

## Frances Stead Sellers, Washington Post

There is no shortage of public outrage about sexual violence and famous men these days. About Bill Cosby, who will go back to court in November on charges of sexual assault. And about a president who, we learned last year, boasted on a hot mic back in 2005 that as a “star” he could have his way with women – even “grab ‘em by the pussy.”

But outrage, as Martha Nussbaum rightly points out, is useful only if it leads to something more substantial – like “really hearing women’s voices.” And Nussbaum has, she writes, her “own Bill Cosby tale to tell.”

That’s a tantalizing introduction to a complicated story of consent to intercourse followed by an alleged assault, artfully recounted both at the inaugural YTL lecture and in a shorter, more provocative version published in the Huffington Post. In both places, Nussbaum relies on the increasingly popular means of using a first-person anecdote as the basis for her legal and philosophical arguments. That approach -- replacing reported or hypothetical examples with remembered experience -- is being adopted widely in such burgeoning disciplines as narrative medicine. And understandably so: Now that website editors can track online clicks and comments, they can tell how widely readers engage in and respond to writing of this kind.

But the use of personal experience—and in such public fora as the Huffington Post -- brings burdens of its own. It invites judgement not only of the arguments put forward but also of the decisions the writer made--a level of personal accountability rare in academic writing.

Nussbaum decided to use her story but not to name the man she says mistreated her. Not at the time of the alleged incident when she was a 20-year-old theater and classics student at NYU, and he was a 40ish actor who would become one of “America’s beloved TV dads”. Not 30 years later when she was a tenured star at the University of Chicago and he made a bid for a Democratic seat in Congress. And not after he died, by which time she had earned celebrity status of her own as the United States’ most famous female philosopher, recognized internationally in disciplines beyond her own through her membership in the American Academy of Arts and Sciences and as a corresponding fellow of the British Academy.

From that elevated perch, Nussbaum advises women today to follow her example in deciding neither to expect nor seek retribution in courts of law. That admonition brings her Huffington Post article to its startling keep-your-legs-crossed-ladies conclusion:

“Law cannot fix this problem. Famous men standardly get away with sexual harms, and for the most part will continue to do so. They know they are above the law, and they are therefore undeterrable. What can society do? Don’t give actors and athletes such glamor and reputational power. But that won’t happen in the real world. What can women do? Don’t be fooled by glamor. Do not date such men, unless you know them very, very well. Do not go to their homes. Never be alone in a room with them. And if you ignore my sage advice and encounter trouble, move on. Do not let your life get hijacked by an almost certainly futile effort at justice. Focus on your own welfare, and in this case that means: forget the law.”

Hers is a “selfish and self-protective response,” Nussbaum concedes, outlining in persuasive prose her reasoning. She feels certain that in those early days the man, “shielded by fame as

he was” would have prevailed against her: “He would have denied my allegations, cast aspersions on my reputation, even perhaps attempted to portray me as an extortionist.” Half a century after the alleged attack and after his death, she still has doubts about the wisdom of trying to hold him to account, based on her observation that “the Vince Foster case showed us that a person’s privacy interest can be held to survive death, and who on earth knows what some court might say about a reputational interest?”

A posthumous accusation would of course have been unsatisfactory, in some ways, as the example of Jimmy Savile shows. While the British TV star’s reputation has suffered, he cannot be brought to justice for his multiple abuses. He incurred no punishment. Nor was he given the opportunity to defend or, perhaps equally important, explain himself. We cannot learn from him why he acted as he did and perhaps prevent other men from following his example. He is another potent example of what Nussbaum suggests her alleged assailant was – a multiple abuser who was shielded by his fame.

But does this mean, as Nussbaum contends, that women should “forget the law” because the male celebrity remains above it? In the past, most men shared that status of being above the law, and in some parts of the world, many still do. Nussbaum cites a 2014 Human Development Reports showing “one third of the world’s women will experience sexual or other physical violence in their lifetime, usually from an intimate partner.” At those times and in those places, countless female victims must similarly have concluded that the best path for them was indeed to “forget the law.” But Nussbaum also notes an “emerging international consensus that violence against women ought to be taken very seriously” resulting in outrage overseas, where Boko Haram’s kidnapping sparked widespread protests, and in the United States where campus rape and the misdeeds of NFL players have generated condemnation and public rebukes. And she shows how, since the 1970s, as women gained economic and political leverage, at least in the US, “law began to be a force for change.”

