

2023

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Existence*

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Recommended Citation

Bettcher, Talia Mae. 2023. "Phenomenology, Agency, and Rape: Comments on Heyes's *Anaesthetics of Existence*." *Feminist Philosophy Quarterly* 9 (2). Article 6.

## **Phenomenology, Agency, and Rape: Comments on Heyes's *Anaesthetics of Existence***

Talia Mae Bettcher

### **Abstract**

This essay engages with Cressida Heyes's *Anaesthetics of Existence* (2020) on two points. First, it raises worries about Heyes's apparent association of anaesthetic time with feminist resistance. Second, it reconsiders Heyes's account of the specific harm involved in raping unconscious individuals, as well as her account of the sort of agency nullified by rape more generally, by appealing to the notion of interpersonal spatiality.

**Keywords:** rape, boundaries, agency, unconsciousness

As I read Cressida Heyes's *Anaesthetics of Existence*, I felt *got*. I realized I had been seeking oblivion in the almost mindless repetition of alternating between trying frantically, on the one hand, to hold myself together with a coffee-stained to-do list as the world seemed to accelerate with each passing nanosecond and, on the other hand, wanting to “blitz out” in the evening, binge-watching Netflix and eating junk food.

This book spoke to me powerfully, then, through the fertile concepts of postdisciplinary time and anaesthetic time. Heyes's work is such a rich critical phenomenology, in my view, due largely to its capacity to describe experience through the deployment of theoretical concepts in new ways. It's true that the fluidity and subtlety with which she makes such sophisticated philosophical moves are themselves often envy-producing. Yet, the guiding themes of postdisciplinary time and anaesthetic experience are just so timely and powerfully captured. This is a book that needed to be written. In what follows, I open two main lines of questioning—one concerning agency and passivity in postdisciplinary time, another concerning anonymity, vulnerability, and rape.

### **Anaesthetic Time, Resistance, and Agency**

Postdisciplinary time, as Heyes explains it, is less a discontinuation of disciplinary time and more an acceleration thereof. So, whereas disciplinary time is

characterized by the “time-management” of all the waking hours in the day with the purpose of increasing work-productivity, postdisciplinary time is more of a “time-juggling” and “multitasking” facilitated by the encroachment of work into all areas of our lives through various information and communication technologies. While Heyes’s account of postdisciplinary time is richer than this, one key point is that the experience of the present is made smaller, narrower, while the future looms ever closer, moving with increasing speed. By contrast “anaesthetic experience”—at least in a postdisciplinary society—is not counted as a proper experience at all. Heyes characterizes it as a sort of “addiction-lite” (2020, 22) that “sits uneasily in a space between addiction and the everyday” (105). Anaesthetic nonexperience is characterized by an elongated present while a sense of the future is foreclosed. One of the powerful consequences of Heyes’s description of anaesthetic time is that Heyes is more fully equipped to critique the conflation of resistance and agency—particularly, a kind of agency that collapses into the self-betterment of the disciplinary society or frantic attempts to keep it all together in a postdisciplinary society.

I worry, however, about any tendency to commend anaesthetic time as resistant to the disciplinary and postdisciplinary temporal regimes. For instance, Heyes (2020, 96) proposes that “losing consciousness might be one part of a new feminist ethos more attuned to the exigencies of contemporary living.” While this is not a wholesale endorsement, I worry that in rightfully raising concerns about what resistance can be in a society that compels a sort of radical agency, she is misreading the nature of anaesthetic time which one would have thought only to be *partially* constitutive of postdisciplinary time.

From one direction, all experiences that count as ideally agential are those that approximate maximum alertness (rather than those that approximate oblivion), and these experiences are claimed by productivity. From the other direction, the only experiences that count as leisure or “time off” are precisely not only those that do not count as proper experiences but, further, those that approximate oblivion. The upshot: all (alert) experience is work experience. The remainder is nothing. And the experience of both together becomes something like that of a robot with an on-and-off switch. Here it is also important to recall what Heyes herself points out—namely, that the ability to exert this destabilized agency in postdisciplinary time at all is a privilege in light of those who are cast out of the machinery altogether through joblessness, homelessness, and the like. Further, the ability to consume products for the sake of “turning off” is made both understandable and marketable when one is operating as a destabilized agent, while doing so when one is not so operating—when one has been cast out of the system—is something else altogether. Thus, Heyes rightfully points to the ways in which postdisciplinary and anaesthetic times are interwoven not only with gender but also with class and, consequently, race.

