

## Harassment and the Privilege of Unknowing: The Case of Larry Nassar

*D*iscourse on sexual harassment is very near where we used to find prohibitions against homosexuality and the discourses of sex panic that enforce those prohibitions. It maps onto the paranoid positions and formations that have interested foundational figures in the field, especially as they have sought to recover terms like *pleasure*, *knowledge*, and *survival* for queer theory (Sedgwick, “Paranoid”). It shapes our experience of the institutions within which we work. At work, it can feel as if harassment maps onto sexuality itself—the sexualization of work appears as a form of harassment. Within the institution, sexuality itself can feel marked as harassing (Halley, “Sexuality”). But when, exactly, is our work not sexualized? What would it mean to cleanse the workplace of the traces of sex? It is this latter question that makes many of us nervous. We know that this cannot be done; the very idea of such a campaign is harassing. Queer studies begins from a baseline awareness of the violent operations of phobic disavowal, including the disavowal of the fact that we live and work in forms of sexual community, whether or not we have sex with each other. The space supercharged with sexual anxiety is the space coded as “not-sexual”; these are homosocial,

deeply mystified, and hierarchal structures dedicated to the reproduction of wealth and power.

In the United States, contemporary discourse about campus harassment clusters around Title IX, an amendment to the Higher Education Act that regulates federal funding for schools. Title IX requires that schools address the problem of sex-based forms of discrimination, and it structures the processes used by campus administrators to address discrimination, harassment, and abuse involving students. It promises that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance” (Title IX). The questions of what “the basis of sex” means and what about sex is knowable drives the evolution, expansion, and contraction of Title IX’s reach. When this regulation passed into law in 1972, people had little sense of where it would lead us. It has been central to the rapid development of women’s sports in the United States but also to the normalization of sex segregation in sports. It has facilitated the recognition of sexual assault and sexual harassment as aspects of sex discrimination in education<sup>1</sup> but also made sexual violation a powerful symbolic expression for a school’s sense of risk, compliance, and responsibility as well as a container for the conflicts and anxieties that shape how students, staff, and faculty understand their relationships to each other and to the institution.<sup>2</sup>

Somewhat perversely, I think of Title IX as a formal articulation of a wish—a wish for a school in which sex is not a vector for shame, punishment, and social abjection. Title IX regulation describes an evolving sense of *the least* a school can do to make such a world possible. On most of our campuses, an administrative apparatus lifts the responsibility of enforcing that minimum from, especially, a faculty community who would prefer to assign the reproductive labor of working through sex-based forms of harm to a small group of socially abjected service workers. Faculty groan about “sex bureaucrats” (Gerson and Suk) ruining the school while avoiding opportunities to engage their community in the reproductive labor of tending to complaints about their own conduct. Title IX has become a symbolic dumping ground, a figure holding our collective sense of subjectification to the institution. We binge on stories of sexual shame and professional failure, stories of sexual violation, witch hunts, tribunals, and retribution. We flow from rumor-mongering threads on social media and snarky blog posts to polemical op-eds about student paranoia and feminism run amok to news headlines trumpeting the exposure of one predator, then another,

then another. Every rumor in this world feels true and every accusation feels false until something breaks. The shape of this discourse is itself harassing.

Many readers will, I think, know the truth of that last sentence. Sexual harassment cases body forth the contradiction of the disavowals that ground our understandings of work and school. The complainant pulls to the surface that which the institution must disavow: the school is a form of sexual community. “Institutions survive the stage of being fragile conventions,” Mary Douglas writes, by reproducing the sense that “they are founded in nature and therefore, in reason” (52). These “founding analogies” style our thought about institutions and institutional life—and, Douglas argues, they work only to the extent they are unacknowledged, hidden, even secret. Sex, she writes, appears as one such “natural” ground for institutional stability. This is certainly true for the university. The organization of the relationship between our work and our sexual lives is a key framework through which we understand what a good job supports: the ability to, say, own a home and start a family. It is parental leave, spousal benefits; it is also the explicit prohibition of sex with subordinate coworkers and the implicit sexualization of subordinate bodies. It is the management of that prohibition and the ritualization of violations of those rules. A sense of sex shapes what is recognized as teachable and not teachable; it shapes what is recognized as researchable and unknowable. The gendered foundation of success in the academy bubbles up to the surface of, especially, faculty resistance to antiharassment work precisely because antiharassment activism confronts the forms of sexual entitlement that feel, for some, like earned professional privilege if not sexuality itself. The antiharassment intervention does not expel sex from the workplace: it interrupts the disavowal of the fact that it is always already there. It can become an occasion for staging that disavowal.

The event of sexualized abuse can plug your body into an institution’s power grid. Harassment moves through us in waves of dread, anxiety, grief, and alarm. We file complaints when we cannot tolerate this state. Those who can, however, will back away from harassment; harassment is sticky, and speaking out about a harassment case can draw harassment into your life. As Sara Ahmed reminds us, “[W]hen you expose a problem you pose a problem.” Bullying and harassment “work” only where a majority of people chooses to minimize and ignore rather than engage and resist these toxic behaviors. Conversations and debates staged around stories of violation, however, can escalate and amplify harassment dynamics, carrying harassment dynamics beyond a case’s primary scene to Facebook walls, Twitter threads, and into the basement of unmoderated or barely

moderated comments amplifying the “hits” for blog posts and tabloid-style reporting. The energies of violation, dread, anxiety, and anger detach from the people within a case. They become abstractions—accuser and accused become reversible; the truth of an individual case feels unknowable. We sink into this sense of sexual violation and sexual harassment as subjective, as unverifiable. Harassment itself comes to feel both pervasive and somehow unreal. Harassment is exhausting.