The decision Nussbaum made in 1968 when she was a relatively powerless undergraduate is an inadequate model for today, following the feminist empowerment of the ’70s and parallel evolution in US legal thinking. And while celebrity men may remain close to impervious to accusations of sexual assault, celebrity women have a role to play in changing that dynamic, making them more vulnerable to legal retribution as other men have gradually become.

Now into the debate steps Taylor Swift, who decided to take the stand this summer to make sure a prominent victim’s voice was heard, when she recalled being manhandled in 2013 by country radio DJ David Mueller.

It was not a decision the pop icon reached immediately.

“I did not want this event to define her life,” her mother told the court. “I did not want every interview from this point on to have to talk about it.”

But Swift ultimately suggested that by speaking up, her testimony could serve as an example for other women. After the favorable verdict, she made a statement thanking the judge and her attorneys for “fighting for me and anyone who feels silenced by a sexual assault.” Her lawyer called the ruling “not just a win” but “something that can make a difference.”

Though almost 30 years younger than the man who, the jury found, assaulted her, Swift has advantages most women do not. In the celebrity wars, she out-fames a radio disc jockey. She also had the money and the confidence to speak out in public.

“I acknowledge the privilege that I benefit from in life, in society and in my ability to shoulder the enormous cost of defending myself in a trial like this,” she said. “My hope is to help those whose voices should also be heard. Therefore, I will be making donations in the near future to multiple organizations that help sexual assault victims defend themselves.”

Despite her many advantages, as Christina Cauterucci points out in Slate, Swift had to relive, in public, the trauma of the assault and face the verbal attacks of lawyers determined to prove her testimony untrue. As her mother suggested, fame brings its own risks, with every salacious detail becoming potential tabloid fodder.

The statute of limitations and now her alleged assailant's death mean Nussbaum won't share Swift's experience. But it would be hard to imagine a better mentor for women who find themselves in that position than a scholar of Nussbaum's stature, an articulate expert not only in the specific parts of the legal system that relate to sexual assault, but in how that system has evolved and with personal experience of assault. And were she to make a posthumous allegation and then to face the argument that the man's "reputational interest" survives his death, what better woman to challenge that theory than Nussbaum?

Nussbaum also faults the U.S. press for its failure to report on her assailant's alleged misdeeds in his obituary. “I note that U.S. obituaries made no mention of any problematic conduct,” she writes. “But the Guardian was different: they said he had a notorious reputation for being completely unlike the virtuous character he portrayed. Good for them!”

But unless they have credible sources, such as Nussbaum, to testify to the violent behavior, how could news organizations responsibly report on the man's alleged misdeeds? Even under extreme competitive pressure, reputable news organizations verify salacious material about public figures and give them an opportunity to respond. Journalism's reputation depends on it. On Friday October 7, after my colleague David Fahrenthold received the “Access Hollywood” tape in which Donald Trump made his pussy-grabbing boast, Fahrenthold contacted NBC for comment and the Trump campaign to verify the tape's authenticity before The Post published the video along with his news story.

Good journalism, like the law, relies on accurate testimony.

Women's status has changed since 1968 when Nussbaum says she suffered the assault and understandably stayed mum. When powerful women speak up these days in print or in a court despite the costs and possible embarrassment, as Taylor Swift has done, they bring broad attention to their causes -- advancing the possibility that women who are roughed up by actors, politicians and sports stars won't feel they should “forget the law.”

## Good Girls: on “Not Quite Rape” (Culture)

A recent episode of HBO’s *Girls*, “American Bitch,” opens with Hannah Horvath entering the apartment building of an acclaimed, middle-aged writer, Chuck Palmer. He’s been accused of exploiting his intellectual stardom to sleep with undergraduates while visiting college campuses around the country, giving lectures and master-classes. It’s not exactly clear whether the sex was consensual: and, indeed, that is part of the point. The consensual/non-consensual distinction has come to mark the line between legal and criminal sex acts, by default if not by design, at least to a first approximation. It follows that the question of consent isn’t all that needs to be asked, when it comes to what men like Palmer may have to answer for.

In the show, Hannah (played by *Girls*’ creator, Lena Dunham) is a writer herself—considerably younger than Palmer, at 27, and not yet famous. She has written about Palmer’s indiscretions—as he thinks of them—for an obscure feminist website. Despite the difference in their age and professional status, Palmer sees himself as Hannah’s victim, and as vulnerable to young women’s power in general. They are now empowered to ruin his reputation by exposing his sexual exploits as exploitation. That is ostensibly why he’s invited Hannah to his lavish, tasteful home: to tell her his side of the story, as a pariah now racked with anxiety.

