Consent Under Pressure

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Ch. 1 Introduction

Everyone faces pressure. Sometimes the pressure is explicit, like the pressure to hand over money to an armed thief. Sometimes pressure is implicit, like the pressure to marry one's partner who keeps asking where the relationship is going. Sometimes pressure is substantial, like the pressure to pay back a large loan. Or it can be minor, like the pressure to eat healthier on Sunday morning, because one is vaguely aware that this will have long-term health benefits. All sorts of pressure – explicit, implicit, minor, and substantial – can impact whether and when one gives consent. Pressure from a thief can lead one to consent to hand over a wallet; pressure from a partner can encourage one to consent to marry; pressure from a collection agency can lead one to consent to pay back a loan; and the pressure from societal expectations can lead one to consent to eating healthier foods.

This is a book evaluating when and whether consent resulting from pressure is valid. Valid consent, I assume, is a decision which dissolves a consent-sensitive duty. A consent-sensitive duty is the sort of duty that can be dissolved with consent.[1] For example, there is normally a duty to not insert scalpels into other people's bodies, but this duty can be dissolved when patients validly consent to surgeons performing surgery. Similarly, people have a duty to not take other people's money, even if they hand over hemp-kale smoothies in return, but customers can dissolve this (pretty specific) duty by validly consenting to buy hemp-kale smoothies. Not all duties are consent-sensitive; there is sometimes a duty to not cause others harm, and when the harm is serious enough then perhaps this duty cannot be dissolved. For example, certain types of boxing might be so violent that there is a duty to not punch one's opponent even with their consent. However, many duties are consent-sensitive, and we must establish when such duties can be rid of with consent.

A common claim is that people can rid themselves of consent-sensitive duties only if their consent is voluntary.[2] If it is involuntary, then even if they consent – in the sense of deciding to give permission and even communicating this fact – that isn't enough to dissolve the relevant duty. For example, people involuntarily consenting to hand over their wallet to an armed thief do not give valid consent: the consent-sensitive duty is not successfully dissolved, and so the thief maintains a duty to not take the wallet. The thief therefore acts wrongly if he does.

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[1] Victor Tadros, Ch. 11 "The Value of Consent" in *Wrongs and Crimes*, Oxford: Oxford University Press 2016.

[2] For example, see National Health Services, "Overview: Consent to Treatment," National Institute of Health, accessed on 17 August 2022 at https://www.nhs.uk/conditions/consent-to-treatment/; Robert Nelson, et al, "The Concepts of Voluntary Consent," The American Journal of Bioethics 11(8)(2011):6-16; Paul S. Applebaum, Charles Lidz and Robert Klitzman, "Voluntariness of Consent to Research: A conceptual model," The Hastings Center Report 39(1)(2009):30-39.

Yet, this conclusion is too quick. It is not true that consent must be voluntary to be valid. At least, it is not true that one cannot validly consent to actions if the alternatives are very bad. One can validly consent to life-saving surgery, for example, even if the alternative is death.

The question, then, is why sometimes consent is valid even when alternatives are very bad, and why sometimes it is not. To address this, we must consider what makes consent valid in general, and in particular what others must do to respect our consent-sensitive duties.

I argue that whether a person respects a consent-sensitive duty is partly dependent on whether they have provided all options they have a duty to provide a consent-giver. For example, if you are walking down the street it is likely that everyone around you has a duty to not put a gun to your head, and a duty to give you the option of keeping your money without getting shot. The moment a mugger puts a gun to your head and demands your wallet, she denies you this option. If the reason you consent to give up your wallet is that you are denied this option, then your consent is invalid. Or imagine a surgeon has a duty to offer you medical care for free because she is working in a public hospital, but she instead first demands – maybe implicitly – an envelope full of cash. Such practices are common in a range of countries, including Greece, Vietnam, Uganda, and Peru.[3] When public doctors deny the option of medical care for free, and the reason patients consent to hand over money is that they are denied this option, doctors have failed to obtain valid consent for the transfer of money, and so act wrongly in taking the money.