In any event, if the postdisciplinary time of a postdisciplinary society is more expansively understood to include not only the work-colonized, multitasking quest for agentially determined stability but also the necessary oblivion of “turning off” by “blitzing out” because it all seems too much, then it would seem that resistance, if it occurs at all, would have to occur at *both* the site of blitzing out and the site of alertness. That is, anaesthetic experience would have no more claim to resistance than any other sort.

While I wonder, for instance, whether some states of blitzing out are not actually forms of liminality that facilitate some sort of resistance, unlike those mere products sold to consumers of a piece with the system itself (e.g., Netflix, wine), I also wonder whether some states of alertness are not also resistant in their opposition to work-saturated experiences? Consider, for example, companions putting their phones away to enjoy the evening sky while engaging in lively and enriching conversations that run into the wee hours. Here, the differences between the large, expansive present, with the vaguest anticipation of the future of the evening with friends, and the almost endless present that tends toward oblivion in its repetitive monotony of “junk time” (Netflix, wine) emerge as an intriguing phenomenological investigation.

A related worry is that it seems that, for Heyes, the contrast with hegemonic agency is primarily a passivity. However, there are other salient contrasts—for instance, so-called individual activity on the one hand, and intersubjective activity on the other. One of the lessons I take from María Lugones is that, while in dominant worlds agency appears to flow magically from the “internal” intentions of the agent, it is, instead, a complex interpersonal affair. She writes, “Both the formation of the emancipatory resistant intentions and the efficacy of those intentions in informing action partially depend on the attention each resister pays to the other resisters forming the intentions” (Lugones 2003, 220)

The interpersonal relatedness required to engage in resistant activity is as plain to those attempting to undertake it as it is invisible from proper “agents” in the dominant realm. Thus, Lugones (2003, esp. 32, 84) speaks of “resistant subjectivity” rather than the “agency.” What potentially emerges from both the activity of the self-disciplining agent and the passivity of the oblivion-seeker is an implied individuality—perhaps even solitude. This risks, then, erasing the crucial interpersonal dimensions of resistance to social structures that construct and reinforce hegemonic agency.

### **Phenomenology and Rape**

In what was for me the most emotionally challenging chapter of the book, “Dead to the World: Rape, Unconsciousness, and Social Media,” Heyes provides a powerful account of the harm of being raped while unconscious as well as a phenomenological account of the particular kind of agency nullified by rape more

generally. Two phenomenological concepts are central to both of Heyes's accounts. First, Heyes (2020, 59–60) draws on Lisa Guenther's critical reading of Maurice Merleau-Ponty's notion of "night." Guenther (2013, 172) regards "night" as "the name for an experience of space unhinged from determinate objects and from the limits or outlines that distinguish self from nonself" and, in her view, night ends up being necessary to our experiences of individuation during non-night.

Second, Heyes (2020, 61–62) draws on Gayle Salamon's (2006) critical reading of Merleau-Ponty's notion of "anonymity". Anonymity is described by Merleau-Ponty as follows:

At the very moment when I live in the world, when I am given over to my plans, my occupations, my friends, my memories, I can close my eyes, lie down, listen to the blood pulsating in my ears, lose myself in some pleasure or pain, and shut myself up in this anonymous life which subtends my personal one. (Merleau-Ponty 2002, 191)

Crucially, Salamon (2006, 109) links this notion Fanon's well-known discussion of being made into an object through racist interpellation as "a negro" by a white girl on the train arriving in Paris. Here, Fanon (1967, 112) describes how he loses the capacity to be a "man among other men." For Salamon (2006, 109), this is the reduction of a "interiority" to "all surface," which undermines his capacity to retreat into an anonymity.

Heyes (2020, 62) suggests that night can be understood as an instance of anonymity—perhaps a more extreme form. Being raped while unconscious, argues Heyes, undermine a person's ability to experience night (one never feels safe anymore and is left sleeping with one eye open) and thereby destabilizes their waking experiences as well (72) Thus, to be raped while unconscious is to suffer a specific harm that attends to having one's capacity for night undermined.