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How should we think about sex which ranges from actively sought, but only to please or appease a partner, to sex which is gone along with passively, in a blank, dissociative haze? What if the agent who wants it, and pushes for it, is aware of his partner’s ambivalence or her frozen state of play-acting? “Not rape, not quite that, but undesired nevertheless, undesired to the core”—is how the character of David Lurie, a 52-year-old professor, describes the sex he has with his student Melanie in J.M. Coetzee’s dark moral masterpiece, *Disgrace*. “As though she had decided to go slack, die within herself for the duration, like a rabbit when the jaws of the fox close on its neck.”

Melanie moves of her own accord—even lifting her hips to help David to undress her—but not quite, nor even close to quite, of her own volition. When David knocks on her door that afternoon, surprising her in her slippers, she finds herself cast in a cultural

script in which male sexual desire has presumptively overriding normative force, all else being equal (i.e., holding fixed other forms of privilege, including whiteness).

Melanie would have to make her own will hard and steely in order to resist David—soon to be disgraced and forced to resign from the university, due to his sexual misconduct and subsequent lack of remorse. Instead, Melanie goes limp. She is caught off guard: she freezes.

This makes the sex not quite rape. But what makes it morally gross, to David as well as the reader—who slumps over his steering wheel, fighting dejection and shame after leaving Melanie’s apartment—is that he is aware it might have been rape had she been forewarned. More precisely, if Melanie had had more in the way of agency or sheer wherewithal and a sense of entitlement to deny him, she might well have said “no.” She would have been far more likely to turn him down, or alter the terms of the affair (as he regards it). David, in knowing this, clearly took advantage (an old-fashioned expression, but a useful one, for all that). And this is so even if he would have stopped, had she in fact firmly resisted; which one suspects he knew, or almost knew, she wouldn’t.

As it is, “nothing will stop him,” at least short of that, and (so?) she does not even try. “All she does is avert herself—avert her lips, avert her eyes.” She turns her back and removes herself—“So that everything done to her might be done, as it were, far away.” And so he has his way with her: his little death, his resurrection.

Later, Melanie turns up on David’s doorstep, asks if she can stay with him. She plays her role in his life with some enthusiasm for a short while. But “to the extent that they are together, if they are together, he is the one who leads, she the one who follows. Let him not forget that,” he tells himself. His words ring hollow. He disgraces himself by regretting nothing officially, nothing on paper, during his university’s ethics investigation.

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This lack of desire at the core, this sexual Milgram experiment, this obedience to a culturally designated authority figure in the relevant domain—it goes beyond sex too. Most obviously, it extends to other forms of pawing, preying, boundary-pushing, touching, and grooming which may be more or less sexually-inflected, but are nonetheless inappropriate and presumptuous. An 11-year-old Hannah responded with a

passivity similar to Melanie's when her teacher, Mr. Lasky, was overly familiar with her, 'handsy' (to invoke another old-fashioned, but again suggestive, turn of phrase). Hannah said she didn't mind, that she liked it, even: but for the wrong reasons, at the wrong time, in the wrong way, to invert Aristotle. She recalls:

*He liked me, he was impressed with me. I did special creative writing: I wrote a little novel or whatever. Sometimes, when he was talking to the class he would stand behind me and he'd rub my neck. Sometimes he'd rub my head, rustle my hair. And I didn't mind. It made me feel special. It made me feel like someone saw me and they knew that I was going to grow up and be really, really particular... Anyway, last year I'm at a warehouse party in Bushwick, and this guy comes up to me and he's like, "[Hannah] Horvath, we went to middle school together, East Lansing!" And I'm like, "Oh my god, remember how crazy Mr. Lasky's class was? He was basically trying to molest me." You know what this kid said? He looks at me in the middle of this fucking party like he's a judge, and he goes, "That's a very serious accusation Hannah." And he walked away.*

This episode resonated with me because, like so many other women (though by no means women alone), I had my own Mr. Lasky story. I wasn't planning to tell it. But then I began to think I ought to.

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In a public lecture delivered in March 2017 at King's College London on which I was invited to comment, the distinguished moral philosopher Martha C. Nussbaum departed from the time-honored tradition in our discipline, universal until recently, of ignoring sexual violence—particularly the subjective experience of the victims of such assault and predation. Instead, Nussbaum began with and further enriched a narrative she had shared in a powerful and provocative Huffington Post piece from 2016, one eventful year earlier. She spoke out about being sexually assaulted by a famous actor twice her age, in the late 60s, when she was 20. She referred to it, aptly, as "her own Bill Cosby story." Hence my above adaptation, to similarly emphasize continuities with others' experiences, and try to foster solidarity, along the lines laid out by the philosopher Regina Rini in defending the practice of calling attention to micro-aggressions. In other words, I like and want to draw attention to Nussbaum's formulation, "my own X story," as against the victim-shaming myth that the point of telling one's story is to siphon attention away from other people somehow, garner sympathy beyond one's ration (as it

were—is there a war going on?), and advertise the wrong done to one as exceptional. I allude here to the mean-spirited critiques which have proliferated lately of so-called “victim culture.”