Some might claim this theory of when pressure invalidates consent is incomplete. That's because some types of option-denials don't seem serious enough to invalidate consent. For example, Heidi Malm asks us to imagine someone who says, "I'll kill your goldfish unless you have sex with me."[4] This might seem like a threat that isn't serious enough to render the sex impermissible. Chapter 2 of this book addresses these and related objections, responding to each in turn, and presents a more precise overview of when option-denials invalidate consent.

Chapter 3 address a question about third parties. Cases with third parties occur when one agent threatens to harm a second unless she consents to a third. For example, in 1950s Chicago white

[3] Anna Nini, "The Corruption I Saw Working in a Greek Hospital," Vice 12 January 2018, accessed on 17 August 2022 at https://www.vice.com/en/article/bjyyp8/the-corruption-i-saw-working-for-a-greek-public-hospital; Quoc-Anh Do, Trang Van Nguyen, and Anh Tran, "Do People Pay Higher Bribes for Urgent Services?" 2013, Working Paper, hal-03460769, accessed on 17 August 2022 from https://ideas.repec.org/p/hal/wpaper/hal-03460769.html; Jennifer Hunt, "Bribery in Health Care in Peru and Uganda," IZA DP No. 2757, April 2007, accessed on 17 August 2022 at https://d-nb.info/988125897/34

[4] H.M. Malm, "The Ontological Status of Consent and Its Implications for the Law of Rape," Legal Theory 2(1996).

supremacists would threaten to burn down the houses of their black neighbours unless they sold their houses to white buyers.[5] Assuming some of these white buyers did not engage in coercion themselves, and there was nothing they could do to stop the white supremacists' threats, it is not clear if these buyers acted wrongly in purchasing the houses. Or consider a very different sort of case: After the fall of the Taliban in 2000, Afghan refugees in Pakistan were given the choice of either remaining without legal rights in Pakistan, some imprisoned, or accepting assistance to repatriate to Afghanistan with the help of the United Nations High Commissioner for Refugees (UNHCR).[6] By 2005 roughly 2.7 refugees had consented to repatriate with UNHCR due to coercion from the Pakistani government, but UNHCR did not engage in coercion itself.[7] It is not clear if UNHCR obtained the valid consent of these refugees to help them repatriate, given the coercion they faced.

I consider some potential answers to the question of when third-party coercion invalidates consent, and reject each in turn. Chapter 4 then defends a novel theory: as with two party cases, consent is invalid when the person asking for consent fails to provide the options they have a duty to provide the person giving consent, and this is why the latter consents. While the details are a little more complicated, this is the general theory. Importantly, it is a theory grounded in the value of autonomy: when someone fails to provide options they have a duty to provide, and that is how they obtain consent, they obtain consent by constraining the autonomy of another person, rendering the consent invalid. I call this the principle of *Relative Autonomy*. Chapter 5 applies this principle to a range of cases involving not just coercion, but other pressures as well.

Chapter 6 addresses the question of whether, when a person is denied an option and consents as a result, they can still give valid consent if they consented to being denied the option. For example, if someone consents to being held up at gunpoint to hand over their money, because they want the thrill of the experience, perhaps their consent to hand over their money is valid. I argue that such consent is valid when certain conditions are met, and consider the implication of this claim for more realistic cases.

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[5] Isabelle Wilkinson, *The Warmth of Other Suns: The epic story of America's great migration*, New York: Vintage Books, Random House 2010 at 397.

[6] Radio Free Europe, "Afghanistan: Rights Groups Criticize Repatriation Timing Of Refugees -- Part 2," 28 September 2000, accessed on 16 July 2025 at https://reliefweb.int/report/afghanistan/afghanistan-rights-groups-criticize-repatriation-timing-refugees-part-2; Hiram A. Ruiz, "Afghan Refugees At Risk in Pakistan," Refugee Reports 22(7)(2001), accessed on 16 July 2025 at https://www.refworld.org/reference/countryrep/uscri/2001/en/93331?prevPage=/node/93331#:~:text=Most%20spend%20weeks%20or%20months,people%20randomly%20in%20the%20street.%22

[7] Tim Irwin, "Record refugee returns to Afghanistan show hopes and challenges," UNHCR, 31 January 2006, accessed on 16 July 2025 at https://www.unhcr.org/uk/news/stories/record-refugee-returns-afghanistan-show-hopes-and-challenges.

