

## Consent, Sexuality, and Self-Respect: Commentary on Skerrett’s “Beyond ‘Consent’”

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In this discussion, I take up Kathleen Roberts Skerrett’s (this issue) position that the concept of *self-respect* offers itself as the better road to addressing issues of power and its abuses when it comes to sexual harassment than does *consent*, a concept that she shows to be imbricated in the dynamics of gendered inequalities. Drawing on her analysis of David Mamet’s *Oleanna* (1992), I challenge *self-respect* as the ideologically vacant category Skerrett implies it to be. I argue instead that in its regulatory, prescriptive undertones, *self-respect* is as porous to gendered value judgments though it may present as natural and self-evident. In disagreement with Skerrett’s dismissal of *consent* as a useful compass to navigate questions of harassment, I propose that *consent* and its operations need to be further theorized in relation to the unconscious, desire, and temporality before the concept can adequately perform the labor we are asking of it.

What are the particular constituents . . . of identity’s desire for recognition that often seem to breed a politics of recrimination and rancor, of culturally dispersed paralysis and suffering, a tendency to reproach power rather than aspire to it, to disdain freedom rather than to practice it? [Brown, 1995, p. 138].

I have nothing against *self-respect*; to the contrary, I rather like the concept. Most often, I can appreciate its aspirational gestures to dignity and recognition, especially as my daily experiences as a psychoanalyst assume *self-respect*’s foundational importance for human life. Sometimes explicitly articulated, more frequently figuring in the psychic background, unspoken and yet organizing of patients’ narratives, the hope for *self-respect* runs through psychoanalytic work. In my other role, as an evaluator for lesbian/gay/bisexual/transgender (LGBT) asylum seekers where I seek to advance and bolster petitioners’ address to the State, I find that *self-respect* is a powerful argument in elaborating claims around why an immigrant’s humanity should be privileged over how an abject identity has become the site of dignity’s compromise. To then establish that it is in the interests of the State to ensure that citizens can be *self-respecting* becomes paramount.

Despite relying on *self-respect* quite heavily in my work, however, I don’t share Skerrett’s (this issue) vision of it as the seamless, uninterrogated ethical epicenter of how humans should interact with one another. In her essay on David Mamet’s *Oleanna* (1992), Kathleen Roberts Skerrett proposes that *self-respect* is a concept superior to *consent* in considering the

interpersonal dynamics between the main characters and, also, in beginning to revise our thinking about sexual harassment overall. For her, the problem of consent's hopeless entanglement in the gendered arguments of the sex wars of the 1980s (see Duggan and Hunter, 2006) can be sidestepped if we, instead, direct our attention to the concept of self-respect. In this brief discussion of Skerrett's rich and thought-provoking essay, I critique this substitution on two levels. First, I unpack *self-respect*, a concept I find vexing and problematic. Second, I suggest that *consent's* inadequacies lie not with the concept per se but with the limited ways in which it has been so far theorized. Might it become a more useful concept were we able to incorporate into our discourse on consent the discontinuities of unconscious life/unconscious motivations? If we begin to consider how temporality infuses negotiations of consent?

Self-respect and the "prohibition to degradation" of an other, Skerrett argues, secure better sexual boundaries than are possible when, by relying on *consent*, we inevitably get tangled up in complex negotiations of trying to ascertain whether consent was granted or whether the subject granting it has had the agency to do so. On first encounter, there's nothing self-evidently wrong with Skerrett's strong vouching for *self-respect*. Self-respect is strongly predicated on the ability to separate self from other and its attendant recognition of a subject different from oneself with desires and a personhood of her own. This quintessentially psychoanalytic idea (Benjamin, 1988, 1998, 2006; and Stein, 1998, in the domain of the erotic specifically) lies at the core of how we think about ethical interpersonal relating. However, the merit of this privileging of difference is not as uncomplicated as Skerrett implies.

Drawing on the work of political theorist Drucilla Cornell (1995), Skerrett proposes that our approach to allegations of sexual harassment needs revisiting. Instead of relying on arbitrations of reasonableness in the interpretation of the other's consent (i.e., whether the accused party was reasonable in believing consent had indeed been granted), we should catalog the economies of boundary transgressions and to do this, she encourages us to turn our attention to the intransigent cultural tropes that feast on them. Skerrett offers a reading of *Oleanna* that wants to resist the call to apportion *good* and *bad* and through which she hopes to avoid the collapse of John into rapist and of Carol into cunt, a reading that is premised on consent's primacy. To condense a rather complicated argument: Skerrett identifies the social imaginaries on which Carol and John are both predicated and she points to the shared cultural fantasies that imagine the male as the paradigmatic chauvinist and feature the female as the iconic tease. Embedded in them is masculinity signified as power and femininity, drenched in lack, is seen as the attempt to seduce and to acquire power by proxy.