In this essay, I think with one badly handled case, a complaint filed against Larry Nassar in 2014 by Amanda Thomashow. Nassar was then on the faculty at Michigan State University’s School for Osteopathic Medicine and a clinician at the university’s Sports Medicine Clinic. Thomashow had gone to Nassar seeking treatment for hip pain; she accused him of assaulting her. The school’s assistant director for institutional equity, Kristine Moore, cleared Nassar of wrongdoing. I am most interested in the July 18, 2014, memo summarizing that investigation and its findings. This is the document that was given to Thomashow to close her case; it is the result of her complaint (Moore).

Less than four years after MSU dismissed Thomashow’s complaint, Nassar was sentenced to prison for what is, in essence, the rest of his life. He is responsible for molesting hundreds of girls and women over three decades. I am interested in what made the truth of Thomashow’s complaint so difficult to accept. So is Thomashow. She has been asking MSU to reopen that investigation, to look harder at what happened and how it happened. In their negotiations with MSU, Nassar’s victims asked for this and for an apology from the university for its failures. The university gave them \$500 million dollars but offered no apology admitting to any wrongdoing on the university’s part and made no commitment to examining the failure to respond appropriately to Thomashow’s complaint.<sup>5</sup> As of this writing, the university’s discourse about Nassar has centered on his singular monstrosity—trustees, for example, are sorry that so many were abused by him (Kozlowski, “Nassar”). They are not sorry, at least not officially, for their own complicity in the institutional culture that enabled him.

Writing about actual cases is hard. Engaging unresolved or poorly resolved cases risks contributing to the harassment dynamics internal to the case’s impacted communities. Larry Nassar’s abuse of his patients, however, has been addressed in a mind-boggling number of news articles, blog posts, podcasts, and in television coverage. The case grew out of a series of long-form investigative reports on sexual abuse in sports (Evans et al.; Kwiatkoski et al.). Victim testimony is readily available as are court

documents, Title IX reports, police reports, and court filings related to the numerous lawsuits against, for example, MSU and USA Gymnastics. We have access to an unusually rich, detailed multimedia archive documenting the experiences of Nassar's victims, police investigation of complaints, and institutional responses to them. Given the scale of material out there, I feel confident that this essay will, at the very least, not make anything worse for Nassar's victims.

Writing about this case requires that I address some of my textual practices and rhetorical decisions. I started writing about particular cases because I have had a case. When I write about other people's cases, I feel keenly aware of the fact that I am working through the trauma of my own. I have not published writing detailing my own experiences as a victim. There are a number of reasons for this. I participated in an awful process that led to the dismissal of a student who had been stalking me. Stalking is inherently sensational. While I have addressed the impact of that experience on me ("Distance"), I do not yet know how to write about being stalked without trafficking in the economies of sensation that undergird harassment dynamics themselves. Harassment has similar effects; writing about a harassment case can feel harassing. Staged without care, that writing can become a form of harassment. It is not all that different, in some ways, from the way one's work as a sexuality studies scholar can be read (as mine was, in our campus's disciplinary proceedings) as sex itself. The fear that our sex-centered work will be experienced by students and by colleagues as harassing haunts many of us who work in sexuality studies. I do not know how to get to the other side of that fear except by writing through it. The scene of violation in Nassar's case (student/patient; faculty/doctor) is quite different from the paradigmatic examples of harassment that rule discourse of the campus sex scandal (professor/student; student/student). Nevertheless, in the story of Thomashow's case we encounter many of the contradictions and forms of resistance that structure sex-based forms of violation and harm, especially as they are baked into hierarchical structures of authority and power. This case also surfaces the reproduction and enforcement of sexual ignorance as a key operation in abusive dynamics.

A few more notes about this essay's vocabulary: I privilege the word *victim* over *survivor* throughout this essay. I draw frequently from statements made by Nassar's victims and their families as recorded by journalists and in police reports and court filings. This is, in essence, a trigger warning. I need to share what Nassar did through the explicit language used by victims because this essay reflects on and pushes back against the

representation of the victims in this case as unknowing, sexually innocent and, in Thomashow's case, hysterical. I have tried to avoid trafficking in the sensational economy of harassment narratives, but my aims require being frank. If I prefer the word *victim* in this context, it is because my focus here is not on the recovery and survival experiences of the people he harmed, but on the scene of their disenfranchisement as subjects with the capacity to understand, know, and represent what was happening to their own bodies. This essay focuses on a context in which victims are overwhelmingly cisgendered girls and women and in which the abuser is a cisgendered man. Much of what I say here is likely to resonate, however, with gender nonconforming, genderqueer, nonbinary, and trans readers. I hope my writing, which is oriented by reparative critical models, functions as a hazmat suit that allows the reader to enter these scenes of violation without being dismantled by the subject. Not every reader, however, will want to go there with me.

