

2025

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Recommended Citation

Bogin, Emily N. 2025. "Confessing Victims and Victim Testimony: Misogyny's Role in the Structuring of Subjects." *Feminist Philosophy Quarterly* 11 (2). Article 5.

Confessing Victims and Victim Testimony: Misogyny’s Role in the Structuring of Subjects¹

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Abstract

Judith Butler’s model of confession maintains agency in both the doing of the deed and the admission of that deed in speech, but victim testimony works differently. In acts of victim testimony, when one describes the injustices one has suffered, the admission of the deed connotes a certain agency at odds with the lack of agency to which one testifies. This structure undermines the credibility of victim testimony. Leveraging Kate Manne’s theory of victimhood, I bring victim testimony into a conversation that often imagines confession as the paradigmatic speech act that forms the subject. By critically investigating the differences between confession and testimony and their frequent confusions, I attend to the social locations in which these speech acts are uttered and the gendered bodies that utter them. I suggest that we consider how subjects are formed not only in confession but also when pressed to answer the questions “What happened to you?” or “What did he do to you?”

Keywords: confession, testimony, victimhood, subject formation, Butler, Manne, Antigone

“But on the ‘we live on the hellmouth’ side, these kids may have really seen a monster.”²

1. Introduction

Judith Butler’s (2000, 2004a) sustained engagement with Sophocles’s *Antigone* shows, among other things, that the confessional act is conditioned by activity outside the confessor’s room or psychoanalyst’s office. Butler deconstructs confession, showing how antinomian urges structure both the speech act and the

¹ I wish to thank Sierra Wallace, Suzanna Walters, participants from the Boston University Department of Religion Colloquium, and the anonymous reviewers and editors of *Feminist Philosophy Quarterly* for their thoughtful feedback and suggestions.

² Willow Rosenberg to Rupert Giles in *Buffy the Vampire Slayer* (DesHotel and Batali 1998).

deed confessed in it. Guilt gives rise to criminal actions; the one who confesses was always already guilty. I leverage Kate Manne's discussion of victimhood to draw out this analysis further. While Butler's confession is defined by an agency in both the doing of the deed and the admission of that deed in speech, victim testimony works differently.³ In acts of victim testimony, when one describes the injustices one has suffered, the admission of the deed connotes a certain agency that may be at odds with the lack of agency to which one testifies. This structure undermines the credibility of victim testimony.

In this paper, I think with testimony in order to expand on the kind of subject that Butler makes visible through their work on confession. I first draw on Butler's (2004a) essay "Bodily Confessions," in which they address the speech act of confession vis-à-vis Antigone and her uncle Creon. They analyze Antigone's confessional act with Michel Foucault's Christian model of confession in mind, arguing that confession exposes an "obscure guilt" that precedes and proceeds from the deed one confesses (2004a, 171). In doing so, Butler argues that Antigone's confession was always inevitable. In order to rehabilitate the subject from this inevitable guilt, Butler advises that the confessor "decline the honor" (2004a, 171). That is, their resolution to the problem of confession depends on the contingent mercy of a confessor. Butler's creative suggestion stops short of the questions with which this essay tries to grapple: how might social and political power determine who can lay claim to the status of perpetrator or victim, and what kind of guilt is available to each?

Butler (1997) had already exposed challenges to the stability of confession, showing slippage between acts of confession and testimony in their analysis of Anita Hill's testimony in Clarence Thomas's 1991 Senate confirmation hearings for his nomination to the US Supreme Court. There, it appears that societal expectations determine the meaning of a speech act: Butler shows that Hill's testimony was received as a kind of guilty confession, while Clarence Thomas's was taken as innocent testimony. When women's testimony transforms unjustly into confession, but perpetrators' words remain understood as "testimony," we must then investigate the structure of testimony. No longer can we rely on the confessor to decline the honor.

I suggest that we consider how subjects are formed not only when confessing but also when pressed to answer the questions "What happened to you?" or "What did he do to you?"⁴ Drawing on Kate Manne's (2017) work on victimhood in *Down*

³ Within Butler's identification of the "agency" of confession also lies a paradoxical limit to agency. On the origins and limits of agency in speech acts, see Butler (2005, 3–40).

⁴ For Butler, the subject has the opportunity for recognition most clearly when she is asked to give an account of herself. Confession is one scene of address in which this recognition can take place, and the self is structured by the response one gives a

Girl, I show how women’s testimony is often treated as confession on account of the subject position of the testifier. Manne shows how misogyny works on speech to conflate testimony and confession *especially* when the person giving testimony is a woman. In cases of women’s testimony, always already being guilty becomes a source not just of the everyday guilt that attends confession but of grave injustice. So, while Butler’s account of confession in “Bodily Confessions” shows that guilt precedes the subject who transgresses the law and constitutes the subject, Manne’s account of testimony shows that guilt also often attends the victim of the crime. Butler’s confessor alone cannot determine or diminish the guilt that always already attends to the speaking female subject. Instead of relying entirely upon the confessor to deny the subject (or object) her confession, we should look to the social world, and the misogyny therein, as the location in which to intervene.

