plugging-into the texts and constructs with which we have been thinking, as we seek to develop consent as feeling-with, for example, with Simondon's (2005) transindividual, Maynard and Simpson's (2022) reciprocity and trust, and Costanza-Chock's (2019) FRIES and consentful technology. The second goal is to provide a sense of the technicity (Simondon, 1958) of consent as it unfolds in the BCeID. In this sense, we are not engaged in a critique of individual designers, and we do not suggest nefarious intentions or a lack of care towards privacy and data security. Rather our interest is in the socio-technical relations that electronic version of the BC Services Card is making possible, and to how these might be different.

The BCeID is a mobile version of the British Columbia (BC) Services Card that residents of that Canadian province carry with them as driver's licence, medical care card, and photo ID. In its mobile form, the BCeID is also a gateway to a suite of government services and personal health information, including a vaccination record and, relevant to this particular encounter, verification of an up-to-date COVID19 vaccination via a scannable QR-coded "vaccine passport". Until May 2022, this mobile vaccination passport was necessary to gain access to a range of services, travel, and some workplaces and education institutions. A proof of vaccine thus enters into an exchange of information with different possibilities for individuation, different becomings, for example, to be employed, to meet with friends in a restaurant, to receive certain healthcare services, to travel to see family.

⁴ Jeannie is a pseudonym used to guarantee the privacy of the café goer.

Although the passport is no longer mandatory, its introduction has changed the landscape of government services in British Columbia, bringing together new relations of privacy, access, literacies, consent, and digital technologies as online services expand. The software developer “Freshworks”, commissioned to design the BCeID, speculate that innovations in the app design are also a “possible way to verify someone’s identity if the province considers electronic voting in the future” (Freshworks 2023, para. 3). Freshworks defined the challenge of the app design in the following: “How do you make it more convenient for BC residents to use your services? And how do you ensure that the people logging into your services are actually who they say they are?” (para. 3).

The installation process for the vaccine passport involves complex flows of authentication, verification and information, implicating a curious combination of transactional “notice and consent” regimes familiar to corporate platforms, as well as government-mandated privacy rules to conform to (sometimes conflicting) British Columbian and Canadian privacy legislation regimes.

Despite being required for every resident in BC’s multi-ethnic, multilingual society, the BCeID login is only available in English. Halfway down the page of the website introducing the app, visitors are greeted with a prominent message announcing that “Your information and privacy is protected” (Government of British Columbia 2022a). Below that, another message appears in bold: “You can see exactly what information will be shared when you’re logging in. You can choose if you want to share it or not”. As she scrolls down the page, Jeannie is directed to further information about her privacy to yet another website, and the language becomes more legalistic and formal. As Veltri and Ivchenko (2017) have found with other on-line situations, Jeannie is “having to agree or reject the privacy policy while navigating an unknown route” (p. 74), which means the process of consent becomes tied up with decoding unfamiliar language and discerning a path through the information.

Once the app is downloaded onto Jeannie’s phone, a prompt written in the province’s white and blue template introduces the app as “A secure way to prove who you are online” (Government of British Columbia 2022b). Then a slideshow entitled “What is this app for?” that includes examples such as, “Verify your identity with your BC Services Card” and “Log into many different websites”, after which appears a “Next” button on the bottom right of the screen. There is no possibility to skip over this video content, and it is only provided after the app is installed on the phone. It seems there is no going back. From the start, the progression is universal and linear, and moving forward is enabled by the ‘next’ button. Is Jeannie feeling informed about the app’s purpose? Is the app really for her? ‘What do I do know?’ she asks.

The next screen displays a “Terms of Use”, comprised of eight sections, each addressing ‘rights and responsibilities’ for the appropriate use of the service, as well as how privacy is addressed. The “Continue” button is now present at the bottom of the visible screen area and can therefore be clicked before getting to the end of the page. This possibility of clicking without having guaranteed that

Jeannie has read the entire page is a new “feature” in this process. The smaller the screen used to read this page, the less information is displayed. In the technicity at work here, there is a double effect of ‘you need to see’ but ‘you don’t need to know’ that produces a user who is both compelled to read, while also being exempt from being individuated into the person who now knows. This knowing of not-knowing is therefore not simply a condition of ignorance. The presence of only one button similarly contradicts the idea of choice and of consent freely given. Can Jeannie choose to *not* agree to the data privacy protocols, even if she has agreed to being vaccinated?