### *Victims Proliferate*

In 2014, MSU's campus community was deeply engaged in conversation and debate about the problem of sexual violence and sexual harassment. That year, a case of sexual violence and relational abuse at MSU had opened a *Harper's Magazine* article, "Ending College Sexual Assault" (Kang). Local news outlets routinely covered the university's struggles with cases of sexual violence, including high-profile accusations against student athletes. The campus newspaper featured stories about badly handled complaints, op-eds from students describing their experiences with sexual harassment, updates on policy revision and on campus activism. Activists at MSU were part of a national movement that has its roots in Title IX's passage in 1972 but that gained particular momentum in 2013 when students at the University of North Carolina at Chapel Hill founded a knowledge-sharing network that empowers students to engage administrative processes to address the problem of sexual harassment and sexual assault. End Rape on Campus worked with student complainants at MSU (Schuster); they succeeded in pressuring the Department of Education to investigate the university's compliance with Title IX requirements in the adjudication of sex-based complaints. In 2014, when Thomashow filed her complaint, MSU was in the middle of that investigative process (Mencarini, "At MSU"). It was one of dozens of schools across the country then under investigation and in the news. Joan W. Howarth, Dean of MSU Law through the period

of the federal investigation of the campus, writes that during this period MSU “faced heavy pressure from the Department of Education, and in some sense that pressure transformed the campus, with new university resources, overhaul of the Title IX regimen, new and visible student activism, and hypersensitivity to Title IX procedural compliance” (718). Sexual violence was addressed at the campus’s “Spring Break Safety Fair.” That year MSU’s administration instituted new mandatory reporting guidelines. In April, the campus launched “No Excuse for Sexual Assault,” an awareness program that addressed myths about rape and educated students about the meaning of consent. Volunteers raised awareness about sexual assault in residence halls, the campus hosted “male panels on rape culture,” a candlelight vigil, film screenings, and more (Heywood). In the fall, university president Lou Anna Simon announced the campus’s participation in “It’s On Us,” a rape awareness campaign initiated by the White House. A celebrity-packed public service announcement was played at home football games, a fact lauded in an article posted on the White House blog (Lierman).

In 2014, administrators, students, staff, and faculty at MSU were, in other words, fully dialed into the work of addressing sex-based violence and harassment within their community. Given this, many were shocked by the university’s decision to invite George Will to give a commencement address at the campus’s December ceremony. In June of that year, Will had published an op-ed in the *Washington Post* that denounced antiharassment/antisexual violence activists and administrators as oversensitive ideologues. He argued that these administrators and activists were “making everyone hypersensitive, even delusional, about victimizations.” MSU students and faculty were outraged by his selection as a graduation speaker and as the recipient of an honorary degree. Their anger was concentrated on how Will described sexual assault victims. He argued that the current turn to the problem of sexual harassment and sexual assault on college campuses makes “victimhood a coveted status that confers privileges” and that, as it does so, “victims proliferate” (“Colleges”).

Will has been a vocal critic of Title IX for years: before his attention turned to the subject of sexual assault, he often warned that Title IX would be the death of men’s sports (“Title IX”) and railed against “Title IX imperialists” who want to extend its administrative reach “from locker rooms to classrooms” (“Train”). It seems likely that Will was selected as a commencement speaker precisely because he was (and is) a high-profile figure in conversations about Title IX and campus culture and because the MSU community was engaged in conversation and debate about Title IX

compliance. Speakers were announced less than two weeks before the ceremony. Nevertheless, nearly 70,000 people signed a petition protesting Will's selection; students staged a sit-in in the president's office. The Council of Graduate Students passed a resolution condemning the invitation. The General Assembly for the campus undergraduate student government voted by a very strong majority to condemn the choice and asked the university administration to allocate the amount paid him (\$47,500) to support victims of sexual assault (C. Mack). Simon responded to this by lecturing student activists on the importance of academic debate. At the graduation ceremony, when Will got up to speak, some students turned their backs to him. Other students staged an alternate ceremony (Ahern; Grasha).

The university invited two other distinguished figures to give commencement addresses that month, Michael Moore and Teresa Sullivan. Sullivan, an MSU alumna, was then president of the University of Virginia. At the time, her campus was roiling in response to the scandal of a sensationalist *Rolling Stone* "exposé" of a gang rape at a fraternity that, it turned out, was spectacularly poor reporting on a false accusation (Coronel et al.). That story was published in November and retracted in early December, not two weeks before her MSU address. By the close of 2014, the subject of false accusations saturated the already intense discourse on campus sexual assault.

Will's take on Title IX and campus harassment is typical of punditry that narrates the issue of sexual harassment as a crisis manufactured by fragile, hysterical students and crusading feminists scrambling for bureaucratic authority. In one think piece after another, Amanda Hess writes, college students have been represented as "whiny, entitled products of helicopter parenting and participation trophies." Greg Lukianoff and Jonathan Heidt, in their 2015 essay "The Coddling of the American Mind," warn that students are increasingly thin skinned, encouraged in their sense of their individual and collective vulnerability by an institutional culture invested in "vindictive protectiveness." Much discourse about Title IX represents this piece of legislation as itself a seducer, luring students into imagining themselves as rape victims and instituting a "neo-Victorian" era (Macdonald). In this narrative, drunken naifs meet the machine of government "overreach" as the administrative apparatus of Title IX bears down on the campus, offering itself to inexperienced youngsters like a morning-after pill.<sup>4</sup> Emily Yoffe, for example, warned that "under the worthy mandate of protecting victims of sexual assault, procedures are being put in place at colleges that presume the guilt of the accused" ("College"). She would, over a period of two years, write a series of op-eds for *Slate* and the *Atlantic*

