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Juliet Mitchell and the Lateral Axis

Twenty-First-Century Psychoanalysis and Feminism

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Chapter 10

Crimes of Identity

Gayatri Chakravorty Spivak

I was honored to have been asked to deliver the 2014 Juliet Mitchell capstone lecture at Cambridge. I was in awe of Juliet Mitchell before I met her—I believe in 1993, with Michael Riffaterre at the School of Criticism and Theory—and have retained that feeling. I taught her iconic *Psychoanalysis and Feminism* again and again after the mid-1970s, in the obligatory feminist theory class that I had begun to teach from the end of the 1960s.¹

In my prepared speech, I had made two points:

One, that having a certain kind of “identity” allows groups with preferred “identities” to initiate and sustain policy that, although legal, may be construed as “criminal” by natural law, if it were humane in the colloquial sense. In the workshop following the talk, I was asked why these would not be called “crimes of capital.” The answer was that capital, the abstract as such, is not susceptible to behavioral diagnosis. As one of the participants remarked: “whether crimes of capital would have been the participants remarked: “whether crimes of capital would have been possible at all if there wasn’t a certain logic of identity in place. I am not sure whether crimes of capital would have been possible if it wasn’t for a certain logic of gendered identity, a certain logic of class identity that has been inscribed in the bodies of those men who have committed these suicides.” In terms of conjuncture discourse, managing gender and class by race-ideology, I was shifting the field of identity from capitalism-mobilized *claims* to capitalism-accusing *crimes*. To invoke “crimes of capital” is incorrect. To invoke “crimes of capitalism” is banal in Hannah Arendt’s sense, and plagued by the usual rentier bad faith within academic leftism, engaged in a perennial small-stakes effort to secure a place within capitalist globalization, unable to acknowledge complicity.² “Capital” or “capitalism” are faceless structural enemies. I wanted to bring the scenario into the field of identity precisely because it is more personalized. It inhabits the “human” in the humanities. It profits from

In the field of positive law, we are still fighting this one in the question of gay marriage.

Forgive me for going through this fable so fast. Please keep in mind the broad outlines: the unspeculable turned into the specular by normative deviation, the imaginary; the specular turned into the limited asymmetry of speculation. This asymmetry is only limited because, although the asymmetry of the Father alone overrules this move, it is in the interests of guarding the infinitely repeatable as the same: the absolute symmetry of the Idea; the patronymic; the seamless signifying system of the symbolic.

I am more interested in Lacan's narrativization of the unconditional unspeculable. Lacan describes the presubjective drive falling upon the "anatomical trace of a margin or border;"—every word here is full of meaning—"lips, enclosure of the teeth, rim of the anus, penile fissure, vagina, fissure of eyelid, indeed hollow of the ear.... Respiratory erogeneity... comes into play through spasms." In other words, border-thinking is an undecided and primary constituent of our perception of reality itself, where reason is fashioned out of what precedes it. It is of no interest to me if this account is correct and therefore an instrument of cure. The literary critic learns from the singular and unverifiable. What is of interest to me is that here in the place before the speculations of the subject Lacan places the extra-moral possibility of the infinite extension of rape; borders, holes in the body. In the narrative itself, classic psychoanalysis cannot distinguish between seduction and rape and the distinction between truth and exactitude becomes patriarchally counterproductive. French Freud has not considered this particular problem significant. Juliet Mitchell's tremendous intervention in *Psychoanalysis and Feminism* does not specifically thematize rape. What I am speaking of today thematizes her bold parenthesis; the only mention of rape in that early book ("That rape does indeed occur is only an indirectly related issue"). This is the relentlessness of the unconditional.¹⁶ I am focused on that indirection, the refraction of the transcendental. Indeed, apart from Jeffrey Moussaieff Masson's *The Assault on Truth*, which treats seduction and rape together and points at the disavowal of real sexual abuse in Freudian psychoanalysis, rape is not necessarily a concern for those who wish to bring feminism and psychoanalysis together. Rape in the narrow sense is neither seduction nor incest. Where incest is supposed to distinguish the human from nature and seduction is morally ambiguous after the law, rape in the narrow sense makes it hard to determine the border of the human and the upper primates.

If Jacques Lacan, the master imaginer, implies rape as a potential before subject signifier and ego, I attend to that imagining and suggest

that redress for rape cannot be in the sphere of unconditional ethics but firmly in the field of agency, where the intending subject is accountable to what Kant would call "mere reason." There we require an epistemological performance which cannot always be expected of what we have now come to designate as "activism." It is an imaginative training that rape in the narrow sense, if such a thing can be thought, still extends to all the way from the most public to the most private, from war crime to domestic violence. But this is "after," this is in the field of agency, intervention; activism. Sexual violence without consent, coercive. And the unconditional possibility of rape in the general sense as the unaccountable origin of the human should at least be thinkable during the time of the reading of this chapter.