Chapter 7 considers when social pressure invalidates consent, including pressure to buy certain products, marry by a certain age, and enter certain professions. I argue that the principle I defend in Chapter 4, and the details spelled out in chapters 5 and 6, apply to such cases. Chapter 8 demonstrates that the principle also applies to cases where an individual consents because of pressure arising from the actions of many, as when a worker consents to unsafe working conditions for little pay because millions of voters refuse to vote for candidates supporting a welfare state. Whether the worker's consent is valid depends on whether she consents because her employer denies her an option they have a duty to provide.

Chapter 9 addresses cases where an individual denied an option comes to prefer life without this option. For example, a woman may be denied the option to enter most professions, except for a select few like teaching, and so with time persuades herself that she prefers teaching to alternatives. In such cases, the woman has what are called "adaptive preferences": she adapts her preferences to the constrained environment, preferring the options available in this environment as a result. I consider when consent resulting from adaptive preferences is valid.

Chapter 10 considers cases where asking for consent creates pressure. Asking for consent can create pressure, for example, when it changes the nature of a relationship. That can happen when an employee suddenly asks his co-worker if she wants to have sex. His question changes the nature of their relationship before she even answers. I consider when asking for consent is wrong in virtue of the way it changes relationships, and how it might be possible to ask for consent without committing this particular wrong. Chapter 11 address another instance where asking for consent is potentially wrong: when it causes the consent-giver to feel they must consent to avoid offending the consent-seeker. While consenting to avoid offence is usually valid, sometimes it is not.

Chapters 12 address individuals who are given all options they have a right to obtain from a consent-seeker, but feel pressure which leads them to consent to options they will later regret. A person might consent to buy certain products they later regret buying, or having sex they later regret having, or moving to another country they later regret moving to. I argue that such regret lowers a person's autonomy, and this sometimes renders the act consented to impermissible for the consent-seeker, even if the consent is itself still valid.

The above chapters present key puzzles arising when individuals consent under pressure. Resolving these puzzles expands our understanding of when consent is invalidated by coercion and other constraints, and what consent-seekers ought to do when options are limited.

In pursuing these goals, I will often present a type of tension between these two values:

A. The value of helping individuals have voluntary control over when they give consent, and
B. The value of giving individuals some control when voluntary control is not possible.

There are many cases where the first value cannot be protected, as when women are forced to marry to access basic security, or workers are forced into life-threatening jobs to avoid hunger, or refugees are forced to repatriate home because they will be detained if they do not. Their choices are involuntary, and so it is unclear whether their consent has value. Yet, their consent clearly has value in this sense: it enhances control compared to a world where no consent is possible. The consent of women to marry certain men gives them control over the level and kind of security they can obtain; the consent of individuals to work in dangerous jobs gives them some control over the amount of food they bring to the table; the consent of refugees to repatriate home gives them some control over how they respond when they are unwelcome in the countries they are residing in. The tension between our desire for consent to be truly voluntary, and our desire for consent to give individuals control, can only be resolved with sustained philosophical discussion.

Such discussion is presented in the book by drawing upon a range of examples, some very similar to each other, but where subtle distinctions have profound implications. For example, in discussing individuals who regret their decisions, ranging from regret about sex to regret about surgery, the book will provide philosophical insight on both important normative distinctions between cases, and practical guidance for how policies ought to be evaluated.

Focusing on policies relates to another value at the forefront of this book: I think there is value in understanding how philosophical conclusions impact what policymakers ought to do. Understanding how philosophy should impact policies is valuable in the context of healthcare, sexual harassment, immigration enforcement, humanitarian aid, and much more. While policymakers often evoke the notion of consent when discussing these and other topics – as when UN officials insist they will only

help with consensual refugee repatriation[8] – consent is poorly understood in these domains. The book will add clarity to these domains, tying abstract arguments to concrete recommendations for individuals and institutions.