As Nussbaum went on to explain, both in her *Huffington Post* piece and lecture, that she consented to sexual intercourse with this man, but not to the gruesome and painful sexual ordeal he substituted. And, although she cried out for help at the time, to no avail, she was too embarrassed to report his crime to the police. She did not even see a doctor, despite her pain and injuries.

After giving this moving account, all the more so when delivered in person by the victim whose survival as an agent was self-evident in the performance, hence obviating the need for an explicit demand or plea for such minimal (though sadly still far from automatic) recognition, Nussbaum moved from descriptive to normative terrain. She argued that her decision not to seek legal recourse was, on balance, a good one, even *the* right decision at the time. For, had she sought to bring her assailant to justice:

*[T]he celebrity in question would certainly have prevailed. He would have denied my allegations, cast aspersions on my reputation, even perhaps attempted to portray me as an extortionist. My life, personal and professional, would have been profoundly damaged, and nothing would have been accomplished. Not specific deterrence, since I am sure he was undeterrable, shielded by fame as he was, and not general deterrence, since I would have failed. No doubt dozens of other women have come to the same conclusion about this particular man. And who knows how many hundreds or thousands have about how many hundreds of other male celebrities. So what did I do? After my injuries faded, I decided not to “join the culture.”*

Have times since changed? Not sufficiently to change the best course of action, according to Nussbaum, at least in her original *Huffington Post* piece.

*Mine has been a selfish and self-protective response. I do wonder whether even a futile complaint could have prevented other harms. Still, to make one’s life all about a harm, since that is what protracted litigation would have done, seems to me a sacrifice that morality does not demand. Law cannot fix this problem. Famous men standardly get away with sexual harms, and for the most part will continue to do so. They know they are above the law, and they are therefore undeterrable. What can society do? Don’t*

*give actors and athletes such glamor and reputational power. But that won't happen in the real world. What can women do? Don't be fooled by glamor. Do not date such men, unless you know them very, very well. Do not go to their homes. Never be alone in a room with them. And if you ignore my sage advice and encounter trouble, move on. Do not let your life get hijacked by an almost certainly futile effort at justice. Focus on your own welfare, and in this case that means: forget the law.*

I can't disagree with Nussbaum's pessimistic assessment of the odds here, unfortunately. Indeed, I think these dismal odds are manifestly not restricted to celebrities and likely have less to do with celebrity culture than sheer male privilege, as it intersects with privilege of other kinds, e.g., whiteness, being cis, non-disabled, physically fit or thin, and so on. Current estimates suggest that just six in a thousand rapes on average will result in the rapist serving jail time: a strikingly low rate compared with other crimes.

Such statistics highlight a central aspect of rape culture: the widespread impulse to exonerate the (almost exclusively male) perpetrators, especially when they are privileged as compared with their (typically, though by no means exclusively, female) victims. I refer here both to legal and extra-legal exonerating projects, practices, and narratives.

Nussbaum did not reiterate the "move on" advice in her inaugural lecture, and recorded a somewhat greater optimism about the possibility of bringing perpetrators to justice. As against this, I would echo a point made by Ashwini Vasanthakumar (one of my co-panelists on the lecture). Vasanthakumar noted that, in all but one of the cases Nussbaum had canvassed, the accused was African-American, and hence plausibly much more likely than a white counterpart to be pursued by law enforcement and convicted by a jury. Moreover, as I went on to note in my own comments, the fact that Donald Trump was elected president in the US in 2016 is among various pieces of evidence which together suggest that powerful white men still routinely get forgiven for serial sexual assault, harassment and predation. ("I don't even wait. And when you're a star, they let you do it. You can do anything," Trump boasted, following his now notorious pussy-grabbing remarks. And we collectively let him get away with it, and still take the White House. Over half of the white women who voted cast their ballots for him over Hillary Clinton.) And this moral laxity extends to such men's criminal acts more broadly, as my other co-panelist, Amia Srinivasan, rightly argued in her commentary.