2. Butler’s Confession

Butler (2004a) uses Sophocles’s *Antigone* to flesh out how guilt is not just the consequence of confession, but somehow constitutes it. Butler shows how Antigone herself becomes the author of a “bodily confession” in which the confession—embodied in speech and in the body that produces it—becomes both location and fulfillment of her earlier crime. They show how Antigone’s confession recasts her as a victim even as she admits to the agency with which she undertook her crime.

For Butler, the guilt that structures Antigone’s actions is not unique to the ancient drama; it is the same guilt that accompanies anyone who authors a confession, and it is specifically the guilt of the patient who confesses her inner thoughts to her analyst. To make these claims, Butler follows Foucault’s theory of confession in its Christian inflection. In this section, I identify the Foucauldian strands that inform both Butler’s analysis of *Antigone* as well as their approach to the analyst’s role in the therapeutic relationship. I suggest that the text of *Antigone* raises questions about the expediency of Butler’s directive to the analyst.

Butler (2004a) begins their introduction to confession with a brief overview of the first volume of Foucault’s (1988) *History of Sexuality*, in which confession is taken as a precursor to psychoanalysis. Foucault writes that confession is no longer simply used in the “practice of penance” but, through secularization, works outside of its original ritualistic and religious location (Foucault 1988, 63). Butler follows this move. Confession (and therefore, for their purposes, psychoanalysis) is the location in which the self is not revealed but rather *elaborated*. Thus, Butler finds that the self is

judge, a confessor, an analyst, or a public after being asked the question “Who are you?” (Butler 2005). In this paper, testimony offers itself as a kind of speech act that is sometimes transformed into confession, but other times remains something distinct.

constituted both by and before one's confession: confession is the fulfillment of the deed's doing. In other words, the expectation of confession structures the deed.

Butler's "call to action" is for confessors and analysts to use their position to undo the guilt that allows confession to obtain. This argument draws on Foucault's (1993) two models of confession: the "classical model," whose exemplar is the Roman Stoic philosopher Seneca the Younger, and the Christian model, which Butler favors. In the classical model, guilt does not structure confession. Butler describes classical confession as an operation "by which the self constitutes itself in discourse with the assistance of another's presence and speech" (2004a, 163). The self is not revealed or discovered by the confessor, but rather emerges through conversation between the subject and his master. This kind of confessional practice has affinities with the ancient practice of philosophy, which, for Seneca and many of his predecessors, takes a dialogic form.⁵ Foucault marks out two examples of classical confession, both coming from Seneca's writings. In the first, Seneca recounts how, every evening, he takes stock of his own soul. Through this inquest, he acts more as an administer of himself than as a judge of his past: rather than punish, he "takes stock of things, and sees if everything has been done correctly" (Foucault 1993, 207). Through this administration, Seneca comes to see errors in his ways that he then has the privilege of correcting. Judgement may take place, but guilt does not factor into the indictment—only the possibility of correction. In another example, a fictional interlocutor named Serenus gives Seneca an account of his actions, not to seek pardon but rather to seek some sort of internal coherence. Seneca and his interlocutor both give accounts of confession as something that can make them better through reason. Foucault (1993, 209) states that this kind of confession "remains within the framework of what the Greeks for a long time called the *gnomé* . . . [which] designates the unity of will and knowledge." In this first model of classical confession, confession is a method by which one comes to know oneself.

But strangely, Butler favors Foucault's Christian model of confession over the classical model in their analysis of *Antigone*. In this Christian model, the speech act elaborates the subject as someone who is always already guilty—a kind of original sin. Here, confession remains a technology of the self, but the self that is disclosed through confession is one that kills off the positive conception of the classical model; in Foucault's (1993, 222) words, "No truth about the self without a sacrifice of the self." This confession "makes appear, in a certain sense, by its own mechanics, the truth, the reality of what has happened" (1993, 219). In confession, as verbalization "brings to the external light the deep movement of the thought, it leads also and by the same process the human soul from the reign of Satan to the law of God" (1993, 220). In leading the soul away from Satan and a world in which one was attached to

⁵ On subject formation in ancient philosophical practice, see Hadot (1995).

oneself, one necessarily sacrifices the self. Thus, confession illustrates that there is no self that can be verbalized, as it is through verbalization that the self is sacrificed. This approach has much in common with Butler's intervention in another essay where they write that "'we' who are relational do not stand apart from those relations and cannot think of ourselves outside of the decentering effects that relationality entails" (2004b, 151). The self only reaches an understanding of itself after it has been split; or, in the terminology of "Bodily Confessions" (Butler 2004a), the self only becomes apparent after it has been verbalized, and this verbalization, a kind of self-death.