To replace this problematic approach, the author proposes to divorce determinations of sexual harassment from notions of consent or power, which she believes have proven to be limited in their utility to help us understand what transpires between sexual agents. She instead proposes that our thinking about sexual violations become reoriented toward valuations of how spaces, physical and affective, allow for or preclude the escape from stereotypes that narrowly dictate relations to power, desire, and the body. Are the ways, asks Skerrett, in which we construct these spaces, from an institutional and from a legal framework, such that the one-sided imposition of power differentials can be forestalled? Such that individuals may be afforded self-respect? Falling into the social imaginary of naming woman as a category that needs protection from the predations and unbridled lustfulness of man, though explicitly aiming to "protect," runs the risk of recolonizing femaleness insofar as it requires ongoing subordination and injury as "protection's" cost. Rather, Skerrett argues, the risks arising when the weight of one's desire brushes

up against the other's are best navigated if we are to turn to self-respect as the relational (and ungendered, she seems to imply) magnetic north. Existing rhetoric cohering around consent and boundaries, imbricated as it is in the discourse of power, is thus set forth as insufficient in helping us bear the tensions around questions as to what are and are not acceptable sexual relationships. Instead, Skerrett's intention is to locate a Third (Benjamin, 2006) that lies outside the antinomies of feminist critiques and masculinist hegemonies. Thus, her discussion of the interpersonal drama between John and Carol, rather than intending to identify perpetrators seeking redress, becomes hinged on notions of self-respect and of freedom from degradation and shame.

But is self-respect the self-evident, ideologically vacant category that it purports to be? In its regulatory, prescriptive undertones, "self-respect" is a practice that legitimizes those experiences that can be claimed to enhance it, installing them as superior to others deemed degrading to the self. It seems to me, however, that self-respect is just as porous to gendered value judgments and to preexisting assumptions about dignity as anything else, despite the way it presents as natural and self-evident. Unpacking the ideological base of *self-respect* is a project unto itself, only a small part of which can be undertaken here. Consider, for example, the following question: Is Carol not self-respecting in approaching her professor as she does, part student-in-need, part sexy-naïveté? What are we assuming is inherent in notions of self-respect and how do its uninterrogated assumptions about what is right or good, especially gendered-ly so, infuse it? Self-respect is a concept that sits in claims that obscure the fact that evaluations around what is appropriate, self-respecting behavior are themselves value laden. Notions of self-respect, for instance, are aligned with notions of health, a category already heavily policed and regulated (Berlant, 2010; Metzl, 2010). The 1960s antipsychiatry movement has compellingly argued that advocating for an other's self-respect is itself a dubious project that arises from within the operations of power (Foucault, 1965; Szasz, 1974; Laing, 1976, 1983). Could John, for instance, be construed as not self-respecting in allowing his narcissistically vulnerable self to take too much pleasure in the attentions of a young and attractive wide-eyed student?

Despite Skerrett's hope to evade gender politics in invoking the universal humanity of her characters, *self-respect* too submits to cultural imaginaries and it, too, is laced with gender imperatives. When Skerrett writes that access to "images of human dignity and holiness and grace is necessary for any sort of thriving" (p. 241), when she references "degrading sexual images" (p. 241), I can't resist the pull to wonder both about the normative strivings of such statements (who is the arbiter really of what is degrading in sexuality?) and about how gender underwrites what is to be considered degrading and respectful for a woman as opposed to a man.

As the move to vacate gender this way seems increasingly shaky upon closer examination, maybe returning to consent and power as possible rudders is not such a bad idea after all. I agree with Skerrett that, in its present instantiation, consent is indeed unhelpful in tracking how sexual predication emerges between subjects. Is it possible, though, that we are precipitously dismissing consent not because it is an insufficient concept but because it has been insufficiently theorized? To that end, I want to infuse our understanding of *consent* with insights from psychoanalytic theory's commitment to an unconscious life and to multiple selves (Bromberg, 1998, 2006; Mitchell, 2000) and by suggesting that we attend more to consent's temporal dimensions.