In doing so, however, the book will not address what is legal. While certain policies will be presented to protect individuals from nonconsensual acts, these policies will never be presented as required by law. For example, when addressing whether the UN can obtain the valid consent of refugees who wish to repatriate to war zones, even when the refugees are coerced by governments into going home, I do not address whether the UN acts legally in helping with repatriation. I merely consider when certain policies are morally justified. There are additional considerations as to whether an act is legally justified, and broader debates over what is and ought to be legal. These broader debates are beyond the scope of the book.

In addition to the value of policy, the book values breadth. I think, like others, that the broader a philosophical principle, the better. For this reason, I will present a principle in the fourth chapter which, though initially addressing when third-party coercion invalidates consent, applies to a range of addition cases described in subsequent chapters.

These subsequent chapters, and indeed all chapters, will address cases that are often messy. Cases will involve many agents, all with different intentions, duties, and effects on a consent-giver's consent. This makes the book a little different than others on consent. For example, books exploring when social pressure invalidates consent often present social pressure as a single phenomenon separate from the person asking for consent, as when a woman consents to marriage because of pressure from friends and family, but her partner asking for marriage is not inflicting any pressure himself.[9] Such cases raise difficult puzzles, but they are not the only puzzles: it is equally difficult to determine whether consent is invalid when a consent-seeker contributes to unjust societal norms indirectly, as when a man makes offhand remarks that reinforce stigma against unmarried women, placing pressure on a woman to consent to marriage, but where his offhand remarks are only one of many factors explaining the stigma arising.

In addressing a broad range of messy cases giving rise to different puzzles, the book also places value in understanding the relationship between different puzzles. Understanding the relationship between

[8] Jeff Crisp and Katy Long, "Safe and Voluntary Refugee Repatriation: From principle to practice," Journal of Migration and Human Security 4(3)(2016):145-165

[9] For example, see Tom Dougherty, *Consent Under Duress*, Oxford: Oxford University Press 2024.

puzzles is sometimes lacking in literature on consent. For example, the question of when preferences are adaptive is often presented separately from the question of when consent is valid,[10] and the question of when societal pressure undermines valid consent is often presented separately from the question of when asking for consent constitutes wrongful pressure.[11] I demonstrate that the rules we ought to follow for these very different questions are related, and the broader principle the same. In presenting this broader principle, the book presents a unified account of when and whether pressured consent is valid, while maintaining careful distinctions between a range of complex contexts.

In doing so, the book takes for granted certain assumptions about what valid consent is. One was already mentioned: I assume valid consent is a decision which dissolves a consent-sensitive duty.[12] Importantly, consent can dissolve a consent-sensitive duty even if it doesn't impact how others act. For example, if you give valid consent to someone punching you (perhaps to show them you're tough) your consent dissolves their consent-sensitive duty to not punch you even if they would have punched you anyways. The reason valid consent has the effect of dissolving a duty without necessary impacting others' actions is that valid consent protects our normative interests, but not necessarily our physical interests. Our normative interests are protected if we can control the duties others owe us, even when the physical world won't be impacted by the consent we give.[13] While someone who punches you regardless of your consent wrongs you in disregarding what you want, if you are fully aware of their disregard but still consent anyhow, you have given your valid consent and probably given them permission to being punched.

I write "probably given them permission" because of another assumption. This one is about duties in general: for every act there can be more than one duty associated with the act. For example, if someone punches you in a way that causes especially severe harm, they might have a harm-based duty to not punch you which is not dissolvable with your consent, such that they act impermissibly whether you consent or not. They still have a separate duty to not punch you derived not from the value of avoiding harm, but the value of autonomy: that duty is dissolvable with consent. If it is, then

[10] There are some exceptions, such as David Enoch, "False Consciousness for Liberals, Part I," The Philosophical Review 129(2)(2020):159-210; John. D. Walker, "Liberalism, Consent, and the Problem of Adaptive Preferences," Social Theory and Practice 21(3)(1995):457-471; Catharine MacKinnon, *Towards a Feminist Theory of the State*, Cambridge: Harvard University Press 1989 at 177-178; and Carole Pateman, "Women and Consent," Political Theory 8(1980) at 162.