Foucault's twofold schema of confession suggests that the subject could be otherwise. If classical confession does not construct the guilty subject, then guilt is not inherent to every subject, only to every subject read under a Christian framework. Foucault takes a step back from the vertiginous pursuits of subject formation to suggest that the historically situated pursuit of selfhood is always contingent, and that subjects can therefore pursue new and better technologies of the self to pursue a kinder, less guilt-ridden world. He writes:

Maybe the problem of the self is not to discover what it is in its positivity, maybe the problem is not to discover a positive self or the positive foundation of the self. Maybe our problem is now to discover that the self is nothing else than the historical correlation of the technology built in our history. Maybe the problem is to change those technologies. (Foucault 1993, 227)

Butler's decision to deconstruct confession vis-à-vis *Antigone* is strange given *Antigone's* standing as both literature and tragedy. *Antigone* is considered tragedy par excellence precisely because it could not have been otherwise; part of what defines tragedy, at least according to Aristotle—who holds Sophocles as his preferred model—is its inevitability, with the plot unified into one complete action.⁶ *Antigone's* literary confession, then, participates in a technology of the self that could not be otherwise without ceasing to be *Antigone*. Stranger still, Butler's use of *Antigone* is at odds with Foucault's *historical* account of the speech act, which would lead the reader to expect *Antigone* to be classified under a classical, not Christian, framework for confession. These strange moves lay the foundation for my critique of Butler's solution to the problem of the guilty subject, modeled on Antigone herself, whose guilt Butler wishes to deny.

⁶ Aristotle, *Poetics* 1452a.

3. Confessing Makes the Victim

In their analysis of *Antigone*, Butler deconstructs the confessional act as one that reinforces Antigone's guilt, a guilt that Butler shows both precedes and determines Antigone's crime, and a guilt that structures her sense of self. Antigone has buried her brother, Polyneices, in accordance with divine law but against the law of her city and its leader, Creon. When she confesses to this mortal crime ("I say I did it and I don't deny it" [Sophocles, *Antigone* 443;⁷ quoted in Butler 2004a, 167]), Butler wonders if Antigone's confession exacerbates her guilt:

Although she uses language to claim her deed, to assert a 'manly' and defiant autonomy, she can perform that act only through embodying the norms of power she opposes. Indeed, what gives these verbal acts their power is the normative operation of power that they embody without quite becoming. (2004a, 167)

Antigone can suffer under the law or break the law, but unlike Creon, she is not the law itself.⁸ When Antigone asserts manly autonomy, she speaks in the language of the very law that condemns her—for Antigone, law is that which she breaks, not something she controls. Antinomianism, it seems, always invigorates the power of the *nomos*. Antigone's *autopsia*—the moment in which she sees herself with her own eyes and allows herself to be so seen by her oppressor—restructures herself through the very law that she attempts to repudiate: "She assumes the voice of the law in committing the act against the law," and in her confession, she submits herself finally to the authority of the law even as she seems to defy it (Butler 2004a, 168). It appears that there is no way out of this language game: just as peeking under the blindfold is as much a part of pin the tail on the donkey as is fumbling blindly, transgressing the law is always written into the law's horizon. Butler's Antigone is trapped by a game that she cannot fail to play, even as she breaks the rules.

Butler shows how Antigone's confession structures her transgression. Antigone places a frame of language around her deed; she says, "Yes, I confess it" or "I say I did it" rather than simply saying "I did it." Butler writes, "To say, 'Yes, I say I did it,' is to claim the act, but it is also to commit another deed in the very claiming, the act of publishing one's deed, a new criminal venture that redoubles and takes place of the old" (2004a, 167). Like Foucault's confession, it is the saying, not the doing, of the deed that finalizes it, that identifies what the doing was in the first place.

⁷ Sophocles, *Antigone*, ed. and trans. Hugh Lloyd-Jones, Loeb Classical Library vol. 21 (Cambridge, MA: Harvard University Press, 1994).

⁸ Creon's word becomes law; as tyrant of Thebes, he is law (see, e.g., Sophocles, *Antigone* 26–30).

In this way, the publication of the deed in speech marks the fulfillment of the deed, but the publication of the deed also creates a new location of a new deed, one in which “the vocalizing larynx and mouth become the part of the body that stages the drama of the whole” (2004b, 173). The confession is not just made in speech but in the body which speaks. Butler then shows us something about confession: that it is the location of both the fulfillment and the prophecy of the signs one makes, that it structures the past just as it marks a new present that will structure the future. Antigone’s guilt makes her a victim—not only of Creon’s injustice and the inevitability of Greek tragedy, but of the linguistic force of confession, which underscores and confirms the guilt she apparently had always carried. Confessing makes the victim: it both suggests an agency that belongs to the transgressor and reveals that one’s guilt and subsequent confession was determined by the construction of the polis and its laws all along.⁹

Beneath the premise of confession is the premise of a guilt that “preexists its deed and its confession,” meaning, in turn, that confession is often “borne of that obscure guilt” that Butler wishes were otherwise (2004a, 171). Would that Antigone did not feel guilty! Butler suggests that the confession that structures Antigone’s sin is necessary for Antigone’s transgression to fully obtain, but they also simultaneously suggest that her confession is overdetermined, that “although it reads as guiltless defiance, it seems in fact to be a suicidal act propelled by an obscure sense of guilt” (2004a, 170). And while Butler reads Antigone as demonstrating the unjust but linguistically necessary admission of guilt through her defiance of the law, they make the case that the world could nevertheless be otherwise. “All the more reason that the analyst finds him or herself as confessor, or, indeed, as Creon, must *decline the honor*, and take that speech as a solicitation to help undo the curse whose fatal consequences sometimes seem so sure” (2004a, 171; emphasis mine). Here, Butler seems to want to have their cake and eat it too: to structure confession as part and parcel of deed, to structure transgression as part of law, to structure guilt as inherent to subjecthood, and nevertheless to imagine a world in which the judge or confessor could say: no, you confess that which need not be confessed.