What work is asked of consent when its subject, constituted through liberal political discourse, is assumed to be self-sovereign, and when it is premised on notions of a coherent, bounded self fully transparent to itself (Brown, 2005)? This may be the kind of self that our legal system

prefers: unitary in its proclamation of an affirmative yes or a vociferous no when a consent contract is proposed, buttressed by clarity and determination in its decisions and choices. This would all work out wonderfully if Freud (1900) had not convinced us, more than a century ago at this point, that subjects are noncoherent, that they are multiply split and complexly assembled, that the self is ultimately wildly discontinuous. More recently, relational psychoanalysis in its elaboration of how affects, thoughts, somatic states, and longings are always only partly accessible to the part of the ego from which they originate has furthered the project of troubling notions of subjectivity as coherent (Mitchell and Aron, 1990). It is not just that sexual harassment policies reinstate cultural fantasies about masculine power and female lack. It's also that juridico-legal notions of consent do not allow for a subject who has an unconscious life, whose desires disperse in multiple directions, and whose wishes and limits may be both conflicted *and* conflictually communicated in ways that exceed her conscious awareness. It is to be expected that in a system that demands a uniformity of desire and decisions about sexual engagement that are untethered by unconscious ambivalences, *consent* has limited utility. But is this *consent's* fault, or are we due for a reconfiguration of our discourse when it comes to matters of sexual agency?

Entwined with this is also the fact that the complicated operations of memory have not yet been incorporated into our systems of political and legal arbitration. Even if we assume desire to be unburdened by conflictual wishes, even if we assume desire's coherence and uniformity, the passage of time is escorted by experience, which then acts on the past to revise recollection, making psychic events not fully legible to the subject experiencing them. The act of remembering one's own desire and one's intentionality can never be recaptured in its originary form and it is always dis-ordered by how temporality acts on it (Freud's *Nachträglichkeit* [1896], which Lacan [1994] referred to as *après coup* and which Laplanche elaborated in his translation as "afterwardsness" [Laplanche, Fletcher, and Stanton, 1992]). As such, even if we were to allow that consent is issued from a temporal freeze-frame, its intention and desire are constantly reinscribed with meaning and become continuously relayed, always elaborated by the next moment. "Ethical sexual relations," Skerrett writes, "may be described as a graduated series of acts that one party administers to another with appropriate consent obtained before each new act in the series begins." And although, as she playfully points out, "it is discouraging to imagine anyone having sex this way," Skerrett also aptly notes that it is nevertheless quite imaginable (in fact, I would add, even likely) that someone may have to retroactively "account for one's sexual interactions this way" (p. 238). When you are on the stand testifying to your abuse or defending yourself against a charge against you, an event that does not need to occur in its juridical form to acquire its relational impact, you are interpellated into a subject position from within which you are called upon to construct meaning that may or not have existed in the moment in question. As the present reconfigures the past, consent becomes variegated. To respond to the call to account for herself, for her desire, and for potential transgression in the sequential fashion required by such lines of legal questioning, the subject has to contort herself into linear time, unavoidably distorting psychic experience.

Before ending my comments, I also want to briefly return to the parallel Skerrett draws between the psychoanalytic project and Christian askesis. These two, she suggests, share a promise: to stabilize the surplus of eroticism by "diachronically" diffusing it (p. 240) through a process of attenuated frustration. Skerrett refers to both as exemplary of how the libidinal excessive can become managed without collapsing into offense, even in light of power differentials. But if psychoanalysis is ascetic in its demand that certain desires, libidinal and otherwise, be tolerated

and mentalized rather than acted upon, it can also be profoundly erotic, powerfully seductive in its promise of being known by an other and intensely pleasurable in ways that feel excessive (Stein, 2008). These are not always—nor should they be—experiences of measured frustration, with carefully and judiciously handed out transference gratifications, as Freudian psychoanalysis might have it. But are psychoanalysts better than professors like John in handling the excess of the erotic in interactions with those of less power than them? Skerrett’s notion of the couch as a site of sanitizing erotic desire that is masterfully handled by the protections of the clinical frame disregards that vociferous minority of instances where the force of prohibition has gone limp and where the erotic has gone haywire (see Celenza, 2010; Celenza and Gabbard, 2003; Dimen, 2011). Do we regard them (only) as failures of a particular analyst or of a given analytic dyad, enactments of a particular gendered social imaginary, or could we enlist *consent* as an assistant to the unfolding project of problematizing, digesting, and mentalizing desire that both seizes and capsizes?

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