No modern European thinker of the subject is free of German classical philosophy. The Cartesian line is more historical, the invocation of Christianity wittingly or unwittingly reactive. Within the main tradition, the common element is the break between the transcendental and the phenomenal. Kant keeps the break alive; Hegel narrativizes it, staging the break repeatedly, in various ways. Kant keeps the rupture between (the unconditionality of) pure reason and understanding blank, although contaminated into a textual blank, with the understanding presumably philosophizing on the analogy of the sense perceptible manifold. Many years ago, Rosalind Coward and John Ellis showed that Lacan had read Hegel.¹⁷ And indeed, Lacan speaks of Descartes and Hegel as being metonymic of psychoanalysis, unearthing part of it and disclosing it as the whole. Here we can tabulate Lacan's bond to Kant as well as Hegel, as he narrativizes the unconditional and programmed material transcendental by way of a manifold—the body's borders—that will become sense-perceptible by way of the grounding error of signifier/fantasy—leading to the subject/ego site of conflict, secured by the specular/discursive access provided for analysis. A complex trajectory, but the Kantian imprint is determining—the necessary intuition of the drives remaining unspeculable (though compromised here by narrativization): the rape in the general sense. Kant's warning to Locke: the necessity of the synthetic a priori cannot be proved, only demonstrated.

Rape in the general sense is not susceptible to proof. Its demonstrability cannot be argued, although Andrea Dworkin did make a heroic attempt, creating a clearly excessive binary opposition. At the other extreme, such a binary opposition is legitimized by reversal because of the incalculability of gendering—into a straightforward relationship between desire and violence: "she, or indeed he, asked for it."

Remaining within psychoanalysis, Mitchell moves from "killing is raping and raping is killing" to "a suggestion of death and sex drives

being constituted in the same moment."¹⁸ Perhaps death and sex are somewhat naturalized here? Freud and Lacan have always found in fiction the experience of the impossible. Reversing the situation and reading the literary in Freud, let me propose that the ripple in the pervasive ocean of thanatos that is the normative deviation of the emergence of life (an unbalanced psychic machine) shares a structure with rape, if rape is understood as generalized "objectlessness" (no individual is the object of the "planetary" or the synthetic a priori).

The character Lucy in J. M. Coetzee's novel *Dignace*, pregnant after being raped, gives us a sense of the "objectlessness" of rape by refusing to be interpellated as victim:

[She] cast[s] aside... the affective value system attached to reproductive heteronormativity as it is accepted as the currency to measure human dignity. [I was comparing this to Cordelia's speech in *Leary*.] I do not think this is an acceptance of rape, but a refusal to be raped by instrumentalising reproduction. Coetzee's Lucy is made to make clear that the "nothing" is not to be itself measured as the absence of "everything" by the old epistémico-affective value form; the system of knowing-loving.¹⁹

Let me point out that Coetzee, in his usual manner, is not only mingling race, class, and gender but also, given contemporary South Africa, the idea of the new nation as well. Nationalism, starting from group formations preceding the formation of nation states by far, sanctions crimes of group identity.

Dignace's twist, the situation of the white creole in the postcolonial nation, could not be imagined by Kant. The best he can do is to make a gesture toward the colonized:

The country whose inhabitants are citizens of one and the same Commonwealth (by birth) is called the *fatherland*; those where they live without this condition is a *foreign country*; and these, if they are part of a wider landownership, are called *provinces* (in the meaning given by the Romans), which, while not integrated into an empire as a place of fellow-citizens, but is only a possession as a subordinate position, must respect the ground of the ruling state as a *motherland*.²⁰

Freud is able to perceive nationalism as part of fetishism, but he, too, cannot ask that specific question.²¹ Lacan is altogether less political but, as I have suggested elsewhere, the transcendental border-perception, made specular, can also determine the tremendous identitarian pull of nationalism, legitimizing birth, disavowing rape in general, as if an origin

can be accessed. In *Nationalism and Imagination* I have suggested that full-blown nationalism conjures with something as private as a simple comfort in one's space and is not therefore amenable to the public use of reason.²²

Edward W. Said cited Erich Auerbach citing Hugo of St Victor, the immensely learned twelfth-century cleric, who was both a rationalist and a mystic: "The man who finds his homeland sweet is still a tender beginner; he to whom every soil is as his native one is already strong; but he is perfect to whom the entire world is as a foreign land."²³ I have elsewhere written that these impressive words, from an exceptional intellectual with no family obligations, should be tempered with a thinking of the wife in exogamy—rather than the agents of the Alexandria codex—as the type case of the diasporic, as the word is now used.²⁴ I will not revisit that argument here but rather submit that the cleric's statement was a disavowal of the discursive potential of rape in general. In order to so do, I must remind you of the implications of the conviction—that gender is our first instrument of abstraction—with which I started my remarks.