Whether or not this means that one shouldn't bother, or is even entitled to forgo, reporting such sexual crimes is a tricky and likely context-dependent matter—addressed in work by Vasanthakumar, among others. I confess I am quite unsure about how to weigh the relevant moral and self-interested considerations. So let me leave criminal proceedings and even civil law suits entirely to one side here, and turn to Title IX matters in relation to sexual assault in college campuses instead, which Nussbaum also considered in her lecture. Given the vagaries, burdens, and sheer failures of the law in this respect, which Nussbaum powerfully crystallized, I believe she may have underplayed the subsequent importance of internal Title IX proceedings in educational institutions, and the strong case that emerges for mandatory reporting.

This isn't to say that mandatory reporting is costless, of course. But I think the benefits may well significantly outweigh the costs, on balance. And this partly because we have strong reasons not to place a victim in the unduly burdensome position of having to choose whether or not to protect a dominant man who has behaved badly toward her, after she has disclosed his abuse, assault, harassment, or misconduct. The crime or wrong begets the impulse not to choose to hurt him. It may also bespeak the prior strength if this motive, as the Coetzee example demonstrated.

So as far as possible, a victim of sexual assault or wrongdoing ought not to be tasked with being the keeper of the perpetrator's secrets—secrets he has already tacitly pressured her to keep. (Sometimes even targeting her for that very reason, i.e. her anticipated discretion, or her lack of credibility, were she to come forward.) From such a position, one should not have to be concerned with the omni-salient prospect of costing him something, or life's not being fair to him. Life is often too fair to these men at the expense of others, to whom they are unfair, for this reason. They feel entitled, and they know they can take advantage with impunity. For, we let them.

Yet fairness to him was the primary topic of conversation about Title IX investigations, and the possibility of implementing similar policies in the UK, during the informal dinner discussion following Nussbaum's lecture—and was also salient during the lecture itself. In view of this, I believe we must ask first and foremost: what about fairness to *her*, i.e., girls and women and people of any gender (including the genderqueer and non-binary), when it comes to having equal access to education? This being, of course, what Title IX (together with the Clery act) is meant to uphold and safeguard.

Internal investigations into sexual assault (inter alia) in educational institutions, under Title IX provisions, are not intended to be punitive. Nor does their power extend to punishing likely perpetrators in any standard legal sense. Their aims and reach are primarily *protective*. So, e.g., the most severe potential consequence for a student found, by the preponderance of the evidence, to have committed sexual assault would be expulsion from that institution: not jail time, nor the payment of punitive damages, nor even compensatory ones. And expulsion, I should add, is exceptionally rare in practice.

The same is not true for similar hearings on academic honesty (e.g., plagiarism) at certain universities, my own included. Usually the remedies for Title IX-related complaints are much less burdensome for the likely perpetrator, e.g., placing him in different housing, making sure the accuser does not have to take classes with her assailant. And such internal proceedings in no way forestall standard criminal ones: rather, they are a parallel option with different standards of evidence, aims and, again, potential remedies.

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In a chapter of my forthcoming book, *Down Girl: The Logic of Misogyny*, I try to bring out the culturally prevalent exonerating tendencies which benefit comparatively privileged men, such as the failed aspiring football player turned Oklahoma City cop, Daniel Holtzclaw. Holtzclaw was convicted of multiple counts of rape and other sexual crimes against African-American women who had little legal recourse in having, e.g., outstanding arrest warrants or histories of drug abuse.

The most frequently asked question when I give talks based on this chapter is some variant of the following: “But isn’t holding him to be innocent until proven guilty morally required, in order to be fair to him?” The answer depends crucially on whether one is in the non-judicial he said/she said scenario that I’m restricting myself to considering here, as opposed to an adversarial criminal justice proceeding, where it’s the state prosecuting the accused on behalf of the people. In the extra-legal cases with which I’m concerning myself here, we *can’t* coherently maintain an “innocent until proven guilty” stance toward both of the parties involved. If he’s assumed to be positively *innocent*, then she must be lying.

Remaining agnostic is a different and sometimes the correct option, as I freely acknowledge. But my point is that positively maintaining his innocence following such extra-legal testimonial clashes would come at the cost of *her* default moral reputation. And her claim to being trustworthy, and prospects of being believed, already tend to be too tenuous and unduly dim, respectively.

I learned this lesson fairly young, at the age of 14, when I tried to get out of an uncomfortable situation with a new piano teacher, Mr. M, at my middle school. I told a female friend my age about what was happening: she said, maybe he's just a very affectionate person. I must be misinterpreting. "Have you even considered that?" She snapped at me, angrily. I was taken aback, and didn't reply or bring it up again. Then I told a trusted family member something of what he was doing: she said, "I'm glad he feels comfortable massaging your sore muscles from practicing the piano so much. Male teachers worry too much about people getting the wrong idea these days."