While Butler offers new ways to recognize and affirm the other, their use of *Antigone* has its challenges. It seems unlikely that the analyst herself could act in such a way as to recognize the analysand and allow her to flourish without approaching the laws under which the analysand suffers. Just as the tragedy of *Antigone* is found in the web of laws that hold Antigone fast and condemn her to death, the tragedy of the analysand is found in the outside world, not within the analyst’s office. Butler

⁹ The polis is not exactly the location in which laws are meaningful; given Creon’s tyranny, the polis, too, reveals that the justness of laws stands on the ground of the sovereign who makes himself exception to law.

suggests that victims are always guilty because their speech acts only obtain when structured according to the law that they simultaneously break. They try to get around this with the idea of “declining the honor,” but they hope that the confessor working on an interpersonal level can undo the hermeneutic of the self that analysand, analyst, and world participate in.

When we bring in a feminist account of structural misogyny, we see that guilt is produced not just by the entangled relationship between the antinomian and the *nomos* but by the social location of she who confesses—or of she who gives testimony. Sometimes, giving testimony to admit that one was the object of another’s transgression is read as a confession of guilt! Butler’s case study of Anita Hill operates along similar theoretical lines as their analysis of *Antigone*, but readers may be surprised that even when the kind of speech act changes, guilt may still be written into its structure. I argue in the following sections that this guilt is not only located in certain kinds of speech acts (such as confession) but is found in the gendered (and raced) identity of she who speaks—even if she did not intend to confess.

4. When Testimony Becomes Confession

While “declining the honor” suggests that the interpersonal relationship between analyst and analysand can relieve the guilt that otherwise constructs the subject, Butler’s earlier work on speech identifies additional challenges to this solution.¹⁰ In some cases, she who confesses *did not mean to confess* and bears no guilt of her own, but guilt is unjustly attributed to her. To decline this honor would respond to the wrong sin: not that of inherent guilt, but of misattributed guilt.

In Butler’s (1997, 82–95) analysis of Clarence Thomas’s Senate confirmation hearings, Anita Hill’s testimony is read as a confession of guilt. The committee chamber becomes a site of self-constitution and self-incrimination, where testimony, like confession, functions as a speech act that both presupposes and produces guilt. When Anita Hill offered an account of what happened to her, the senators watching attributed guilt to her, as if she had confessed rather than testified. Butler explains that during Thomas’ Senate Judiciary Committee hearing, Hill was always already sexualized by a public that could only understand speech as agency and agency as guilt. They write that the law “requires and facilitates a conceptualization of injury in relation to a culpable subject, resurrecting ‘the subject’ (which could just as well be a corporate or group entity as an individual) in response to the demand to seek accountability for injury” (Butler 1997, 78). The law, like *Antigone*’s guilt, brings the subject into being as it brings the crime to light; the subject is always constructed in the shadow and expectation of the injury.

¹⁰ On Butler’s theory of performativity, see *Gender Trouble* (Butler 1990) and *Excitable Speech* (Butler 1997).

The structure of testimony, for Butler, must therefore assume guilt. They say, “The very act by which Anita Hill gave testimony, one intended to establish that an injury was done to her, was taken up by the Senate hearings—itsself a pornographic scene—as a confession of her shame and, hence, her guilt” (1997, 82). Victim testimony—a kind of speech act in which someone voices an experience she has suffered that might otherwise be left unexpressed—transforms into confession, where the testifier is made guilty and therefore appears to have confessed. The very act of making speech is fraught: one’s testimony is enacted in a such a way that it no longer belongs just to the speaker but rather is shaped by the force of the room in which one speaks. Butler (1997, 83) explains, “In that reappropriative reception by which testimony is taken as confession, the speaker’s words are no longer taken as communicating or performing what they appear to be doing (exemplifying the illocutionary force of utterance); they are, rather, a display or enactment of sexual guilt.” The hearing transforms testimony of what one has suffered through loss of her own agency into an admission of agency and therefore of guilt. Testimony has become a mode of confession.