What does the “Privacy Notice” page that Jeannie does not read have to say? The introduction refers to sections 26(c), 26(e) and 26(h) of the “Freedom of Information and Protection of Privacy Act”, a BC law regulating privacy and confidentiality of personal data implicated, among others, in the delivery of government services. This privacy information page provides reasons for why data is collected but does not mention *which data* is collected, for how long and where it is stored (details that we are required to include in our research consent forms, thereby placing us in a hypocritical role of enabling the very behaviour we ourselves have agreed to avoid). When Gwen carries out further research about the BC*e*ID data protocols at the “Privacy Information” site (Government of British Columbia 2023c) she finds two other sections of the same FIPPA law elaborated. Section 32, “Use of Personal Information” and Section 33, “Disclosure of Personal Information”. Here she can see that the data collected through the app might be disclosed to other public agencies, and if so, she will be alerted. But it is not clear what data is shared, how, or why. The absence of this information precludes the “meaningful consent” encouraged by the Office of the Privacy Commissioner of Canada (2021), as well as that of informed and specific *consent* (Consentful Tech Project 2021).

We detect so far a technicity of consent that neglects how ‘users’ such as Jeannie might feel about this new way to gain and give access to information about their own health; information that is usually so securely guarded. For Simondon (2007), emotions are the integration of these perceptions with an exteriority, the world. The integration of emotions is essential for collective individuation, a sense of being-with. If this relation between individuals and the world is not reciprocal, emotion gives way to anxiety, the individual must resolve emerging tensions on their own. Perhaps it is not surprising that the effect of this encounter is frustration, alienation; the goals of the app are convenience and security, and not the cultivation of trust, sovereignty or shared purpose.

Moving through the next screen “Securing and Protecting your Identity,” (Government of British Columbia 2022b) the information becomes more complex (for example, diverting users to policies, acts, government websites). The technicity shifts from that of an invitation to convenience to one of personal responsibility for the security of their device, and their passwords: “You’re responsible for all activities that occur using the BC Services Card app and for protecting your device with the app” (Government of British Columbia 2022b, para. 1). In fact, Jeannie is informed that anyone able to unlock her phone can log into her BC*e*ID account, and gain access to data that is already provided to the various subscribed services (including the Canada Revenue Agency, Driving records and so on).

But people at the café often share these expensive devices with family members, and/or collaborate to solve with others various technology-related challenges such as obtaining this vaccine passport. They cannot promise the individuation of their devices.

Gwen and Jeannie arrive at another “Terms of Use” screen. This is a legal document and there is only one option that appears after “Acceptance of Agreement”, that of the “Accept and Continue” button. As with so many notice and consent regimes, consent is circular in that gaining access, finally, to the vaccine passport is contingent upon accepting the terms of use; there is no possibility to *not* accept them if one wants their vaccine passport.

Once having clicked on “Accept and Continue”, Jeannie is required to scan the bar code that is on her physical BC Services Card, which also encodes both her photo that has been enabled with facial recognition technologies and her Personal Health Number (PHN). At this stage, the app asks for a visual authentication. Three possibilities are available: a video call with an agent, an in-person verification in an office, or a video that the applicant creates and sends to an agent for verification at a later time.