Maybe I could have made her listen if I'd pushed. But I was too embarrassed. And I felt, rightly or wrongly, warned off pressing or saying something that couldn't be reinterpreted as innocent, explained away as a misunderstanding, or kept within the family. I can't shake the suspicion that unless I'd pressed harder than I knew how given the ambiguity of the touching, nothing would have happened.

(This family member has since taken an active interest in child and adolescent sexual assault victims. Male ones.)

And so I said nothing: feeling not only embarrassed but obliged, in the name of charity and fairness to him, not to cast aspersions. I wound up trapped in a small room with him for individual, hour-long lessons once a week, sometimes more, on his say-so. ("Come here" he would beckon to me, across the school yard, grinning. And I would follow him, obediently.) None of it was strictly non-consensual; nor desired, on my part, in the end. The crush on him I made an effort to develop was short-lived and half-hearted. Ultimately, he sickened me; his smell not bad but seeming wrong to me somehow, just slightly off, and far too strong, indeed overpowering.

The so-called massages were painful and deep to the point of leaving bruises (always under my uniform). His hands roamed freely, deceptively casually, as he leant over me from behind as I kept on playing the piano, doggedly. From that position, he had access

to everything, though there were limits to where he would go, and for how long, seemingly. He retained full control. He knew exactly what he was doing. But I doubt he'd ever have admitted it, even inwardly.

(If this was a fledgling sexual Milgram experiment, and I was both the teacher and the learner, the autodidact, then who was he? And who, or what in the social world, was Milgram? Questions all for another day, however.)

I couldn't protect myself, couldn't evade his hands, with my own glued to the keyboard, trying to get the piece right or improvise. And I wanted at that point to have a career in music: I dreamed of being a concert pianist, though I'm sure now I hadn't the talent. But I was implacably, stubbornly driven: and so, I persisted.

Mr. M was the first person to talk to me openly about the sexiness of sex: what it was like, what he liked, the ways in which music, to him, he said, was sexual. When he had sex, he confided, he would play his partner's body like a piano. He simply couldn't help it—or himself, on his telling. But the sexiest thing of all, he said, was always anticipation.

It seems comical and cringe-worthy in retrospect: much less so in the third person, if I make myself peer in through the window, as it were, imagining the scene from the outside. If I saw a male teacher doing that to a teenage girl these days, I would knock on the door and extract her, then read him the riot act. I have become that sort of person.

Whatever the case, my discomfort in that too-small room, where he seemed to saturate every drop of air with his smell, tempered my love of playing the piano. I stopped making progress for a time—in music, and beyond that.

Like Nussbaum, I don't think my (more drawn out, but obviously vastly less severely harmful) experiences affected me all that much in the long term; though, ultimately, it's hard to say. But the main point is just that: in the short term, it made school a much more fraught place than it ought to have been. I began to tear strips of flesh off the soles of my feet at night for no reason I could discern. As a result, I walked around in the daytime gingerly: it might have been painful, had I been feeling.

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One day, after a year of this, suddenly, he was gone. He left the school so abruptly, without anyone knowing the reason. I can now guess why, of course: I can't have been the only one. But it was all kept very quiet. Then there was the issue of glass houses and throwing stones. In 2015, the principal of the school was sentenced to five years in jail, having plead guilty to multiple counts of sexual assault of boys under his instruction.

The other teacher who I was close to at the time, Mr. T, who I used to enjoy long, intense talks with about novels and poetry and writing, and who gave me the minimal yet, as it turned out, rare gift of valuing my curiosity without ever asking me for anything, or taking anything from me, caught me looking down one day soon after Mr. M had left. "Kate, I'm sorry," Mr. T said. "You must be so sad that Mr. M has gone. I know you were his favorite." And I shook my head wordlessly no, and Mr. T could see that something was wrong, and it all came pouring out. And he believed me, and I was so relieved, so deeply relieved that he didn't doubt me or question me or seem to think less of me despite my shame: a shame that has been lasting.

Hence my previous reluctance to tell the story: I also didn't see much point. But now, I can't think of another way to defend a claim which, though small, I do think has important normative implications. It has to do with the way someone with something to say in this connection has often been cast in a role which they would have to break with radically, at a time when they are likely to find that especially hard, in order to come forward. I was not only embarrassed and ashamed about what happened: it would have felt morally wrong to say anything. I would have felt like a tattle-tale, a little bitch, a traitor: in short, guilty.