I repeat, this unconditional producer of the socius, condition proper, remains ungeneralizable. Exogamous wives outside of the romantic view of marriage are different in different social formations, capable of desiring violence. The unconditional producer of the socius holds the possibility of defining female identity as potential surplus object of a pleasure that is in excess of, yet defining, sexuality. The exemplary instance of this surplus pleasure is rape as the fruit of victory in war, itself a crime of identity.

Coetzee's Lucy, a character in fiction, is staged as undoing rape by perhaps recognizing the access to humanity as rape in the general sense. In terms of this experience of the impossible, I will spend some time with rape in the narrow sense.

Open any day's newspaper and you will see accounts of brutal and terrifying rape cases, almost invariably of women by men. This morning, I read of a mullah raping a beautiful minor girl so brutally that the area between her vagina and anus suffered dreadful wounds and she almost bled to death. I hear that her family wants to kill her and the mullah will go scot-free. There is an item also of the brutal gang rape of Thangjam Manorama, her vagina area bullet-ridden to destroy evidence, because she was a political radical, fighting for tribal independence.²⁵ Visit a prison, and you will hear of cases of male rapes just as brutal. The theorizing and about is rape sex or violence goes on, the terrifying work of keeping and enforcing the law goes on. I take my cues from Farida Akhter, Flavia Agnes, Catharine MacKinnon, and many other sisters.²⁶ What I am saying today is that this is the human condition. It is a scandalous thing to

say because for some reason we have sentimentalized the concept of the human, with underderived universal rights and so on, in the last few centuries. I think, if we can acknowledge that real education de-humanizes so that we can promote social justice, an endeavor that turns rape around and makes it productive, as in the fictive example of *Disgrace's* Lucy, we would be better off. I have often connected rape-culture and bribe-culture—thinking of both as “normal”—rape as the extra in gender and bribe in the economic. Just as rape does not look like rape if there is sex in it, so bribe disappears if it is simply capitalist expression of “normal” human greed, perfectly practicable if you have received institutional education, seen today in the resumption of subprime lending in the automobile industry, no lesson learnt after 2007. My citing these examples will I hope assure you that I am not interested in speaking in generalized abstractions; these examples are class marked. Therefore, not only am I not “turning reality into nothing but abstractions” but, I am asking us to acknowledge that in many very different kinds of areas, the structure of a sudden and unaccountable entry into humanity—and indeed the ordinary move for every possibility of being-human shares very much more in common with the structure that I can only call rape. If we accept this, then we are complicit with rape, we do not try to redress what can be called rape only by making and enforcing laws in the name of humanity; but, more practically, we act toward the artificiality of, in the name of a forever thwarted social justice as a result of a certain kind of education which effectively de-humanizes, if the human is understood as not necessarily anodyne and benign as most people of our class and our education tend to do. This is how I understand MacKinnon’s placing of the *prakriti* (natural) before the *Sanskriti* (repaired): “The analysis is structured to treat law as first substantive then abstract on the view that, in this sphere and perhaps others, law is interpreted and practiced on the basis of substantive experiences and material commitments, from which doctrinal and formal positions inevitably derive” (p.v). Recently, sitting at a table with an altogether accomplished art historian who suggested that most people would like to do good to others, I had to say the entire world does not resemble you and she later confided to her husband that I intimidated her. This idea, of a welcome de-humanizing kept up with difficulty, should not intimidate—but simply allow us not to claim post-humanism when it is convenient to do so, and become aware that the anthropocene is not just climate change, not just the bad human; it is the double bind of the human as such.

In the discussion of gender as our first instrument of abstraction, I have previously made three further suggestions: that this use of reproductive heteronormativity includes everything that emerges from the difference

between how much we need and how much we can make; that the autonomativity of the Idea—infinite repeatability of the same—disavows this; and finally, that in the field of sexual reproduction as the most generalizable clue to heteronormativity, the queer use of its affective and legal resources is “extra-moral” in the Nietzschean sense, as far as possible. Now I am ready to take reproductive heteronormativity—provoked by the passage in Mitchell that I have already quoted—as the social account of the transcendental and unconditional discursivity of rape in the general sense. This indeconstructible unconditionality, like Marx’s realm of freedom, is not susceptible to social engineering. Therefore the redress of rape in the narrow sense, as nonconsensual sexual violence, is only possible through agential work in three ways: (a) interventionist enforcement of the law, (b) juridico-legal constitutionality in the making of the law; and (c) undoing class apartheid in education and making room for long-term imaginative training for epistemological performance—producing problem solvers rather than enforcing solutions to problems.