elaborating on this issue, moving smoothly from a critique of alarmist presentations of the campus as a hunting ground (“Problem”) to sounding the alarm on behalf of the falsely accused (“Uncomfortable”) and advising women to avoid drinking too much (“College”), as a rape-prevention strategy. *New York Times* columnist Ross Douthat joins this chorus of the concerned by observing, “It is very hard for anyone, including the young women and young men involved, to figure out what distinguishes a real assault from a bad or gross or swiftly regretted consensual encounter.” In this story, the Title IX administrator arrives on the scene as an ideological predator, exploiting the situation of desire to trick students out of their confusion and into complaint. Under liberalism’s pressure, Douthat warns, “the rule of pleasure gives way to the rule of secret tribunals and Title IX administrators.” The problem, in these narratives, is that the law can never be adequate to the messiness of sexual desire. Thus Laura Kipnis, in her widely read and discussed *Unwanted Advances*, describes today’s students as initiating a “culture of sexual paranoia,” “so effectively dumbing down the place that the traditional idea of the university—as a refuge for complexity, a setting for the free exchange of ideas—is getting buried under an avalanche of platitudes and fear” (14).<sup>5</sup>

Discourse on the sexual politics of the campus toggles between warnings that the campus is a hunting ground populated by sexual predators, as depicted in Kirby Dick’s *The Hunting Ground*, and laments that the campus is overrun by hysterics who confuse bad sex and rape and are happy to sacrifice academic freedom to the altar of their delicate feelings. We have a national, student-led anti-sexual violence movement responding to the ubiquity of sexual violence, on one hand, and cries of scholars and pundits who fear that the application of Title IX to the administration of sexual life on campus will come at the cost of academic freedom and our collective sexual happiness, on the other. In 2014, the MSU community was very much living in the space between these narratives.

In giving this (very) selective overview of discourse on campus sexual harassment, I have deliberately staged an ugly irony. On March 24, 2014, in a year of change and debate about sexual harassment and Title IX administration, Amanda Thomashow went to see Larry Nassar for treatment for pain related to injuries that she had accrued as an athlete. He had a good reputation and was treating her younger sister. During Thomashow’s office visit, Nassar made a strange remark about how “her boyfriend needed to give her better massages” (Moore 3). He sent his assistant out of the room and began to molest her. He “cupped her buttocks, massaged her breasts

and vaginal area” (Mencarini, “Woman”). He had reached under her shirt and bra to grope her breast, she explained, like someone would if they were ““making out with you”” (Moore 3). He reached under her clothes and underwear and began to massage her “vaginal area,” moving three fingers in a circle. He was not wearing gloves and gave no explanation for what he was doing. ““She was shocked”” (4). She told him to stop. He said he wasn’t finished. He was ““extremely close’ to inserting a finger into her vagina” (Mencarini, “Attorney”). She stood up and physically pushed him off her body. She observed that he was visibly aroused. He would not let her leave the room until she promised to come back for, as she put it, “a follow-up assault” (Maine). She later cancelled the appointment Nassar had insisted on scheduling and told his assistant that “she was cancelling because she felt violated” (Moore 5). On April 18, she contacted another doctor on staff at MSU and lodged a complaint.<sup>6</sup> The university’s office charged with handling Title IX complaints ran an investigation regarding the question of whether or not Nassar had sexually assaulted her. That investigation cleared him.

Nassar did not dispute her account of the session. While he claimed not to remember the details, he told investigators that “Ms. Thomashow’s description sounds like standard operating procedure” (Moore 9). The investigator’s findings pivoted on the conclusion that Thomashow did not understand the “nuanced difference” between a medical procedure and sexual assault; the report excludes key elements of Thomashow’s narrative, including the fact that she had to push Nassar off her and also that she had observed that he had an erection (Graves).

Quite rightly, media coverage of this case makes much of the report’s use of the term *nuanced difference*. It has always struck me as odd; it is a strange way of describing the difference between a medical treatment and sexual assault. Moore uses the phrase in a confusing section of the report covering her interviews with four of Nassar’s colleagues. These colleagues were consulted as “physicians and treating professionals in this area” who could evaluate the professionalism of his conduct. All of them were women. The three who were practicing osteopaths and therapists said they would not massage a patient underneath her clothing (as was Nassar’s practice). Brooke Lemmen, a student of Nassar’s and a “good friend,” said that “she does not touch under the shirt because she is sensitive to that issue, as a woman” (12). Questioned about Nassar’s reaching under Thomashow’s underpants, she explained that “she would not use a skin-on-skin method, she would go over clothes [ . . . ] in part because she is sensitive to what that would mean for the patient” (13). Dr. Lisa Stefano, a classmate and colleague of Nassar’s,

was described by Moore as making a nearly identical statement regarding her own practice when treating intimate zones of the body. She explained that while there might be benefits to skin-on-skin massage, “as a woman, she is sensitive to the fact that skin-to-skin contact may be uncomfortable to some” (15). Dr. Jennifer Gilmore also testified that, as a matter of “personal preference,” she massaged patients over their clothes when using the technique Nassar claimed to be performing. Nassar’s practice of reaching under patient’s clothing (and without gloves) is shrugged off by all three interviewees and by the investigator. Within the report, these interviewees are presented as having an understanding, as women, of patient vulnerability that Nassar, as a man, does not. This difference is framed as a difference in sex rather one of professionalism.

In this section of the report, Moore goes on to enact a substitution of massage for assault; this displaces the actual nature of Thomashow’s complaint. As these women practitioners explain why they do not massage underneath their patients’ clothing, they nod to their patients’ sense of boundaries. Moore narrates these decisions as made to avoid confusion between therapeutic “manipulation” and “massage,” even though it is clear that the potential for confusion addressed by these women is one in which a patient might feel not massaged but violated.