With this in hand, Heyes then provides a phenomenological account of the sort of agency nullified by rape in general by enriching Ann Cahill's (2001) account. According to the latter, rape undermines a particular power in intersubjectivity—one that is possessed by the rapist and destroyed for the victim. Drawing on Salamon's rendition of anonymity, Heyes (2020, 63) writes, "Rape forcibly exposes the victim's most private body parts to others' intrusion, including her body's literal interior. . . . This renders her bodily schema 'all surface' in a much more extreme way than Fanon describes, leaving nothing for her to retreat to." In this view of rape, rape of unconscious individuals ends up simply being a more extreme form of the general assault on this capacity to retreat into anonymity—namely, the capacity to experience "night."

Given how deep and difficult these issues are, I want to tread lightly in pressing these ideas. I am persuaded that Heyes's appeal to the phenomenological concept of rape is useful in illuminating a distinctive harm of being raped while unconscious and that her appeal to the concept of anonymity is useful in understanding how agency can be undermined in rape more generally. However, I am not convinced that the harms captured in these accounts are the *only* ones. (I'm not sure whether Heyes thinks they are, either.) Nor am I convinced that the concepts Heyes uses are truly sufficient for her purposes—specifically, her noteworthy focus on the post-rape re-traumatization of victims through the public circulation of images on social media. To put it differently, I think there may be two sorts of harm at work that may be at risk of conflation.

Notions such as “exposure” and “private parts” require theorization in any account of rape, in my view. Consider, after all, the moral distinction between, on the one hand, grabbing a person's genitals nonconsensually and, on the other, grabbing their hand. The former involves a distinctive violation that the latter does not. To my mind, it is crucial that we understand the social work by which a body part becomes private and by which both concealment and exposure become possible. While this is important in its own right, it also is important in understanding pornography and commercial sexual services, as well as rape and sexual assault more generally. So, in arguing that the notions of privacy, exposure, concealment, and the like be taken very seriously in understanding rape, I'm raising a more general complaint about any account which does not do so. I'm also recommending this line of inquiry to Heyes specifically, however, taking note of her explicit focus on the public circulation of graphic images, as I mentioned above.

Although my thinking on such matters originates in my work in trans philosophy (Bettcher 2012, 2014, 2017), I do believe there are much broader applications of it. Because there isn't space for a full development, let me bring out the relevant ideas for the purposes of this response. The basic thought is that some encounters between people are intimate, and some are not, and that all sensory and informational encounters can be characterized in terms of degree of intimacy or lack thereof. What I call “interpersonal spatiality” can then be defined as the capacity of all sensory and informational encounters between people to admit of closeness and distance.

I hypothesize that sensory and discursive encounters between people are governed by normative boundaries constraining informational transmission and sensory access between us. This is why it is wrong to touch somebody's genitals (without certain background conditions being met). Similarly, this is why it is wrong to suddenly start discussing somebody's genitals, (again, unless certain background conditions are met). Boundaries governing sensory and informational access have been respectively violated.

Boundaries are standardly “observed.” By this, I mean simply that they are *not* crossed. In eating a meal with one’s compatriots, for instance, one avoids staring at strangers. (One could, of course, look out of the corner of one’s eye). Or when one is talking to a colleague, one avoids asking questions about parts of their body. All of this is taken for granted, of course. We don’t even think about it unless these boundaries are crossed. When these boundaries *are* crossed in this way (i.e., in the examples provided), they are “breached.” This is to say that some sort of boundary violation has occurred—a violation that can either be intentional or accidental.

These types of boundaries are also *meant* to be crossed, however, when certain background conditions have been met. I call this “traversal.” While this traversal may occur, for instance, when a physician gains intimate access for medical purposes, the pursuit of intimacy is not the aim. Rather, health is, and the traversal of sensory boundaries may be necessary for medical purposes. In noninstrumental cases, however, intimacy itself *is* the aim. I call this “intrinsic intimacy”—intimacy for the sake of sheer intimacy.

One key component of intrinsic intimacy that warrants specific attention is this: in addition to traversing the boundaries of others, we can display ourselves to others—that is, we can open ourselves by placing the other in a position of traversal. We move into the other’s field of vision to let them know it’s okay to look. We share intimate information as a way of “opening up.” We place the other’s hand on our thigh, and so forth. In this way, intrinsic intimacy becomes something of a communicative endeavor, an interplay of traversal and self-display. Here, we note the importance of what I call “intimate agency”—the control one exerts over the interpersonal distance between oneself and others.