I take them up briefly and in sequence.

(a) Interventionist involvement on a worldwide scale, undertaken by what is now called the International Civil Society, must use the tremendous generalizing resources of the digital. Digital redress cannot recognize the contingent. You can programme for all kinds of mistakes and compensations etc. but the contingent as such will always escape. You can even plan for many contingencies that you can imagine but the contingent as such you cannot imagine; it must be neutralized. Not only can digital redress not recognize the contingent but it must resist all thought of the unconditional as impractical. It must generalize in order to redress what it perceives as gender inequality; and believe me I am not against this. Yet it must also be recognized that the unconditional is in unavoidable tension with this generalization that produces platforms of action for international civil society, one size fits all gender toolkits for field workers from urban to rural. Gendered microcredit sees income production as such as unquestioned good. We cannot get around this if we must solve gender problems, ranging from homophobic laws through domestic violence, pharmaceutical dumping, absence of reproductive rights, unequal pay, dowry trafficking, HIV-AIDS, war rape, casual rape, genital mutilation and the like. Yet, this generalized redress produces a problem solving that cannot last, for three reasons at least: the tremendous counterforce of sustainable underdevelopment, the *longue durée* of internalized gendering and class apartheid in education. Short-term problem solving must continue indefinitely, resources must be sought and deployed. Since, however, the sources are largely corporate, their ties with the presuppositions and values of sustainable underdevelopment

are strong. Therefore, even to the generally impatient members of the Human Rights lobby I would make the hopeless request that internalized gendering be approached through patience and respect and that the protocols of the epistemological machine of the victims be learned with critical intimacy. Only then can dominant feminism—with no social contract—try to rearrange desires; ours as well as theirs. Ignorance of language and historical detail are the main problems here and this is an ongoing process of decline.

(b) I began this talk in the memory of Jyoti Singh, gang-raped savagely in Delhi on December 16, 2012. Apart from protests, the consequences have been juridico-legal. The extreme limit of the crime of identity—a crime predicated on the “identity” of the victim—war rape, is susceptible to international criminal law, with limits to enforceability. By and large, however, we are still speaking of the juridico-legal nation-state constitutionality. When we think of the enforcers of the law we realize that, in the paradigm of agential redress, the problem is not confined to gender but to worldwide class apartheid in education, which allows me to segue to its undoing.

(c) As long as education below a certain class line remains the memorializing of generally uncomprehended rote answers to set questions, and teachers (among others) can bribe their way into employment, the enforcers of the law, the street police and the rural police, assume rape-culture and bribe-culture to be normal. Here we speak of rape, once again, as violent and brutal sexual practice as pleasure in excess, which relates to the generalized rape toward which Ambedkar pointed so long ago. The redress here is attention to quality—top, bottom, and middle. Attention to first language education in combination with global languages. Absence of this is why, the assumption, of even so heroic a figure as Catharine MacKinnon, that

by providing a critical grasp of the legal tools of the field, [her book can] aspire to narrow the gap between the law's promise and performance in [the] domain [of “social inequality between and among women and men, legal sex equality guarantees, and the present and possible relation between the two”] by promoting change toward equality goals

will have too restricted a field.²⁷ Massively important work such as hers must be persistently supplemented by expanding the readership for her book. (She knows this in her earlier, less legal book, which “engages sexual politics on the level of epistemology.”) The expansion of epistemological training can only happen in the language the student “feels,”

even as he or she learns English for the big world. Otherwise, rape/bribe (*kamini/kanchan*) will work as normal, rape as bribe will work as normal.

Attention to first language education in combination with global languages is called for. The strength of gender education should be interwoven into classroom practice, rather than depend on consciousness raising at the very start. Things must change as we go up the education ladder, of course. Here, too, class and the historical *longue durée* must be learnt through direct unconditional contact. Learned accounts must be judiciously consulted as secondary, because most learned accounts do not go below this radar.

Knowledge management—group learning with charts or cards—evaluation and toolkits, cannot cross epistemological divides. Although structured evaluation is certainly needed for a sense of progress in both participant and funder, we must learn to rely on the unexpected or on contingent results.