Nassar claimed to be working on Thomashow’s sacrotuberous ligament (located in the lower and back part of the pelvis). Gilmore explains that when she performs this kind of release, she tells patients, “I will be right by your butt-bone” (17); DeStefano describes using her fingers on the patient’s buttocks (15). In her summary of her interview with Stefano, Moore writes “that this type of manipulation, which is medically appropriate, could be confused with massage” (15). In a note, Moore addresses the fuzzy language used across the report when referring to this area of the body—“the layperson’s understanding of the vaginal area could include the ‘underwear zone.’ When using the term ‘vagina area,’ [Dr. Lehmen] is talking about palpation outside of the labia” (15). When addressing the body, the language of this report is characterized by the “sketchy” lack of specificity of the “nonfeminist anatomist” (Tuana 212). This confusion is projected onto Thomashow even though her narrative was quite specific. In the report’s conclusion, Moore casts ambiguity on the distinction between massage and manipulation and between vagina, labia, and “underwear zone” as the crux of the problem: “The STL (sacrotuberous ligament) is very close to the vaginal area. Manipulation or palpation can be interpreted as massage to someone who is not familiar with osteopathic medicine and would not

know the nuanced difference between the two” (19). One might consider the difference between massage and manipulation to be “nuanced”; the difference that Thomashow was drawing, however, was between a therapeutic, medical practice and sexual assault. Nothing in the case literature suggests that Thomashow was confused about the difference between her vagina, labia, and underwear zone. Across this relatively brief document (it is barely twenty-two pages), however, this kind of confusion seems to strike the interviewer and Nassar’s witnesses as more plausible than the possibility that Thomashow knew exactly what she was talking about when she reported that Nassar was “extremely close to inserting a finger into her vaginal opening” (4).

The language of the report’s conclusion is confusing on another score. Moore legitimizes Thomashow’s experience of Nassar’s behavior as harassing and yet concludes that she was not harassed. She writes, “[T]he trauma suffered by [Thomashow] is deeply felt and not short term” (22). Moore contextualizes that trauma with Nassar’s failure to explain what he was doing: “[W]ithout adequate knowledge about this procedure and without choice related to the procedure, a reasonable person could feel shock, shame, embarrassment and violated.” Her trauma, in other words, is reasonable; *reasonableness* is a key term in definitions of sexual harassment. As Moore explains, “[A] person’s subjective belief that behavior is offensive does not make that behavior sexual harassment. That behavior must also be objectively unreasonable” (19). That Nassar touched a sexual part of Thomashow’s body without her consent is not in dispute; that Moore found that a “reasonable person could feel shock” in response to Nassar’s conduct could have supported a harassment complaint. Moore, assuming that Nassar did not, in fact, try to insert a finger into Thomashow’s vagina, focuses instead on whether his touching of her “underwear zone” was sexual for Nassar—and on whether Thomashow was capable of understanding the nature of the procedure he told investigators (but not Thomashow) he was performing.

Every signature of a sexual assault is present in Thomashow’s account. Nassar groped her; he began trying to penetrate her. She asked him to stop; he refused. She physically pushed him off of her body. She told the receptionist that she felt “violated.” She was not confused about what happened. Her narrative as well as those of her friends, family, and colleagues is clear and consistent. Moore might have concluded that she was unable to decide on the validity of Thomashow’s charge. Nassar had, after all, sent his assistant out of the room. Instead, she decides that Thomashow was wrong. “The touching,” she writes, “was medically appropriate,” and “so

none of these factors [e.g., the absence of informed consent] create a hostile environment” as defined by school policy. “We cannot find that the conduct was of a sexual nature. Thus, it did not violate the Sexual Harassment Policy. However, we find the claim helpful in that it allows us to examine certain practices at the MSU Sports Medicine Clinic” (22). In essence, Moore found that Thomashow had sexualized the interaction, not Nassar.

Four years after this report was written, following a cascade of criminal complaints and lawsuits filed in courts in Michigan, California, and Texas, Larry Nassar would plead guilty to criminal sexual abuse charges. He was sentenced to prison for the rest of his life. Michigan State University agreed to a 500 million dollar settlement with over three hundred victims of the sexual abuse that he perpetrated while working at MSU and that he presented to his patients, if he bothered to explain it at all, as “intravaginal adjustment” (Howley). There are many more victims, of course: there are all the people he abused while working for USA Gymnastics.

Today, when we look at the 2014 report and its conclusion, we gasp in astonishment: how could the people receiving this complaint not have known what Nassar was doing?<sup>7</sup>