Intrinsic intimacy, in this view, is made possible by the existence of these boundaries. Without them, there would merely be unselective, unfettered sensory and informational access to one other. Further, intrinsic intimacy is made possible by the standard observation of boundaries. Without the default of interpersonal distance, intimacy could not be possible. Specifically, the capacity for self-display would be undermined, and with that, the capacity to exert intimate agency over closeness and distance would be undermined.

One way to understand the wrongness of rape, then, is precisely as the violation of boundaries that make intrinsic intimacy possible and that enable one’s capacity for “intimate agency.” Such agency, notably, does not concern one’s ability to retreat into one’s body. Rather, it concerns one’s ability to control how close or distant one is to others. One feels, in this case, boundaryless—that is, open to others in ways that are entirely beyond one’s control.

While there is nothing to say that both harms—the undermining of one’s capacity for bodily retreat, and the undermining of one’s capacity to control the interpersonal distance between oneself and others—aren’t present in rape, it is also

worth noting key differences between them. The former emphasizes what Salamon calls the reduction of one's interiority to "all surface." Here, the place of bodily retreat is set in contrast to one's being available to others—among them in the world.

The harm I am outlining, however, allows that there are different modes of being "surface"—if, by "surface," we mean "object of perceptual access to others." One mode involves being perceptually accessed in highly regulated and filtered ways (boundary observation). The other involves unfettered access gained through the crossing of boundaries. In this view, both forms of being a perceptual object are of value. The latter has a positive value of being a vulnerable object to others in intrinsic intimacy, as one opens oneself to another, allows the other to traverse one's boundaries. The former has a positive value, in part because it makes the latter possible. The harm, in this case, has to do with *the way* in which one is a surface (i.e., an object of access)—namely, violation—not that one has become all surface. Here, one is treated as not having a morally bounded surface at all. Here, one is treated as a surface that is no different from that of an inanimate object.

One of the benefits of this approach is precisely that it helps tie together the wrongness of rape—and sexual assault more generally—with the subsequent circulation of graphic images. Heyes writes:

Women report feeling that others are staring at their bodies all the time, imagining what was done to them and how their bodies looked. This feeling of powerlessness in the face of the gaze is intensified for women whose rape has been photographed or videoed, as images of their violation are circulated in ways they cannot control. (Heyes 2020, 64)

What is at stake here is the violation of privacy, the undermining of a woman's ability to control the crossing of boundaries on visual access to her. Crucially, it is a reiteration of the original violation, which likewise undermined this ability.

The approach I am proposing notably draws attention to a meaningful distinction between what Heyes (2020, 72) calls the "neutral citizen moving through the crowd" (of Fanon) and the "embodied subjectivity retreating into the sound of his own breath and blood" (of Merleau-Ponty). The former is captured by the notions of interpersonal spatiality and intimate agency. The latter is not. Being one of the crowd doesn't prevent one from being an object of perceptual access altogether. What it prevents is being gawked at by the entire crowd—exiled, as it were, and exposed for specific scrutiny. The latter, by contrast, appears not to involve any appeal to boundaries at all.

That said, perhaps there is a way in which the notion of bodily retreat can be included in my approach. Here, however, I would suggest only a special application of



the notion, one that understands the retreat in terms of a kind of protection from others—a self-secured privacy. In such a view, bodily retreat would be one way in which one could attempt to find protection from a perpetual intimate accessibility to others.

Happily, this is captured by Heyes's (2020, 72) recognition that "for women in particular it [night] can also be a state in which we are not self-conscious or surveilled, and in which we get a respite from the anxieties of bodily exposure." Bodily retreat is suggested as a respite from the perpetual breaching of one's boundaries, the constant exposure, that one experiences in waking life. To be clear, however, the more overarching harm of rape would consist in the undermining of intimate agency, where having one's capacity for bodily retreat may or may not accompany it. If so, the specific harm of being raped while unconscious would then be highlighted all the more: not only is intimate agency undermined, the capacity to escape from it through the experience of "night" is also foreclosed. This, of course, is not the account Heyes proposes. It is, rather, an invitation for further discussion.

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