[11] For example, Tom Dougherty addresses both of these questions in separate articles, but never addresses the relationship between the two questions in either in these articles, or in a book addressing the latter question. See Tom Dougherty, "Sexual Misconduct on a Scale: Gravity, Coercion, and Consent," Ethics 131(2)(2021):319-344; Tom Dougherty, "Social Constraints on Sexual Consent," Politics, Philosophy and Economics 2(4)(2022):393-414; and Tom Dougherty, *Consent Under Duress*, Oxford: Oxford University Press 2024.

[12] Victor Tadros, Ch. 11 "The Value of Consent" in *Wrongs and Crimes*, Oxford: Oxford University Press 2016.

[13] For a defense of this view, see David Owens, *Shaping the Normative Landscape*, Oxford: Oxford University Press 2012 at 164-186.

if you consent to being very-harmfully punched, they commit an all-things-considered impermissible punch because they violated their duty to not punch you derived from the value of not causing severe harm, but they still obtained your valid consent and so avoided violating the duty to not punch you derived from the value of autonomy. More generally, consent-sensitive duties can coexist with non-consent-sensitive duties in a single act, such that sometimes an act is wrong even if you give valid consent, because there is a lingering duty violated which cannot be dissolved with consent.

This is not the only way to think about the relationship between duties, acts, and consent. Some might view the act of punching someone – or marrying them, or taking money from them, or performing surgery on them, etc. – as associated with just one duty, and this duty is either consent-sensitive or not. For example, if it's always impermissible to punch someone in a way that causes severe enough harm, there is just one duty to not punch them, and this duty is not consent-sensitive. It is not consent-sensitive because the duty cannot be dissolved with consent on account of the duty remaining even with valid consent. One advantage of this view is that it's simple: we just establish if an act is the sort that can become permissible with valid consent, and if it can't, then just don't do the act. Don't even bother trying to get consent because it will not make the act permissible.

However, a disadvantage of this view is that it cannot distinguish between more serious wrongs and less serious wrongs. A more serious wrong occurs if someone punches you without your valid consent, because they both severely harm you and violate your autonomy. A less serious wrong occurs if they at least obtained your valid consent. By associating multiple duties to a single act, we can separate the duties out, and so determine just how wrong the act was by determining whether only one duty was violated, or more.

If there can be multiple duties associated with a given act, it is also true that sometimes a non-consent-sensitive duty is not violated because of certain actions, while the consent-sensitive duty remains. For example, if there is a duty to not severely harm someone via a punch, this duty is not violated if the punch is not severe, but the consent-sensitive duty is still violated if the victim never consented to the punch.

There is another assumption held throughout the book: a consent-sensitive duty can arise even for acts which do not directly intervene in a person's body. For example, while surgery does something to someone's body, a doctor prescribing medicine might not, in the sense that the doctor writes a prescription and the patient does the rest: she is the one who leaves the office, buys the medicine,

and puts it in her mouth. In this case I assume the doctor must still obtain valid consent for the treatment, given that it is a joint activity with profound implications for the patient's life, and at least some joint activities with profound implications require valid consent. Another joint activity requiring valid consent is marriage. A marriage ceremony might involve both parties exchanging vows, and if a woman is exchanging vows because she is held up at gunpoint by the groom, then she is the victim of a duty-violation by the groom. In particular, he violates a duty to not marry her without her valid consent. Or take another joint activity: going out drinking. If a boss forces an employee to join her for a late-night drink, wrongly threatening to fire him if he does not, the boss engages in a joint activity which she has a duty to not engage in without his valid consent, and potentially fails to obtain his valid consent in virtue of her threat.

Whether consent is for a joint activity or not, if someone has not given valid consent, and there are no other considerations (more on these shortly), then the activity is impermissible. For non-joint activities like surgery, the act which is impermissible is clear – the surgery itself. For joint activities, the acts which are impermissible are all acts which the consent-seeker engages in as part of the joint activity. For example, if a groom marries a bride without her valid consent and therefore acts impermissibly, this means he acts impermissibly in standing next to her and reading his vows before she reads hers. Similarly, if a boss goes out drinking with an employee without his valid consent, she engages in a series of actions which are impermissible in virtue of his lack of valid consent, including ordering the taxi, buying the drinks, and sitting next to him drinking.