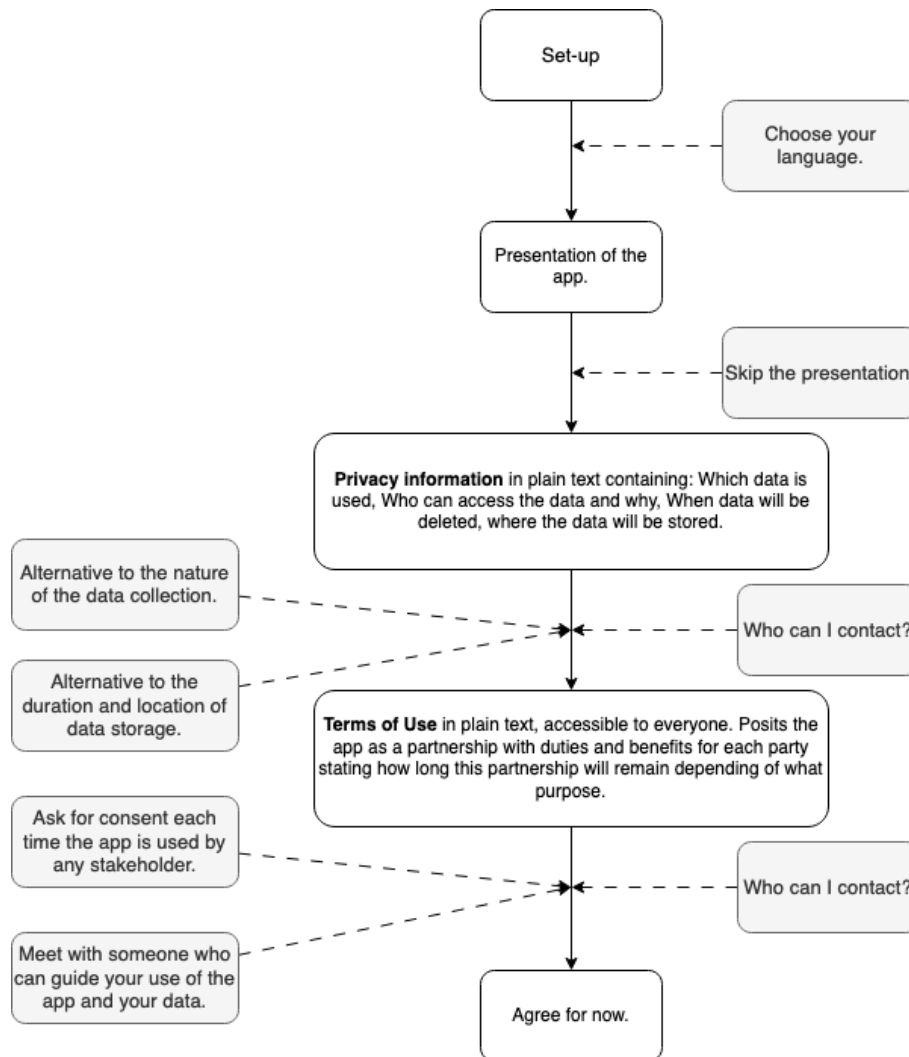
Hoping that the video call will be easier and quicker than going to a Provincial service, or recording a video herself, Jeannie asks to be connected to an agent. After 50 minutes of waiting, the agent appears on the screen and asks Jeannie to turn on her camera app and microphone. They are having difficulty and Jeannie asks Gwen to talk to the agent who then explains to Gwen that due to Jeannie’s accent, he was uncertain if she could understand him, and therefore concerned about whether she could provide informed consent. He asks Gwen to confirm Jeannie’s identity and goes on to talk to Gwen very quickly, likely reading from a script, about the responsibility of the BC e-Service Card holder. It does not seem to matter that the e-card is for Jeannie, not for Gwen. He then reminds Gwen to “next time call earlier because we are about to close the office for the day”, before abruptly ending the call. As English is not Gwen’s first language, she has a hard time understanding the agent. But again, in spite of the rapid flow of meaningless words, Gwen feels obliged, as Jeannie had felt when installing the app, to consent. Jeannie’s partner, sitting beside her in the café and watching all this unfold, decides not to engage in a video call and goes to the office directly, even though this was discouraged both due to the possibility of Covid19 exposures, but also to the decline in timely in-person services; we do not know how that visit unfolded.

This event, in which the human government agent questioned Jeannie’s capacity to give informed consent based on her ‘language’, returns us to the concern we expressed earlier in the paper about the racializing power of everyday automation in the café. In *Race after Technology: Abolitionist tools for the new Jim Code*, Ruha Benjamin (2019) references *Jim Crow*, a set of anti-Black/segregationist/White Supremacist laws that were active in the US South until the mid 1960s. She coins Jim Code as a new iteration of these laws through “the employment of new technologies that reflect and reproduce existing inequities but that are promoted and perceived as more objective or progressive than the discriminatory systems of a previous era” (p. 3). The vaccination passport appears inclusive and fair

because it is required by *anyone* who wants to travel or participate in social activities. And yet the passport opened up all kinds of fissures of inequality among those who had access to trustworthy information about vaccines, those fluent in English legalese, with access to smart devices of their own.

It was at the moment of in-person verification by phone that these racialized assemblages were most palpable, but indeed they were operating all along. What worlds do access to smart phones, facial recognition, the ‘risk’ of accent and other marks of difference, make possible?

Reading this process with Simondon’s ideas leads us to wonder how con-sent, as a relation between the individual and the world, a ‘feeling-with’ can be reclaimed? What would happen if we replaced the vocabulary of legal protection by frank and even risky text (“we will do what we can to make sure your data does not fall into the wrong hands”), or distributed more fairly, in Maynard and Simpson’s sense, the burden of responsibility for the safety of one’s information? The following diagram speculates on what such alternatives could look like.