Anita Hill is no Antigone figure: Antigone confesses a confession; Hill testified to sexual harassment that she suffered at the hands of Clarence Thomas. While Butler shows how Antigone’s confession revealed her to be victim to the unjust laws that she wittingly transgressed, Hill’s victim testimony transformed her from a victim to a transgressor. The structure of the setting works similarly on them both: confession simply and testimony-*cum*-confession recontextualize the speech one gives into what the public hears as admission of guilt. Both speech acts function, according to Butler, as a kind of confession. And in this confession, the words one utters exceed their meanings and are formed and recontextualized through the locations and under the matrix of laws under which they are uttered. Antigone’s primordial guilt transforms into confession and flows into guilty acceptance, but Hill’s testimony was transformed into guilt through what Butler calls a performative contradiction—that is, “an act of speech that in its very acting produces a meaning that undercuts the one it purports to make” (1997, 84). Butler argues that to the extent that someone speaks, she displays agency, as that speech is taken as a sign of agency. This agency undermines her victim status: if she can speak, then she must have wanted it. To survive—to speak—claims an agency that the violation should have nullified. The confession that binds Antigone to the law operates similarly to Hill’s testimony, linking her to a crime committed against her for which she is compelled to assume responsibility.

Butler’s account of Hill’s testimony may make sense along their framework of performative contradiction and excitable speech, but not all victim testimony creates this performative contradiction. Both Hill and Thomas vied for the status of victimhood: Hill as a victim of sexual harassment, and Thomas as a victim of Hill’s accusation. But when Thomas cast *himself* as a victim of the hearing, he was taken to

be one. Although readers of this essay may view Thomas as someone who transgressed both laws and norms in his treatment of Hill, Thomas identified himself as a victim of her testimony, and his performance of victimhood was felicitous to his senatorial jury. When Thomas testified, his testimony was deemed credible. His testimony did not excitably become confession, as Hill's did—it remained testimony. In Butler's reading, the "pornographic space" of the hearing should have taken Thomas's testimony as a display of guilt rather than simply communicating or performing the words he spoke—but Thomas and Hill were treated very differently by their cross examiners. For example, when Hill spoke of stomach pain that landed her in the hospital for five days, which she took as a symptom of stress from work and the harassment that she faced there, she was characterized as pathological, but when Thomas spoke of losing weight his "somatic response was viewed as normal" (Phelan 1997, 97).

In an essay on the psychoanalytic dimensions of the hearing, Peggy Phelan writes in a Butlerian key that Hill's testimony is both a "performative and transformative speech act" (Phelan 1997, 103) insofar as the public account of her private victimization "attempts to repudiate—in the very public and politicized form of its telling—her position as 'victim'" (104). Victimhood appears to be structured as a zero-sum game, and if Hill attempts to *repudiate* her status as victim, then the seat is opened up for Thomas to take, which Phelan argues he does vis-à-vis his protest that he was victim of "high-tech lynching" (104). Phelan, like Butler, recognizes the transformative powers of speech, but Phelan opens up the possibility that this arrangement of victimhood is structured not just in the pornographic scene of the hearing but also in the society that brings the hearing into existence. Drawing on Kimberlé Crenshaw, Phelan suggests that by bringing up lynching, Thomas simultaneously de-raced Hill and accused the senators of racism: these senators in turn decided that they would rather have "the blood of the 'de-raced' black woman on their hands than the blood of a black man who denounced them as a lynch mob" (105). To restore *their own innocence* these senators had to confirm Thomas and reject Hill's testimony.

5. Effects of Misogyny on Speech Acts

In the previous section I offered Anita Hill as a case study to show how victim testimony can be misread as admission of guilt or complicity to the very crime one has suffered. There, Butler showed how the "excitable" location of the hearing was responsible for transforming Hill's testimony into confession. But not all testimony becomes confession: when Thomas testified in his own hearing, he was deemed both credible and innocent. Kate Manne's (2017) *Down Girl* offers an account of misogyny that shows why some speech is taken in its illocutionary sense and other speech becomes transformed through the context and recontextualization it works in and

through. This account explains why some speech transforms into victim testimony, and why some (but not all) victim testimony is taken as an admission of guilt. With this additional diagnosis, we can begin to offer more meaningful solutions to the concern Butler’s wishful thinking brings up: when a confession arises, we must not look beyond the confessor or the analyst who could “decline the honor” of letting the confession obtain, but rather look to the social and political sphere in order to change the laws that structure these seemingly ahistorical but nevertheless practically contingent harms of selfhood.

5.1. Recognizing Women

Before I give an account of Manne’s theory of victimhood and its relationship to misogyny, confession, and testimony, it is worthwhile to emphasize that Manne does not write directly about subject formation. She is occupied not with the elaboration of the self through psychoanalytical tools such as confession but with the behavior of others toward that self. Manne is also interested not in an abstract subject but in a gendered one—the subject that Manne investigates belongs to or hails a woman. Her interest is empirical: what are the forces that account for systematic mistreatment of women? As a result, she comes to elaborate on a more phenomenological problem: not *who* is a woman, nor *how* does a woman come to be, but what it is like to be a woman, and what accounts for and structures the violence she faces.