For both single acts like surgery and joint acts like drinking, I also assume that if acts are impermissible in virtue of lacking valid consent, and someone engages in the acts anyways, then they probably owe the victim an apology, compensation, and perhaps a feeling of remorse or regret. It might also be justified for others to socially sanction the person who acted without valid consent when consent was required, such as by not being as friendly with the person, and telling the person they committed a wrong, or holding them to account by demanding an explanation. While I lack the space to address all implications of acting without valid consent, I assume that whatever implications arise from engaging in impermissible acts, those implications apply here.

At least, this is true when acting without valid consent is indeed impermissible. Sometimes acting without valid consent is permissible. For example, it might be permissible to steal a bystander's car to save someone running from rabid dogs. When this happens, though the theft is permissible, there are still upshots for what is owed to the car-owner. For example, the car-owner might be owed

compensation for using their car, especially if the car was damaged.[14] The compensation might be owed by the person who took the car, or the person saved, or maybe from the government so that nobody is unfairly faced with greater burdens in pursuit of saving people from rabid dogs. While I lack the room to address who owes compensation and how much, if the car-owner is owed compensation, it is because they never validly consented to anyone taking their car. Moreover, even if they are not owed compensation, they might be owed an apology from the person who took their car: it is not an apology for a wrong, but an apology for violating a consent-sensitive duty.

The final assumption throughout this book is not philosophical, but practical: I assume in nearly all cases that the consent-giver has fulfilled sufficient conditions for consenting, even if not validly consenting. For simplicity I assume that jointly-sufficient conditions for consenting are mentally deciding and verbally communicating that another person is given permission.[15] For this reason, in all cases where I write that someone consents I assume they have decided and communicated in this way, with some brief exceptions in Chapters 6 and 12. Similarly, I mostly assume that the consent-giver and consent-seeker both know and understand all relevant facts for *informed* consent. Informed consent, I assume, is a necessary but insufficient condition for valid consent. For example, if someone gives informed consent because they have access to all relevant knowledge and capacity to understand this knowledge, we can then determine if their consent is also valid by determining if they are sufficiently free from certain types of pressure. I focus on pressure alone because an incredibly broad range of questions arise even if we assume that a consent-giver is completely informed and with complete capacity. Capacity is only evoked in the last chapter, when I address pressure that undermines capacity, as when pressure to accept a medical intervention impairs the patient's ability to consider alternatives.

In focusing on pressure, I am also appealing to a phenomenon which is broader than coercion. While coercion is a type of pressure, not all pressure is coercion. I focus on this broader category because, even when someone faces no coercion (and is also fully informed and with full capacity) pressure can

[14] Tom Dougherty, *Consent Under Duress*, Oxford: Oxford University Press 2024 at 41; Robert Goodin, *Consent Matters*, Oxford: Oxford University Press 2024.

[15] The claim that a person gives consent (but not necessarily valid consent) if they decide to give permission and successfully communicate this fact is relatively non-controversial, though some claim that only a mental decision is necessary, while others claim only communication is necessary. Moreover, the details of what constitutes the relevant decision and communication need to be worked out. For more on the relevant mental states and communication of consent, see Robert Goodin, *Consent Matters*, Oxford: Oxford University Press 2024; Larry Alexander, Heidi Hurd, and Peter Westen, "Consent Does not Require Communication: A reply to Dougherty," Law and Philosophy 6 (2016): 655-660; Larry Alexander, "The Ontology of Consent," Analytic Philosophy 55 (2014): 102-113 at 108; Richard Healey, "The Ontology of Consent: A reply to Alexander," Analytic Philosophy 56 (2015): 354-363 at 358-260; Tom Dougherty, *Consent Under Duress*, Oxford: Oxford University Press 2024; Hallie Liberto, *Green Light Ethics: A theory of permissive consent and its moral metaphysics*, Oxford: Oxford University Press 2022.