In this limited but crucial enclosure of redress, this last item—education, creating a general will for social justice in all children—is not far from Freud's liberal revision of the Kantian sublime into sublimation, or from Lacan's straightforward account of the ethics of psychoanalysis, or yet Derrida's call for a new Enlightenment. Freud was perhaps only a European liberal. Yet in this era of leadership talk, role model talk, empowerment talk, the trashing of democracy as voting bloc politics talk, self-interested, often gender-compromised culturalisms, disguising the profound aporia between unconditional liberty understood as autonomy, and the conditions of equality for others who do not resemble us—we should pay attention again to Freud's discourse of collective identification through leader-identification, of the emergence of the ego ideal rather than the super-ego. *Massenpsychologie und Ich-Analyse* (Mass Psychology and I-analysis), risibly translated as “Group Psychology and the Analysis of the Ego,” still holds lessons that, in spite of Reich's smart and superficial work, remains to be unpacked in the context of what I am calling rape in the general sense and its agential redress in the narrow sense.

About creating a general will for social justice I said at the University of Utrecht on the 300th anniversary of the Peace of Utrecht

Israel is described times without number as “the only democracy in the Middle East,” although it plays the retaliation game energetically, basing it on a “faith-based”—the word fills me with horror—narrative, quite opposed to the promise of democracy. Democracy is now equated with an operating civil structure, the functioning of a

hierarchized bureaucracy, and “clean” elections.⁷ We have plenty of examples around the world, that unrelenting state violence on the model of revenge and retaliation can co-exist with so-called democracy. Revenge is indeed a kind of wild justice that proves that no retribution is just to the outlines of the tribute. It has nothing, however, to do with a vision of social justice which builds itself on its own indefinite continuation.

It is this agential indefinite that we work at for the abridgement of the culture of rape, after the indeconstructible, unconditionality of rape in the general sense, which opens the human.

I have been asking for an affirmative sabotage of the Enlightenment wished upon us by colonialism. I have often used the metaphor of the children of rape to support this. Today the distinction between metaphor and concept is undone for me in an intuition of unconditionality. Kant did indeed inaugurate modernity by binding free will, rewriting fatalism by a rearrangement of the desire for philosophy, which desired the danger of the entire mistake, declaring free will by determined necessity, leaving fatalism ungarded in the *longue durée* of history. That counterintuitive mark of the modern largely misfired. What took its place was the race-class-determined binary opposition of free will and fatalism that runs our world today, with the so-called abstract workings of capital running a deconstruction. For the rest, the task is for the readers of the future. The Christo-Leninist alternative offered by Badiou-Negrî-Zizek is an historical symptom.

In conclusion, then. The horrors of rape continue unabated and are on the increase. It is a crime of identity where you are punished because you are female or feminized. I have suggested all through this chapter that you cannot redress rape in this narrow sense by an appeal to our humanity. The imposition of the human upon the animate can itself be described as rape, absolute contingency. I invoked the synthetic a priori, but in fact all mythology contains images of divine violence upon the phenomenal woman. Therefore rape in the narrow sense has to be fought in the sphere of agency, with something as institutionalized as education, preparing the subject for connecting with something as institutional as the law in a mode other than its enforcement alone. We must de-humanize ourselves to combat rape in the narrow sense, as we must to combat the Anthropocene. Rape in the narrow sense is indeed power more than sex, the only unearned and narrow example being the one you earn by being by identity male or masculinized. If I have been able to make any inroads at all please “read” the items offered below—pointing to crimes of identity that cannot be punished—according to the suggestions made in the chapter. I would ask you also please to remember that these are one-time

only suggestions, that any attempt to make of rape in the general sense a universal concept-metaphor of making human will be visited by vigorous opposition and would undo the difference between the victim and the perpetrator. That very danger might warn us that this transient argument might harbor dark truths best kept transcendentalized.

First a crime of national/global identity—European agribusiness, which has invaded an old rural development organization in the area where I work, whose members cannot understand that they are being invaded, as it is done cunningly through Bangladesh, remotely diasporic Bangladeshi Germans. I wish I had the time to speak of Antonio Gramsci’s brilliant anticipation of this.

And next, three icons, where we see three women, pictured metonymically because their appropriate—rapable—general identity can be used to depict crimes of ostensibly other sorts of politico-economic identity. That general identity—woman as such—does not need to be investigated in its gendering.

I had designed the following paragraphs of this chapter as a teaching moment—asking the readers to “read” three photographs according to the notions of “identity” and “crime” that I had laid out in the body of the chapter. Ut pictura poesis. I could not get permission to include the photographs.