Manne never gives an account of subject formation *qua* subject formation because her book looks more to the systems of values that produce violence against women than to questions around recognition of the subject. Questions of the “self” and the possibilities of its recognition are nevertheless found in her chapter “Humanizing Hatred” (Manne 2017, 133–68). The chapter argues against a common cultural belief that women would be treated better if only their aggressors saw them as “fully human” (137). This position assumes that recognizing others as fellow humans generally demands certain expectations of those people, such that they have similar qualities and potentialities as those who are interacting with them. Manne demonstrates that aggressors terrorize women not because they believe women to be “inhuman” or “subhuman” but because they imagine women as “all too human” (135). Manne shows that often it is by virtue of recognizing women as certain kinds of humans that they are treated badly. Aggressors believe women to be “human,” not only along the lines that make a given human “an intelligible *parent, child, sibling, friend, colleague*” but also along those that make one “an intelligible *rival, enemy, usurper, betrayer*” (147). When men hold women to owe them certain goods—such as care, love, goodwill, attention, and so on—and these men find themselves without those goods, they may hold those women responsible as enemies, rivals, and make

them pay, as Manne writes that Elliot Rodger did, the ultimate price.¹¹ The human subject is always situated in the world: she is not, just as he is not, just a *rational animal* or a spouse or child, but someone who is embedded in community and expected to either give or receive certain goods from those around her.

This idea of recognition takes a different path from Butler's elaboration of the concept, which Butler invokes most forcefully in their essay "Longing for Recognition." There, the primary encounter with the other takes place when "whatever the self is" loses itself in the other. Butler (2004b, 147) writes, "[Consciousness, or, the self,] by virtue of the external status of the reflection, will continue to lose itself." This kind of recognition is concerned with the formation of the subject through the subject's own loss, but Manne's interest in recognition and in the subject looks beyond the interpersonal to the structural. Recognition and selves are not the sites of her inquiry but assumed quantities that are affected by the structures of misogyny that surround them and pose the problems of violence.

5.2. Claiming the Victim

Manne (2017, 233) suggests that misogyny provides an explanation for why women have less credibility than men when they try to "claim victimhood." Women's testimony is fraught not only because testimony itself is fraught, but because of social factors that specifically affect women. Identifying oneself saliently as a victim takes place in a network of relations: identifying oneself as a victim often implies that another was the transgressor, or that one is subject to unjust circumstances. In either case, it appears that something happens to the victim that common sense would indicate should not or need not have happened. But when certain people are not believed to be owed certain goods and are then denied those goods, they have difficulty in being perceived as having suffered unduly.

Manne draws on P. F. Strawson's account of reactive emotions to explore who is authorized to claim victim identity. These reactive emotions, such as resentment or indignation, are often attributed to victims and are grounded in expectations of mutual goodwill and regard among individuals. The ability to claim the victim role hinges on these expectations of goodwill being acknowledged by others. One's reaction to another, say, stepping on one's foot, will be different in a case in which the foot was stepped on accidentally in an effort to help one get up than in a case where another acted in "contemptuous disregard" for one's digits (Strawson 1993,

¹¹ Manne brings up Elliot Rodger, the Isla Vista shooter, throughout her book, quoting his manifesto *My Twisted World*, where he writes: "When I think about the amazing and blissful life I could have lived if only females were sexually attracted to me, my entire being burns with hatred. They denied me a happy life, and in return I will take away all of their lives. It is only fair" (quoted in Manne 2017, 174).

49). In the case of contemptuous disregard, one may feel morally indignant—victimized, even—but not so in the case of the former. Strawson (1993, 50) shows, for example, a path to forgiveness by identifying ameliorative markers to the aggressor: maybe “he didn’t mean to” or “he didn’t know.”

But those who are not traditionally seen as entitled to certain privileges have difficulty in being granted goodwill. Indeed, they will likely be resented for the privileges they ask for or take. When women claim to be disadvantaged or testify to harm caused either by certain men or a system of oppression (e.g., rape, or making only eighty-four cents to a man’s dollar),¹² the response is often one of *moral indignation*: she is withholding goodwill that he is accustomed to receiving. Drawing on Virginia Woolf’s *A Room of One’s Own*, Manne (2017, xix) asks her reader to imagine what it would be like to step on the hands or toes of another—what if you “have trespassed on verboten territory, or on his turf?” Woolf (1931, 9) recounts walking around Oxford across a green quad when a man intercepts her, expressing “horror and indignation.” She writes, “He was a Beadle, I was a woman. This was the turf; there was the path. Only the Fellows and Scholars are allowed here; the gravel is the place for me” (Woolf 1931, 9). For Strawson, the indignation shown by the Beadle could be ameliorated only if he imagined that his transgressor was morally incompetent—someone who, on account of miseducation or psychosis, imagined she had equal access to the turf reserved only for elite men. Strawson’s Beadle would be able to soothe himself only by accepting a certain “strain of involvement,” a strain that Strawson (1993, 53) thinks is not always possible.

The goodwill Strawson describes assumes a world free from systems of domination and disadvantage: a world without gender, among other markers of difference. Manne (2017, xviii) argues that this formulation of goodwill lays a “terrible trap” for women. She defines misogyny as the belief that “part of what women like you (e.g., me) owe men in such positions of (in this case, rather petty) moral authority is *good will* of the kind Strawson says is so important to receive from one’s fellow human beings” (2017, xviii). Misogyny, for Manne, is “primarily a property of social environments in which women are liable to encounter hostility due to enforcement and policing of patriarchal norms and expectations—often, though not exclusively, insofar as they violate patriarchal law and order” (2017, 19). In other words, when women identify harms that they suffer under patriarchy or demand goods that they ought to receive but do not on account of patriarchy, misogyny is the policing arm that enforces women’s subordination to male power.