After we talked, Mr. T told me he had to report it, it being mandatory in my state in Australia. I'd been dimly aware of this, but it hadn't been salient. And for the first time during that year of feeling frozen on the inside, and looking much the same as usual from the outside, I'd hazard, but propelled along largely by inertia and the social analogue of muscle memory, I started to cry. I begged and begged Mr. T not to tell anyone what I'd told him. I said: no one will believe me. No one has but you. I'm not one of the pretty girls, who would want me: nobody.

Mr. T shook his head sadly no, it's not like that, but there was nothing he could say. He went away to think about it, returning with his decision a few hours later. He reluctantly agreed not to make the report, despite his serious misgivings.

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In her inaugural lecture, Martha Nussbaum questioned the wisdom of the mandatory reporting of sexual assault, abuse and harassment under Title IX regulations in the U.S. at educational institutions, including schools as well as universities, which receive federal funding. Nussbaum worried that victims might be less inclined to open up to her and other faculty members if they knew that reporting was mandatory, even though the Title IX coordinators who receive the reports are duty-bound to respect the victim's confidentiality, if she wishes to maintain it. (Unless violating confidentiality is required in order to address a hostile educational environment; but this is rarely necessary in practice.) To this, based on my own experiences, as outlined above, I want to make the following points:

1. She may well open up anyway, if she trusts you and needs to talk—these things often aren't planned or calculated disclosures. People spill; they spill over;
2. There are plenty of people to talk to, or at least try to, as someone subject to inappropriate treatment. But something only a faculty or staff member at a school can do is take it out of the hands of someone who may well feel numb or conflicted, for the sake of securing a suitable educational environment for students of any gender—and should not be done, I agree with Nussbaum, for the sake of retribution here;
3. Relatedly, it's not as if there aren't a litany of strong reasons, psychological if not normative, to keep one's story to oneself as the person who has to tell it: one more of these (in the form of the Title IX coordinator knowing one's name and the general issue) is a mere drop in a veritable bucket;
4. For faculty members, if push comes to shove, one can always exercise discretion and break the rules for a particular student. Title IX is, in truth, largely toothless. (Despite the hundreds of violations uncovered by the OCR, it has never taken *any* punitive action, let alone taken the step of withdrawing federal funding.) And while one's moral duty to uphold such mandates is plausibly strong, it is surely only *pro tanto*. That is, its default status to decide what one ought to do may be outweighed by extremely weighty countervailing considerations (or 'silencing' reasons) in particular cases;
5. Finally, as someone who once begged and successfully persuaded someone not to do his legal duty when it came to mandatory reporting, it seems relevant to point out that I now fervently wish that he'd done so regardless. I wish he'd gone over my head; I wish he'd overridden me. It might have spared many others, a fact the awareness of which

has troubled me deeply intermittently during the intervening two decades. Mr. M was just so creepy. And it might have helped me too, at least in the long run, to have seen him held accountable. It would have communicated that this, and by extension I, was taken seriously.

I know how it sounds. I know it's counter-intuitive to advocate overriding those who have been wrongly overridden, much of the time, in being put in this position. But sometimes being given a choice alters the choice space itself, and not for the better. In this case, it becomes a choice of whether or not to cost such a man dearly, to thwart him, to frustrate his will, his dominant, confident, overwhelming will—to embarrass, expose, out, him. And the logic of abuse—whether severe or, as in my case, fairly mild—involves wearing down one's sense of entitlement to say, no, get your roaming hands (among other things) off me. You learn to play along with it. Your body is claimed piece by piece, bit by insidious bit, both temporally and corporally, until you're jumpy but have lost a robust sense of where your own skin starts and intrusion begins. The soles of your feet may be raw and tender, your tongue tied, your muscles twisted. Mine were, at any rate. I learned my lesson: helplessness. I am not sure how well I've managed to unlearn it—though maybe I would have been prone to go limp, to fall prey to bouts of (to me too, irritating) passivity, regardless. It's a vice, a flaw: my weakness.