The first one was the picture of an Indian peasant woman being held up by relatives, screaming with pain because of the suicide of her husband. This accompanies a sympathetic article by Ellen Barry, “After Farmers Commit Suicide, Debts Fall on Families in India” (*The New York Times*, February 22, 2014) where she correctly describes what I am calling a “crime of identity,” calling it “global competition” rather than simply “globalization,” the insertion of small farming into the circuit of (global) capital, today’s financialized agribusiness of which I speak above. This and her veering off into examples of local cruelty, visibly horrible, does not make her general sense of things negligible:

India’s small farmers, once the country’s economic backbone and most reliable vote bank, are increasingly being left behind. With global competition and rising costs cutting into their lean profits, their ranks are dwindling, as is their contribution to the gross domestic product. If rural voters once made their plight into front-page news around election time, this year the large parties are jockeying for the votes of the urban middle class, and the farmers’ voices are all but silent.

From my equally general position of tempered sympathy with Barry, I was asking the reader to ask the question of the use of the elaborately mourning non-Euro woman as an “illustration” of arguments that must

be put aside in the interest of human interest. I was not accusing the author or the photographer of anything. I was asking the reader to imagine the woman, whose name is given: Anitha Angoth, because women holding certain identities are easy examples where the actual "crime" is not analyzed in any depth, only mentioned as human interest. In view of the inevitable shift into human interest proving the personal corruption of the global South (as opposed, I suppose to the clean "rule of law" practices of neoliberal capitalism), I had indeed also asked why Anitha's face is used to illustrate this crime, which is not a crime, global capital destroying primary production in the global South—against people identified in that specific subalternity—in the name of "development," aka insertion into the circuit of capital?²⁸ I am still not quite sure as to why I was denied access to this. I felt it as the impossibility of imaginative activism under the neoliberal "rule of law" approach. I also felt that academic freedom was here confronting an absurd version of "intellectual property." This too is a "crime of identity" in my sense against the teacherly, if you wish, spelling out the impossibility of teaching.

The second photograph was a beautifully focused image, with the light falling on the face of a young Afghan girl holding a book, reading. Who can deny that the very fact of an Afghan girl reading today is a heart-warming one. In my book *Other Asias*, I have discussed the attempts by Amir Abd-ur-Rahman Khan—the "Iron Amir"—to bring Afghanistan into state civility in the nineteenth century.²⁹ It is also well known by left and right alike (see Gregory Massell, *The Surrogate Proletariat*) that women in Soviet Afghanistan had access to education and were in public life.³⁰ Those were not the facts I was concentrating on as I offered this picture as a teaching text: I asked the question "does anybody ask a question (rather than provide a yes-no question for agreement) about her internalized gendering and is anyone engaged in remotely approaching the quality of education?" I have been for 30 years involved in the training of subaltern children, and holding a book unfortunately means nothing in terms of producing a will to social justice.

The last picture was one many of you have seen, which apparently is no longer being used by Care.org, the picture of a very beautiful African woman, dressed in cloth, with the caption "I am powerful." There my question was "does anyone ask what the word 'power,' kernel of the absurd word 'empowerment,' signifies—or, the relationship between any partner and this woman?" In other words, what do these women consider as normal, can we enter their world, learning how not to construct them as forgettable items of news for public awareness or human rights work, or nongovernmental organization (NGO) gendering work, or public interest litigation or constitutional engagement? Professionals busy with these

activities cannot, but we teachers of the humanities can, unless contemptuously dismissed, as I was by the pointperson at the photo company.

In addition to the question of permission to cite there was a question of permission from the individuals photographed. Here we are entering into the realm of absurdity.

For example, I may still receive permission to show the last photograph. Care.org does not use it any more, although it is still "traded." We are inquiring if the requirement for the permission may be waived, since she is a refugee and cannot be located. She may be adrift in the world, but her case is still a carapace of "the rule of law" where intellect is property. Her representation demands nonexclusive permission for this and future editions of the book, in all formats and in all languages for distribution throughout the world, and to include excerpts from the book that might appear in advertising, publicity, and promotional materials for the book, for example Amazon's Search Inside the Book.

I have recently argued that development is the insertion into the circuit of capital, without developing the subject of its ethical, or even appropriate social, use. This was hailed as an interesting contribution by my colleagues Ann Stoler and Akeel Bilgrami. That piece will be published into an academic collection edited by them. No pictures, no permissions. But that particular lesson, valued by my colleagues, is of course completely ignored by this absurd (for the spirit, not the letter, of the law) request. I want to cite Kant here—writing about "Cosmopolitan [read 'global'] Right"—because he is always brought forward as the great-grandfather of questions of "academic freedom." Global right can be rationally if not amicably practiced between "all those of the earth's peoples who can enter into active relations [he uses the philosophical word *Verhältnis* rather than the more colloquial *Beziehung*] with one another [and it] is not something philanthropic (ethical), but a *rights*-related principle."³¹

The operative phrase in this passage is "active relations," *wirkam* in the original, which reminds the reader of the more common word *wirklich*—real. There is no real continuity between the subjects of the three photographs and my Cambridge audience, the readership of this collection, or the people in charge of the "rule of law" in neoliberalism, from whom I had to tolerate a good deal of bluntness in the last week.