If misogyny polices resistance to patriarchal norms, then testifying as a victim of male aggression would seem to be exactly the kind of speech act that would be

¹² On the complicated history of the wage gap, and the shortcomings of its calculation, see Sielska (2023).

policed and excitably transformed. Victims of sexual violence, for example, who identify themselves through testimony, would not likely be given credibility or sympathy if their injury were caused by a man who otherwise expected to be entitled to certain goods from women. Manne (2017, 223) writes that the paradigmatic case of being a victim involves being “morally wronged at the hands of another agent—and being injured, humiliated, or otherwise wounded by it.” With this in mind, the Beadle whose turf has been stepped on can understand himself as a victim—as can, of course, Virginia Woolf. Anyone, it seems, can cast themselves as a victim, and indeed, in cases of sexual harassment and rape, we often see perpetrators looking for sympathy, issuing resentment toward their prey.

Manne shows how a conception of a victim as someone who is owed sympathy sheds light on why depicting *oneself* as a victim can be fraught. She writes, “For claiming victimhood effectively involves placing oneself at the *center of the story*. . . . It is liable to be perceived as at once self-dramatizing and self-important, and at the same time, wan or maudlin” (2017, 225). Victims are most salient to their audiences when they are taken as people who have been denied certain rights and entitlements that they are owed. Manne shows that disenfranchised groups, such as women, who are historically assumed to be entitled to less, have difficulty in claiming victimhood:

If you claim victimhood, more or less explicitly, chances are (a) that you’re *not* automatically being given what you need, in terms of sympathy and redress for moral injuries; and (b) you’re claiming to be *entitled* to the same, in ways that will be more salient for those not deemed to be so entitled, historically, but rather obligated to ensure that *others’* entitlements are satisfied. (Manne 2017, 230)

By her account, the speech of the victim acts as testimony against her. Like Antigone’s confession to Creon, the speech act always reifies the norm or the *nomos* under which one lives. If she speaks, she has an agency that victims cannot claim; if she speaks, then she is seeking to center her injuries when common sense would prefer her to sympathize with the injuries of the man who harmed her.¹³

Paradoxically, this expectation of sympathy depends on a view of women as significantly agential and potentially threatening the social order. She who should

¹³Antigone rejects “victim status” when she asserts her “manly autonomy” and so becomes read as believable. Her credibility is coterminous with her ultimate (self-)condemnation and death. “Claiming the victim” would be impossible for Antigone, but with her “manly autonomy” she can at least be heard—even as this hearing hurls her to her death.

have been more resilient or more forgiving was withholding the very goodwill that someone like Strawson (or, in a different key, Rodger) would expect as the basis of civil society. Miranda Fricker introduces the concept “testimonial injustice” in order to show why woman’s testimony is so often infelicitous—as if this infelicity, too, could be improved with goodwill.¹⁴ For Fricker, testimonial injustice arises when a group, often to some extent historically and unjustly considered inferior, is taken to be less credible when they make certain claims. Manne (2017, 218) modifies this account, writing that not only are women taken to be guilty in cases of misogynistic violence out of a lack of goodwill, but socially and politically expedient biases are at play in evaluating their credibility. Drawing on philosopher José Medina,¹⁵ she argues that the lack of credibility of one group depends on the imagined credibility of the other: “Surplus credibility enjoyed by the dominant group members results in testimonial injustice for the subordinate group members, given the comparative and contrastive—as well as temporally extended—nature of epistemic assessment” (Manne 2017, 190). Manne explains that a credibility deficit is *politically necessary* to uphold an order of male dominance to which women must defer.¹⁶ These credibility deficits “serve the function of *buttressing dominant group members’ current social position*, and protecting them from *downfall* in the existing social hierarchy: by being, for example, accused, impugned, convicted, corrected, diminished or, alternatively, simply outperformed” (2017, 194).

Manne’s account of testimonial injustice allows us to see the structural forces that presented Hill with credibility deficits and Thomas with victim status. Thomas’s story did not make logical sense: calling himself a victim of “high-tech lynching” de-races Hill by eliding gendered dynamics in lynching histories. In these histories, Black men have been killed under the fantasy and fear of Black male access to white women, a history in which sexual violence against Black women does not enter clearly and, if and when it does, enters in the form of Black women experiencing violence at

¹⁴ Fricker’s formulation of “testimonial injustice” can be found in her “Epistemic Oppression and Epistemic Privilege” (Fricker 1999) and *Epistemic Injustice* (Fricker 2007). While Fricker is often credited with bringing “testimonial injustice” to analytic philosophy, her work builds off of the work of others, including, for example, Lugones (1987) and Collins (1990).

¹⁵ For more on how credibility cuts across raced and gendered difference, see Medina (2012).