### *Epistemic Injustice and the Privileges of Unknowing*

The 2014 report that cleared Larry Nassar is a stunning example of what philosopher Miranda Fricker theorizes as “epistemic injustice,” where a “wrong is done to someone specifically in their capacity as a knower” (1). Fricker’s writing on epistemic injustice takes up two vectors of this form of harm. “Testimonial injustice” describes the impact of the bias that renders a person’s word meaningless. “Hermeneutical injustice” describes “a gap in collective interpretive resources [that] puts someone at an unfair disadvantage when it comes to making sense of their social experience” (1). In Fricker’s work, sexual harassment cases are of paradigmatic importance for understanding the nature of hermeneutical injustice insofar as they often manifest how “extant collective hermeneutical resources can have a lacuna where the name of a distinctive social experience should be” (150). Thus, victims of harassment may struggle to find the language to describe, make sense of, and respond to their experiences. Fricker’s examination of the overdetermination of problems of knowing with regard to sexual harassment echoes the work of other feminist theorists of sex, violence, and agency. Sharon Marcus argues, for example, that “a feminist politics which would fight rape” requires more than “developing a language about

rape”; it requires “understanding rape to be a language” (387). Sex-based forms of violence are presented as an “inevitable material fact of life” (387). Within this “gendered grammar of violence” (382), the category *woman* is marked as “always already rapeable” (386). “What founds these languages,” Marcus explains, “are neither real nor objective criteria, but political decisions to exclude certain interpretations and perspectives and to privilege others” (387). Marcus does not argue that rape is “merely” discursive; she instead situates sexualized forms of violence within a material practice of disenfranchisement. That practice expresses itself in law, in language, and in the body. It shapes our sense of the thinkable and the speakable.

Knowledge problems collect around sexual violence. For example, a cultural reinforcement of the relationship between sexual assault and trauma positions the rape victim as an inherently bad witness. The rape victim is either traumatized and therefore suffers from memory lapses or she is not traumatized and therefore is not really a victim, because rape is, in the discourse of rape, always traumatic. As Bianca Crewe and Jonathan Ichikawa write, “[I]f, according to the available hermeneutics, the trauma of sexual assault damages a potential testifier specifically in terms of their capacities *qua* testifiers, then it will be impossible for their testimony to convey knowledge” (6). Marcus’s work suggests, however, that this problem is not localized to the event of a sexual assault; the precondition for this crisis of knowing is the sexual subject’s status as always already violated, always already traumatized. She is the embodiment of a truth problem.

The difficulty of Thomashow’s position as a witness to her own experience resonates with the contradictions surrounding the discourse of rape. MSU investigators affirmed that Thomashow’s feelings (anger, betrayal, shock) were reasonable (“a reasonable person could feel shock”). Although the report affirms that Thomashow suffered trauma, the investigator here decided that she was traumatized not by her doctor’s betrayal of her trust, but by what she did not know. The trauma invoked in the language of the report’s conclusion unfolds in the domain of the always already described by Marcus—a baseline state of sexualized vulnerability that is coincident with having, in essence, the wrong kind of sexual knowledge. Her shock is framed as a woman’s natural reaction to a man approaching this part of her body. Her response is sexual; his action is not.

Within the report, furthermore, the witnesses for accuser and accused are drawn from their personal circles of friends and colleagues. Of Thomashow’s four witnesses, at least two are health-care professionals. One of those two worked with Nassar. In the report, she says that Nassar’s

behavior, as described by Thomashow, “sounds extremely inappropriate.” She refers to a woman whose daughter had been treated by Nassar at her workplace; that woman “had been very uncomfortable with what [Nassar] did to her daughter” (8). Another interviewee described Nassar as “creepy and goofy” and said that she would not see him again. All of Thomashow’s witnesses are presented in the report as friends and family; the report does not record any sustained questioning of their understanding of the professionalism of the behavior described by Thomashow. All of Nassar’s witnesses were friends and/or colleagues. All four are presented in the report as experts.

Thomashow is furthermore structurally positioned as the subject of the investigation and not as, say, a member of the community of readers to whom the investigative report is addressed. MSU actually produced two versions of the investigative report, one shared with Thomashow and another written for MSU officials. The conclusion for the latter report is longer and explicitly identifies Nassar’s behavior as dangerous for the institution: “We find that whether medically sound or not, the failure to adequately explain procedures such as these invasive, sensitive procedures, is opening the practice up to liability and is exposing patients to unnecessary trauma based on the possibility of perceived inappropriate sexual conduct. In addition, we find that the failure to obtain consent from patients prior to the procedure is likewise exposing the practice to liability” (qtd. by Mencarini in “MSU”). This in-house report separates the question of the professionalism of Nassar’s practice (even regarding something as basic as informing patients regarding the treatment he claimed to be offering) from the question of “inappropriate sexual conduct,” reducing the difference between the two to a matter of perception regarding the nature of his touch. It seems to have occurred to no one at MSU that professional misconduct might also be sexual misconduct and that this misconduct might include not only touching, but a failure to adhere to the most basic protocols used in addressing especially intimate parts of the body. In keeping with this, Moore’s report does not address Thomashow’s observations regarding Nassar’s joke about her boyfriend needing to give her better massages and the testimony of witnesses who describe Nassar’s behavior toward other patients as “creepy.” The report reenforces the implicit, common-sense positioning of sexual and professional misconduct as separate issues while reinforcing a contradictory normalization of overt sexism within professional life (and so the boyfriend joke is just talk).