still undermine valid consent. For example, badgering can sometimes create pressure which undermines valid consent, but it's not obvious that badgering is coercive. Importantly, it should not need to be coercive for us to conclude that consent is invalid. At least, that is what I'll argue in Chapter 11. I have also chosen to use the word "pressure" rather than "duress" because sometimes very broad societal pressure is not quite the same as duress but still (or so I shall claim) undermines valid consent. For example, a woman might buy body-altering shapewear because of regular exposure to certain videos on social media, such as videos of Kim Kardashian's "waist-trainers," modern-day corsets to achieve an eighteen-inch waist. The eighteen-inch waist videos can – in a narrow range of cases – lead to pressure to buy waist-trainers which undermines customers' valid consent to their purchases, but I don't want to claim these customers act under duress. They are acting under pressure (to have a small waist) and the question is whether this invalidates the consent they give. I think it can, and while you might disagree, it helps to at least have this debate. Such debate is not possible if limiting ourselves to cases of duress and coercion alone.

In expanding the scope of the debate in this way, I will at times arrive at conclusions never considered before, including about cases never previously thought relevant for philosophical inquiry. This sometimes leads to surprising claims. However, whenever making a surprising claim – such as claims about people's consent to buy shapewear – I will defend it by appealing to a core value of consent: that of autonomy.

In appealing to autonomy to reach surprising conclusions, the book is consistent with the broader evolution of attitudes about consent. Attitudes have been rapidly changing, and we now accept claims that would have been surprising seven decades ago.[16] For example, films and books from the 1950s to 1990s were filled with depictions of men grabbing women, kissing them, and continuing to kiss them even while the women push away and yell, "no." These men – like Marlon Brando's character in *Guys and Dolls* and Harrison Ford's character in *Bladerunner* – were depicted as either romantic, or doing something only a little wrong, rather than engaging in sexual assault.[17] Indeed, even some

[16]Lisa Featherstone, Cassandra Byrnes, Jenny Maturi, Kiara Minto, Renée Mickelburgh, Paige Donaghy, "Sexual Consent and Its Contexts," in *The Limits of Consent*, Springer 2024; Tom Beauchamp, "Informed Consent: It's history, meaning, and present challenges," Cambridge Quarterly of Healthcare Ethics 20(2011):515-523.

[17] In addition to *Guys and Dolls* (1955) and *Blade Runner* (1982), see *Groundhog Day* (1993), *Revenge of the Nerds* (1984) and, to a lesser extent, the *Little Mermaid*'s song *Kiss the Girl* (1992). See, also, Sierra Filucci, "Five Classic Movies That Can Trigger Conversations About Sexual Assault and Consent," Common Sense Media, 1 March 2018, accessed on 12 November 2024 at https://www.commonsensemedia.org/articles/5-classic-movies-that-can-trigger-conversations-about-sexual-assault-and-consent. For an overview on changes in the law, see Rachel A. Van Cleave, "Sudden, Forced, and Unwanted Kisses in the #MeToo Era: Why A Kiss is Not 'Just A Kiss' Under Italian Sexual Violence Law," University of Detroit Mercy Law Review 96(2019):628-658. For an overview of how attitudes could be measured across time, see and E. Lisa Price, E. Sandra Byers, and the Dating Violence Research Team, "The Attitudes Towards Dating Violence Scales: Development and Initial Validation," Journal of Family Violence 14(4)(1999):351-375.

popular books from the early 2000s – such as the *Bridgerton* series depicting romance in Regency England – show rape as only a little wrong, which led to changes to the Netflix adaptation in 2020.[18] Changes are also seen in the real world: when a sailor grabbed and forcibly kissed a nurse in Times Square at the end of WWII, he was photographed and placed on the cover of Time Magazine as a romantic hero,[19] but when Spain's football federation boss Luis Rubiales forcibly kissed footballer Jenni Hermoso after her 2023 World Cup win, he was fined and shunned.[20] Changing reactions to assault are the result of further thinking about what consent is, why it matters, and what implication this has for what people should do. My hope is that this book will encourage further thinking about consent, beyond consent to sex and kissing alone, shifting out assumptions about a range of cases.