Even as Kant makes clear that European settlers' rights only work if it is at a good distance from where pastoral folks lead their lives, he speaks, as he always does, for commerce. But the old man is conscientious although, as my exchange proves in a relatively micrological context, his lessons did not stick. (The macrology is historically, the United States, and today Israel.) For Kant goes on to write "settlements should... be established... only by treaty." Fair enough, get the permission of the

person in the image. But he goes on further to write: "there must be no attempt to exploit the unknowingness of the natives."

The present case is not exactly similar. No one is establishing settlements on land; the property for settlement is intellectual. But as such, Kant's admonition bears on the lack of continuity where the "unknowingness" is a result of class apartheid in education. It is to bring about such continuity that some of us not only work, but toil. To have this request for permission from the subjects thrown at me in tones of righteous indignation in terms of fear of litigation, rather than the protection of the specific subjects, taught me why it is not possible to toil as a globally activist teacher. It was not my intention simply to criticize everyone, a pastime of the academic left. I was hoping that there would be some gain in looking at these faces of women in a different way, so that "the accumulation of knowledge whose methodological modernity... [has an] allegiance to the age of European world-taking [would not be so] plain for all to see."³²

But perhaps it's just as well. After all, I was asking you to forget this lesson. So, why try to conserve something seen, when the society we live in proves its deceptitude by gated journalism, gated publishing, protected by high walls. Absolutely forget, even the lesson that the literary-ethical suspension in the space of the other is to de-humanize, if humanization from the animal is by way of rape in general, unless we want to mooch over being-human in the face of the Anthropocene.

Notes

1. Juliet Mitchell, *Psychoanalysis and Feminism: A Radical Reassessment of Freudian Psychoanalysis* (New York: Basic Books, 1974).
2. Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: Viking Press, 1963).
3. Jacques Lacan, "The Function and Field of Speech and Language in Psychoanalysis," in *Écrits: A Selection*, tr. Alan Sheridan (New York & London: Norton, 1977), pp. 30–113.
4. Jacques Derrida, "Force de loi: le 'fondement mystique de l'autorité' / Force of Law: The 'Mystical Foundation of Authority,'" *Cardozo Law Review* 11 (1990), pp. 920–1046.
5. Roland Barthes, *S/Z: An Essay*, tr. Richard Miller (New York: The Noonday Press, 1974).
6. Mahasweta Devi, *Imaginary Maps: Three Stories*, tr. Gayatri Chakravorty Spivak (New York: Routledge, 1995); Toni Morrison, *Beloved* (New York: Knopf, 1987).
7. Mitchell, *Psychoanalysis*, p. xvii.
8. Mitchell, *Mad Men and Medusas: Reclaiming Hysteria* (New York: Basic Books, 2000), p. 256. Recently, in an interesting film by

Aleksander Morturi of Clandestino, the subaltern chosen, who had been tortured and jailed and undoubtedly wins our admiration, speaks his philosophy, because Aleksander wants to give him something more than just to be the example of refugee dumping: "The survival of the fittest as exemplified by the sperm mangling to climb to the egg and going upward on the human line while the woman remains 'natural' and has to do nothing but wait for the child to be born." Rape can be this will to power sexualized.

9. I had tried this in 1990 with the translation of the word "identity" into a very strange Bengali, *identibad*. (I discuss this word in the text.) The word does not exist. I said there, "I want this word to exist only for the time that I give this talk." Indeed, no one has ever picked it up. I did another such transient translation of catathesis, which was *otikéto*, and I said that this translation is not going to survive beyond one hour in this room. That is just what happened. Can we, for an hour, think the terrible thought that the transcendental deduction of what we must think as rational subjects is akin to the contingent violence of rape?
10. For rather a long time, the early work of Emmanuel Levinas continued to influence many of us, so that we could write innocent sentences such as "to be human is to be born angled toward the other." What guaranteed this? A picture of access to humanity built on a nuclear heterosexual middle-class marriage. For a good comment on this, see Luce Irigaray, "The Phenomenology of Eros," in *An Ethics of Sexual Difference*, tr. Carolyn Burke and Gillian C. Gill (London & New York: Continuum, 2004), p. 154–179. Levinas moved on to a more powerful position: "in the relationship in which the other is the one next to me [*le prochain*]...for reasons not at all transcendental but purely logical, the object-man must figure at the beginning of all knowing" (Emmanuel Levinas, *Otherwise than Being*, tr. Alphonso Lingis (Pittsburgh: Duquesne Univ. Press, 1999, pp. 58–59). But this too was secured by an embarrassingly inaccurate description of the woman in gestation and, on quite another front, remained consistent with support for legitimized violence of the state of Israel.
11. I will, later in the paper, disassociate myself from the view that US multiculturalism is, according to Arthur M. Schlesinger, "The disuniting of America" (Arthur M. Schlesinger, *The Disuniting of America*, New York: Norton, 1992). In the Indian context, however, I felt that I must speak out against separatism. I am not a situational relativist. One must take account of situations because one acts according to situational imperatives.
12. "Pro-posal" takes me back to an earlier discussion in my paper of the famous line of Nagarjuna: *Nāsti ca māna kaccina pratīna* [roughly, My proposition is not at all there]. Incidentally, my description of deconstruction work here found a nice bit of vindication. In the last chapter of Peggy Kamuf tr., *Specters of Marx: the State of the Debt*, the