Hermeneutical and testimonial forms of injustice mirror and amplify each other when sexual harassment cases land in the hands of

people who are deeply uncomfortable with any direct discussion of sex and sexuality. Nassar assumed the mantle of sexual knowledge for his community; that community deferred to him, to his assertion that what he was doing was not sexual. The 2014 report clearing Nassar is just one manifestation of the negation of the complaints girls and women (nearly all of whom were athletes seeking treatment for injuries)<sup>8</sup> had been staging within their training and coaching relationships, friendships, athletic departments and teams, and complaint systems. Athletes who complained about Nassar, who disclosed but did not file official complaints, describe feeling “crazy,” especially as the people around them participated in a group gaslighting, tagging them as “whores” and leaving them feeling that it was they who had sexualized their experience of Nassar’s “treatments” (Kozlofsky, “Victim”). In 1997, MSU gymnast Larissa Boyce told her coach Kathy Klages that Nassar was molesting her. Klages convinced her that Boyce was “misunderstanding it” and discouraged Boyce from reporting, even though a second athlete had come forward with an identical complaint. She was asked to apologize to Nassar, and did. To demonstrate to her coaches that she did not have a “dirty mind,” she submitted herself to more “treatments” (J. Mack; North; Well). In 2011, after a particularly abusive session, national team gymnast McKayla Maroney told her coach, “Last night it was like Larry was fingering me.” That disclosure, witnessed by three other athletes, was met with silence (Fitzpatrick and Conner).

The narratives of Nassar’s victims take on the form of crises of knowing—of feeling stupid/not stupid—a feeling that also revolves around the difficulty of squaring their sense of what was happening with the shame of being the subject who names his conduct as sexual. Rachel Denhollander (the first victim to come forward publicly) told investigators that she “felt stupid for not knowing better” (Wang 6). She responded to her sense that something was wrong by educating herself about pelvic floor physiotherapy. Kameron Moore was so plagued by injury that she became Nassar’s “guinea pig.” “I don’t blame myself,” she testified, “for being the innocent child that I was” (MLive, “Kameron”). In 2004 Brianne Patricia Randall told police she “was ‘scared’ and ‘uncomfortable’” when Nassar, during an appointment to treat back pain, massaged her breasts and “placed his hand on her bare vagina.” She “didn’t know if it was possible that this type of touching was normal in this type of doctor visit,” so she told her mother, who called the police. The police dropped the investigation after talking to Nassar. Nassar had shared a slide presentation on the biomechanics of the sacrotuberous ligament; no element of that presentation explains why he would place

a hand directly on a patient's genitals or grope and squeeze her breasts (Rambo). Investigators in that case never discussed his treatment practice with professionals. At Nassar's sentencing, the mother of "victim 105" testified that when she questioned him about the fact that he was not using gloves when he penetrated her daughter, Nassar "made me feel stupid for asking. I told myself, 'He's an Olympic doctor. Be quiet.'" Another victim: "I was unaware not because I was naive but because I was a child" (Rahal and Kozlowski). National team gymnast Jordyn Wieber testified that "the worst part is that I had no idea that he was sexually abusing me [ . . . ]. I knew it felt strange [ . . . ] but he was the national team doctor." She talked with her teammates: "[N]one of us really understood it." "I am angry with myself for not recognizing the abuse" (MLive, "Olympian"). A number of his victims describe Nassar bringing them to orgasm; many were so young that they did not understand what was happening to them (Shireen Ahmed).

Amanda Thomashow, as she explained in a statement delivered at Nassar's sentencing, was not a child "without the words to explain what he did. I was a woman in my mid-twenties studying at a medical school and working at a pediatrician's office. I knew he had abused me" (MLive, "Amanda"). During the investigation of Thomashow's 2014 complaint, when researching his so-called medical practice, MSU officials spoke to only people who had close ties to Nassar. Brooke Lemmen, in fact, would later move patient files at his request when he was under another investigation (Mencarini, "Nassar"). When MSU's police department investigated Thomashow's complaint, Nassar told detectives that he was a "body whisperer." He offered to demonstrate his technique on a volunteer, said he "wasn't a deviant," and, as evidence of this, explained that he didn't even have sex until his honeymoon: "[T]hat's the essence of who I am" (Casarez et al.). His description of his practice is, on its face, creepy: "Most of the time my eyes are closed [ . . . ]. Use the force, you feel it." "It is a conceptual thing. It is you, the patient, and the spirit" (Levenson). During the MSU investigation, Nassar shared a PowerPoint presentation that he used to explain his practice. One slide featured an image drawn from Star Trek and was titled "Pelvic floor: Where No Man Has Gone Before" (Casarez et al.). Again, these statements are from Nassar himself, submitted as evidence of his professionalism.

Reading available materials related to investigations of Nassar, it becomes clear that the people running them knew less about the physiology of the pelvic region than his victims. They seem eager to let Nassar do the explaining for them. His defenses of himself are incoherent and contradictory, and this is what people, when listening to sex talk, expect. It is as if,

in these investigations, the pelvis itself were cordoned off as beyond investigation, as if this part of the body were beyond knowing (“where no man has gone before”). Those who tried to talk about the abuse had to argue not only for their reasonableness but for something even more basic: for their awareness, their consciousness—for an intentional relationship to their bodies. They needed to map the relationship of one part of the body (genitals, breasts) to another (hips, back, shoulder, neck). They argued against the metonymic substitution of the vagina for their entire being, and lost.