In addressing a range of cases, I will draw on both fiction and non-fiction. This is for several reasons. One relates to what I just wrote: both fiction and non-fiction can make us realise there is debate to be had. I suspect that one reason people thought differently about forced kissing in the 1950s (and indeed the early 2000s) is that they never thought forced kisses were something to be debated at all. When people started debating whether such kisses were consensual, many eventually concluded they were not. While debates surrounding kissing, touching, and sex are common today, we need to think of more cases still, including those we never thought to debate at all. By presenting a broader array of cases where consent is suspect, we may come closer to realising a broader array of wrongs may be occurring than previously thought.

Cases serve another purpose: they demonstrate how widespread a moral puzzle is. A moral puzzle occurs when it is unclear what ought to be done or what the moral status of an act is. For example, in Chapter 3 I raise the question of whether consent is valid when the result of third-party coercion, as when an assailant threatens to shoot a victim unless she hands over money to a bystander: it is not clear when the bystander obtains her valid consent to take the money. I present non-fictional cases to show that third-party coercion is extremely widespread, as when migrants are coerced by their governments into paying smugglers to move abroad, women are coerced by militias into marrying men to avoid being raped, and homeowners are coerced by white supremacist into selling their homes to innocent buyers to avoid being killed. If third-party coercion is common, and we don't have a

[18] Joanna Robinson, "How *Bridgerton* Handles the Book's Wildly Controversial Scene," 25 December 2020, accessed on 12 November 20204 at https://www.vanityfair.com/hollywood/2020/12/bridgerton-sexual-assault-scene-how-does-it-happen-in-the-book?srsltid=AfmBOorc9pt_qhJZVcaeFhP3qb6hAZytC_YTX5KhyuyDy2Qah8YnutJu

[19] Brooke L. Blower, "WWII's most iconic kiss wasn't romantic — it was terrifying," The Washington Post 22 February 2019.

[20] Jessica Rawnsley, "Jenni Hermoso intends to appeal in World Cup kiss case – reports," BBC News 21 February 2025, accessed on 27 June 2025 at https://www.bbc.co.uk/news/articles/cdxq97w21gno; Rodrigo Orihuela, "Spanish football chief suspended after kissing player on lips at Women's World Cup final: 'An impulse-driven sexist'," Fortune, 26 August 2023, accessed on 19 August 2025 at https://fortune.com/europe/2023/08/26/luis-rubiales-spanish-football-chief-suspended-after-kissing-player-on-lips/.

compelling theory of when consent due to such coercion is valid, this is a problem. It is a problem because a good theory of valid consent should give us broad guidance, and be action-guiding across a range of domains.

Cases also serve a third purpose: they sometimes make clear that a given theory is suspicious. By suspicious I mean that the theory implies some wildly counter-intuitive implications. While I don't think intuitions are always reliable – as noted above, intuitions have changed dramatically over the years – if a theory implies some conclusion is counter-intuitive enough, this at least raises questions. It particularly raises questions of whether the theory is not accounting for some important value. For example, in Chapters 3 and 4 I consider theories which view consent as always invalid when the result of wrongful coercion. Such theories imply that refugees coerced by persecuting governments into fleeing cannot give their valid consent to altruistic aid workers helping them escape. This seems surprising. If it is surprising, there is a question of why: perhaps it is because theories implying this conclusion do not capture some important value. If so, another theory which does capture this value is superior in one way.

Finally, cases serve the fourth purpose of demonstrating how nuanced and detailed a good theory of valid consent must be. For example, I will present cases where millions of voters all vote for a policymaker who wrongly constrains the options of migrants. When some of these voters then seek the consent of migrants to work on their farms, and the migrants consent because of the government's wrongful constraint, it is not clear if the consent migrants give is valid. A theory which only explains when consent is valid in simple cases – such as a mugger threatening to kill a victim unless she hands over cash – cannot capture all the details that need to be worked out.

However, before delving into details it helps to start simple. Simple cases help us separate basic values that a theory of consent should account for. The next chapter therefore focuses on valid consent when only one person asks for consent from another, and nobody else is involved.