I encountered Coetzee's novel *Disgrace* shortly after all of this, as a late teen, and it had a powerful impact. Witness David's reaction to Melanie's eventual accusations. David is not only defensive, as is only to be expected, but deeply contemptuous of her—and then, deeply patronizing:

*Abuse: he was waiting for the word. Spoken in a voice quivering with righteousness. What does she see, when she looks at him, that keeps her at such a pitch of anger? A shark among the helpless little fishies? Or does she have another vision: of a great thick-boned male bearing down on a girl-child, a huge hand stifling her cries? How absurd! Then he remembers: they were gathered here yesterday in this same room, and she was before them, Melanie, who barely comes to his shoulder. Unequal: how can he deny that?*

How indeed could David deny the power imbalance between them? But the basis on which he affirms it—height—is so maddeningly irrelevant as to fail to impress, even as a

metaphor. The relevant inequalities are a product of a patriarchal culture, and the subsequent threats and punishment leveled at girls and women who challenge the will of male authority figures. Hence one important form of internalized misogyny: the dread and guilt I would have felt in my case, for one such, in not protecting Mr. M's reputation or his social position more broadly. "Better to suffer evil than to do it," following Socrates, it was argued in the first book of philosophy I ever read: *Good and Evil: An Absolute Conception*, by Raimond Gaita. I took this mandate very seriously at the age of 14. I wanted to be the one to swallow the pain. I wanted to be a good girl. I overlooked all of the other girls and women Mr. M likely treated badly. Hence a deeper sense of shame which still, to this day, lingers.

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In the episode of *Girls* with which I opened, Chuck Palmer has charmed Hannah, worn down her defences before too long. As they stand around swapping stories, she pulls a book down off his shelf: *When She Was Good*, by Philip Roth. Hannah says she loves the novel, loves Roth, despite his misogyny. The book had an alternate title: *American Bitch*, as Hannah tells Palmer. He gives her his signed copy on the spot: a little reward for not being one.

In the next scene, Palmer lies down on his bed, and asks Hannah to lie down next to him. He just wants to feel close to someone, he says. He lies with his back turned to her; they are both fully clothed. Suddenly, uninvited, and without any warning, he turns around, jeans unzipped, and rubs his semi-erect penis against her thigh. He's expectant: and Hannah reaches down to jerk him off, instinctually.

Fuck it: I too have been there.

And then Hannah jumps up, yelling: "I touched your dick!" repeatedly. She's incredulous, furious, disgusted, and, above all, embarrassed. The latter was also the dominant emotion of participants in Milgram's famous experiments as well. The vast majority of the time, they didn't want to obey. "They disagreed with what they were doing," as Milgram put it, in his *Obedience to Authority* (1974). Still, two thirds cleaved to the script despite this, showing palpable distress, doing as the man in the lab coat bade them.



Chuck Palmer grins sardonically, even sadistically, as Hannah stands there yelling. He has won, and he knows it. Regardless of what happens next, he is back in control. He has shown Hannah how it was done, and at the same time spoiled her story, past and possible future. He has re-established dominance: not by dint of physical strength, nor by simple coercion. He has outsmarted her—which itself smarts—thanks to the power differential and the cultural scripts he has drawn on.

Now we see why it had to be staged in his apartment. The scene is interrupted by another young woman's voice: Chuck's tween daughter calling out to him, as she approaches his bedroom. He zips up his fly at an agonizingly languid pace, right as she reaches the open door. You can sense Hannah's shock: she had no idea the girl had been there.

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My good teacher, Mr. T, who didn't report Mr. M at my behest, and who I believe made a mistake, for which I can't bring myself to blame him, did help me heal in another way. He swore that day that he wished he could hit Mr. M over the head with a blunt object. That was important for me to hear, though neither of us actually wanted such violence—not even remotely. (I doubt either of us so much as pictured it: we both were, are, gentle people.)

But there is a paucity of ways to express an anger that was not in the end retributive (the assumption Nussbaum makes in arguing against the intrinsic value of this emotion in recent work), so much as it was protective. Such anger had no other language with which to make itself known, in this context. And I had no other emotional repertoire as an adolescent girl with which to parse an adult man's loyalty to me, over a man with whom he'd been friends, or at least friendly. They must have been right around the same age: in their early 30s. I know this in the case of Mr. T from Facebook. We've been in touch for a few years now; I call him by his first name, outwardly.

And as for Mr. M, his name still provokes a Pavlovian shame response in me to say or even type, as I did here before blanking out the letters, as if to spin back the wheel of this minor misfortune. I nonetheless typed his name into the Facebook search engine, one day while I was writing this, largely on impulse, unexpectant. He pops up

straightaway: he has a public profile. I verify he is 17 years my senior, and try to recall why he told me this.

In his profile picture, he has his arm squeezed tightly around the shoulders of a younger blonde woman, perhaps 15 years his junior—or maybe more—by the looks of it. They have a baby, a little girl, who has just turned one year old. The second of the public photos from the search shows him seated on the floor, nestled close behind his daughter, as she is banging joyfully away on one of those little toy pianos for toddlers. His partner has tagged him in the photo and written a caption to the effect of: Music lessons! First of many.\*

*\* This is a paraphrase of the caption, to prevent searches for this photo.*