¹⁶ Manne’s insistence on the political expediency of testimonial injustice is in conversation with the political expediency of epistemology itself. Dotson (Berenstein et al. 2022, 291) explains, “Epistemologies often outline steps for the sake of an expected (and acceptable) range of results. In addition, they are often used to assess steps taken for the ends they achieve.”

the hands of the same lynch mob or vis-à-vis their losses that come from the murders of their friends and family (Crenshaw 1996, 833). But de-racing Hill was more expedient for the senators at the hearing than taking Hill's victim testimony seriously and considering her a victim in her own right. Hill was not entitled to the same kind of goodwill that Thomas received.

Manne's account of victimhood shows that juries as much as analysts and confessors believe the stories that they are comfortable believing. Crenshaw (1996, 829) writes, for example, that the "continuous focus on [Hill's] failure to resign after the harassment began to fit into a narrative that presented her as a woman who did not meet the utmost-resistance standard because she was apparently unwilling to exchange her career for her 'honor'; she was thus unworthy to make the claim." Senators, fitting with Manne's model, criticized Hill for placing herself at the center of the story: a real victim would not be so bold as to claim her injury. Thomas, instead, claimed victimhood and was entitled to it on account of his victim story lining up with systems of power. Victimhood is written into our social world, and trying to claim it for oneself works best if the larger narrative is sympathetic to one's plight. In a world fraught with misogyny, we can see how Hill's victim status was structurally less available than Thomas's. Turning back to Butler's original request that the confessor "decline the honor," we ought to remember that the confessor is not the only person who is asked to condemn the confessed. Senators, juries, and the public are also constantly asked to judge victims of violence and those who have broken the law. *Of course* those senators failed to decline the honor.

6. Concluding Remarks

A feminist account of subject formation that takes confession as its model cannot avoid the social and political location in which a speech act is uttered. This location goes beyond the "excitable" location of the courtroom or the analyst's office but implicates the *whole world* in which the speech act is uttered. In a world where certain groups suffer credibility deficits and are historically assumed to be entitled to less, the game of testimony and confession is rigged. A theory of subject formation that accounts for these social and political realities is left wanting: we do not know what it would be like for a woman to either confess or testify in a world that grants her as much credibility and goodwill as men. Manne's disinterest in subject formation as an avenue of inquiry makes sense: by her account, this inquiry may not yet be possible. Butler's account of subject formation, alternatively, leaves us with a model that we are not yet equipped to use.

Thinking through *Antigone* with Manne produces a richer understanding of what was at stake in Antigone's confession. There were no speech acts available to Antigone that could have redeemed her, just as there were no actions she could have taken that would not have condemned her life to a tragic end. Manne enables us to

begin to theorize the female subject in *Antigone*, even as the project of subject-making remains proleptically out of reach for women whose worlds confine them to structures of confession. The characters in *Antigone* are tragic because they do not see multiple possibilities in their identities and responsibilities but imagine those identities and responsibilities as fixed. Antigone falls into the tragic structure of a life that is overdetermined by vengeance and laws that produce transgressions and vengeance in turn; her life and her death are determined by her commitment to honoring men’s bodies over her own. *Antigone* is characterized as a tragedy par excellence precisely because it could not have been otherwise. Butler’s analysis of Antigone’s confession suggests that Creon could have acted otherwise, but this is no truer of Creon than of the senators of Hill’s hearing.

The “otherwise” glance Butler asks us to cast toward *Antigone* is not one we can easily make sense of in a tragedy that takes its force from its own inevitability. But inevitability found in one story does not mean that guilt or confession is ahistorical and thus inevitable. By setting up Manne’s more socially situated theory against Butler’s ahistorical, confessional self, we may be able to gesture toward a world in which the analyst finally may “decline the honor.”¹⁷ This contemporary approach to confession must imagine a world in which confession is not coterminous (just) with guilt but in fact becomes an indictment of the world that has condemned the subject to carry that guilt.

The structural misogyny that women face must be dealt with in order for the analyst to decline the honor. In this way, we must reenvision confession as a speech act that holds significance outside of the analyst’s office. Rather than hope that analysts decline the honor that the speech act requests of them, we might see the speech act as a force that acts upon the analyst *and the world*. When this speech act is uttered, we ought to look more carefully and see how confession is not simply an indictment of oneself but of the world that structures one’s transgression. *Pace* Seneca, the possibility of unity between truth and will—of internal coherence—is not possible in a misogynistic world. Indeed, in striving for a self that seeks internal coherence, one must seek to unite not only truth and will but also world. The classical model of confession, like Butler’s, must be rectified such that it is not merely

¹⁷ Recall, here, the *classical model* of confession that Butler largely ignores. Through dialogue with Seneca, Serenus attempts to produce a new way of understanding himself vis-à-vis reason—the force that will unite will and self-understanding to produce him as a better subject and citizen. But what if the best self must look beyond will and understanding into the world that shaped the will in the first place? Seneca’s model, by Foucault’s (1993) telling, is sealed off from the possibility that the world, not the will, needs changing. But a model that begins here may be more compatible with Manne than the Christian account of confession.

dialogical, armed with reason alone, but instead demands social and political change. One cannot just *know thyself* until political actions are taken such that one's self can be known.

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