- Work of Mourning and the New International* (New York: Routledge, 1994), Derrida shook the stakes of *ahamwada* in Marx to release the multitudinous iterations of an *ahamwada*. Mechanical Marxists will not want to know it.
13. The collective rape of women in Tahrir Square as men celebrated the victory of Mr. Sisi as prime minister of Egypt sees so-called democracy as a fight.
 14. Jacques Lacan, "Subversion of the Subject and the Dialectics of Desire in the Freudian Unconscious," in *Écrits*, tr. Bruce Fink (New York: Norton, 2007), p. 692; translation modified.
 15. Fink, 691.
 16. *Psychoanalysis*, p. 353.
 17. Rosalind Coward and John Ellis, *Language and Materialism: Developments in Semiology and the Theory of the Subject* (Boston: Routledge, 1977).
 18. Mitchell, *Male Men*, p. 139.
 19. Spivak, *An Aesthetic Education in the Era of Globalization* (Cambridge, MA and London: Harvard University Press, 2012), p. 322.
 20. Kant, *Political Writings*, tr. H. B. Nisbet (Cambridge: Cambridge University Press, 1991), p. 160; translation modified.
 21. Sigmund Freud, "Fetishism," in *Standard Edition of the Psychological Works*, tr. James Strachey et al. (New York: Norton, 1961), vol. XXI, p. 152.
 22. Spivak, *Nationalism and the Imagination* (Kolkata: Seagull Books, 2010).
 23. Said, *Orientalism* (New York: Vintage Books, 1994), p. 259.
 24. Spivak, "Outside in the Metropolis: Diasporics?" reprinted in German translation in Isolde Charim and Gertraud Auer Borea, eds. *Lebensmodell Diaspora: über moderne Nomaden* (Bielefeld: Transcript, 2012), pp. 65–73.
 25. Both items from *The New York Times*, July 20, 2014.
 26. Farida Akhter is to be found at www.ubnig.org. Her real text is her untiring work for social justice, but one might read her classic *Depopulating Bangladesh: the Politics of Fertility* (Dhaka: Narigrantha, 1992); Flavia Agnes is a fierce feminist lawyer. Her group is mailis-law@gmail.com. The most recent piece is "The Making of a High Profile Rape Case" (*Economic and Political Weekly* 49. xxix; June 19, 2014).
 27. MacKinnon, *Sex Equality*, p. v.
 28. MacKinnon makes the connection with rape. "Under law, rape is a sex crime that is not regarded as a crime when it looks like sex" (*Feminist Theory of the State*, p. 172. Under law, crimes toward specific groups' livelihood ("crimes of identity") are not recognized as crimes when it looks like "development." MacKinnon is probably thinking also of Blackstone's definition of marriage as a unique contract: "By marriage, the husband and wife are one person in

- law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband: under whose wing, protection, and cover, she performs everything."
29. Spivak, "Foucault and Najibullah," *Other Asia* (Boston: Wiley Blackwell, 2007), pp. 132–160.
 30. Gregory Massell, *The Surrogate Proletariat: Muslim Women and Revolutionary Strategies in Soviet Central Asia, 1919–1929* (Princeton: Princeton University Press, 1974).
 31. Immanuel Kant, *Political Writings*, p. 172; translation modified. The next passage quoted is from p. 173. It is important to keep in mind that, in *Reasons: Two Essays on Reason*, tr. Pascale-Anne Brault and Michael Naas (Stanford: Stanford University Press, 2005), the last book published during his lifetime, Derrida warned that Kant could not serve as a solution in contemporary globality.
 32. Peter Sloterdijk, *In the World Interior of Capital: For a Philosophical Theory of Globalization*, tr. Wieland Hoban (Cambridge: Polity, 2013), p. 28.