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Figure 1: Alternative consent pathways: dotted lines indicate potential alternatives to the linear movement through the consent process. Bi-directional lines indicate margins of indeterminacy.

In addition to providing better information about data and real alternatives, this design is open to what Simondon (1958) calls a margin of indeterminacy, which is the possibility for human individuals and technical objects to enter into a relation. It does so by the insertion of new information and by providing the context for informed consent to be given/taken.

Landings: renewing con-sent in automated life

We now land the Whitehead plane, having plugged in general ideas of technicity and individuation, as well as consent, consentful and con-sent. Arising from our context of research—the computer café—and our own research practices, as circumscribed by the University, we have explored the double bind of consent that we find ourselves in—we are responsible to our participants but cannot actually be responsible for the consenting processes we witness as we help them access essential services on websites.

We have noted that even as institutional ethics and privacy rights strive for meaningful consent, the convergence of these platforms in transactional concepts of Western human rights, human agency and the rational subject (who is perhaps sin-sent), subvert this goal. New technologies encode and intensify transactional consent with implications, we believe, not only for the goal of meaningful consent, but for the relationality and trust of a *consentful* society. In describing consent ontologies emptied of their potential to feel-with, to trust, and to enthusiastically agree we are left with the question of what this means for the technicity of a society moving rapidly into automation?

In thinking of the implications of posthuman and relational ontologies for research methods, we wonder what becomes of research consent when academic and corporate data management systems converge? Both operate on the premise that data can and should be extracted *from and about* humans, and both are invested in normalizing and mobilizing data extraction, management, and open data sharing. Within such logics, empirical research and data are considered essential for the smooth running of society, government and corporate affairs alike. Both involves affectivities that are never explicitly named. Canada’s TCPS-2 (2018), which 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), frames the difficulty as a cognitive, rational one, absent the circulation of feelings and feeling-withs that we found ourselves experiencing.

The relational conceptualisations of consent offered in Maynard and Simpson (2021) challenges the idea of an abstract conception of ownership of rights that is independent of context and is temporally fixed. Similarly, the FRIES conceptualisation of sexual consent put forward by Ward (2018) and Sigg (2021) and mobilized by Costanza-Chock (2019) in the context of consentful technology, moves away from a one-time, discursive and passive “giving up” of rights, to an ongoing, affectively implicated

creation of a space of participation. How might these ideas shape the way we think consent in our own research as well as in the digital world? Might the co-constructing of a consent form with participants respect the kind of ongoing relational ontology? This would require a change in the existing temporalities of research, in which the methods are determined a priori, and the data seen as mainly belonging to the researcher.

In terms of digital consent, if the space of participation is going to arise from ongoing, affective and responsive modalities of feeling-with, then consent processes will need to become much more differentiated to suit particular contexts. What we found in the example of the BCeID is that the public service is narrowing and homogenising its consent practices to align with that of private companies to which it sub-contracts its platform design needs. This not only makes the role of public services more blurry; it runs the risk of turning the citizen into a button-pusher, a passive receiver of service whose citizenship is a function of the kind of information that can be extracted. Not only should the consent process of public services avoid collapsing into the norms and affectivities of the private domain, which funnels movement into singular and predictable pathways motivated by convenience and authentication, the analysis shown in Figure 1 exemplifies the kind of multiplication of choice that is possible. This multiplication of choice does not just require changes in design practices, but also demands changes in our practices—those of us who individuate as researchers, citizens and designers, who cannot be passive, nor turn away from the responsibilities of consent. We are also concerned that this normalizing of a subordinate mode of consent opens new risks for modes of control and surveillance that are being used at international borders, and also on the borders of society. If, as Ward (2021) observed, consent is part of a larger system that “tugs at power, identity, sense of belonging and safety” (p. 14), then consent also needs to be at the centre of re-imagined research relations.

In this, we need to practice being alert to subtlety and also to forms of critique that do little to open new individuations, new technicities. Thinking with Simondon, with Maynard and Simpson, and with Costanza-Chock, redirected our own attention towards the human-technology relationality, and to the affectivities of these relations. This encouraged us to focus less on a critique of technology and its impact on a passive, intact subject, and more on the collective individuations that might be possible. In an ontology of becoming, it is possible to adjust the temporal and individualized logics of consent to attend more to recursivity, and to feeling-with.

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