### *Pelvic Floor Work*

It is worth pausing to discuss the treatment that Nassar claimed to be offering. In Thomashow’s case, Nassar claimed to be working on the sacrotuberous ligament (the release of which can require working on a patient’s backside, near the coccyx); in other instances, in which he was penetrating his patients, he told his patients he described his actions as “pelvic floor therapy.” Pelvic floor physiotherapy is not included in standard training and certification for physical therapists (Frawley and Neumann). It is a specialization. Pelvic floor physiotherapy is usually given to people who suffer from incontinence and/or painful intercourse and may be used for hip and low back pain (American; Rabin). It does have benefits for athletes, and for men (Frawley and Neumann). Patients tend to be older than the athletes Nassar treated; American Physical Therapy Association guidelines, in fact, are clear regarding its inappropriateness for young children and for people who have never had a gynecological exam. Some of the symptoms addressed by this treatment (e.g., uterine prolapse, urinary incontinence) are more prevalent in older people and in people who have given birth. These are, furthermore, not uncommon ailments. The treatment, in fact, is not as rare as discourse in coverage of this case would suggest. Patients are referred to specialists, and standard practice is to align the therapist and patient’s gender and for the patient to be heavily involved in conversations about the treatment and its protocols. Informed consent is solicited with every treatment and should be reaffirmed (and can be withdrawn) during a session (Frawley and Neumann; Mize). Literature on the subject stresses the importance of this nonsurgical, nonpharmaceutical treatment for common debilitating and humiliating ailments and the necessity for the development of professional guidelines to prevent not only sexual abuse but also the traumatization of patients. The importance of this latter issue is amplified by a number of studies that link pelvic dysfunction to histories of sexual abuse (Postma et al.).

So much shame clings to this part of human anatomy that patients seek this therapy only as a last resort (Rabin). Misogyny and sexism, racism, homo-, and transphobia target this part of the body. Pelvic floor physiotherapy addresses the only load-bearing muscle complex in the standing body, a muscle group that supports a sense of containment, of bodily integrity. How many of us who practice yoga have been undone by the emotion released in poses that address this part of the body? Pelvic floor work is personal and political body work. People investigating complaints against Nassar shrugged off the absence of basic professional protocols in a practice that is, perhaps of all forms of physiotherapy, the one around which there is the most intense awareness of patient vulnerability.

Nassar's packaging of the sexual abuse of his patients as pelvic massage therapy has a recognizable medical history that serves to normalize the vulnerability of the patient. Gynecology's origins are in abuse: grisly experimentation on enslaved women (Owens); forced medical exams on women identified as prostitutes and disease vectors (Walkowitz); the systematic production of women's sexual anatomy as understanding (Tuana); and the more or less genteel practice of "pelvic massage" (as it was called in the nineteenth century), in which doctors massaged women to orgasm as a service for the depressed, anxious, and demoralized (Maines). The examination of women's sex parts is also baked into sports institutions in the form of sex-segregated athletic competition, a structure that can only be produced in and through sexualized forms of abuse and violence (Doyle, "Dirt"). In 1966 the International Olympic Committee required mandatory evaluation of the genitals of women athletes (Pieper). A few years later, this ugly ritual (which could be staged as a parade of athletes before doctors or close individual inspection) was replaced by a chromosome test. That test produced its own problems and has since been replaced by another miserable process centered on hormone levels and racist, sexist, and homophobic standards of gender normativity. Once identified as embodying a gender problem (often by competitors or by athletic officials), these athletes are subjected to hormone tests and a "protocol [that] involves measuring and palpating the clitoris, vagina and labia, as well as evaluating breast size and pubic hair scored on an illustrated five-grade scale" (Padawar). Today, a handful of women from the Global South are hunted by teams of creepy doctors and sports officials intent on running them out of the category "woman." It is not a stretch to say that the whole of women's sports is haunted by sexual violence. Athletes today are fighting policies that require them to subject themselves to unnecessary medical interventions, including surgery, to bring their bodies into

compliance with arbitrary standards of gender difference based on junk science (Karkazis and Jordan-Young).

All of the forms of violence I describe in the above paragraph have been framed in terms of care and protection (e.g., the protection of women from disease, the protection of fairness in sports). Sameena Mulla, in her analysis of the entanglement of care and violence in the scene of sexual assault intervention, *The Violence of Care*, offers important insight into the ways that traditions of care can enforce an alienation from one's sexual body, especially when one turns to an institution for help. Mulla's close reading of postassault treatment of victims receiving care in a Baltimore emergency room surfaces a number of practices that might support our understanding of what happened to Nassar's victims. Traditionally, for example, during pelvic exams, an apron is draped over a patient's bent legs, separating person from pelvis as well as patient from doctor. I quote Mulla at some length, because her observations are important for understanding the space of the encounter between Nassar and his victims.

*The potential intimacy and awkwardness of performing a pelvic examination are mitigated by a process of objectification. That is, a distinction between the patient as person and as a pelvis are rigorously maintained in the way that gazes are mediated. In many traditions of gynecological practice, the ideal patient is one who can shed her personhood while on the exam table and succumb to the transformation of person into a pelvis. Gynecological professionalism demands that during the examination, practitioners orient toward their patient solely as a pelvis. Thus, a gynecologist will encourage the use of a drape or robe that isolates the patient's genitals, and while the patient is in the lithotomy position [in stirrups], she will ignore face-to-face interactions and will rarely maintain eye contact with the patient, even when she is addressing the patient. The patient, in turn, does not subject the practitioner to her gaze. Rather, she directs her eyes to some fixed point on the ceiling and responds to the practitioner's queries as though the pelvis under scrutiny is not her own. (140)*

Nassar was not performing gynecological exams, and these protocols are actually not those of physiotherapy. But he could depend on the fact that even his youngest victims and (especially) their adult chaperones would have had a broad sense of the above described practice of disassociation as, in essence, the requirements of being a good patient, especially when the

doctor approaches one's genitals. This compliant patient agrees to interact indirectly with their caregiver through an abstracted, segmented body—an assemblage of parts. Nassar, according to statements made by a number of victims, often hid what he was doing from their sightlines (sometimes by using draping, sometimes by having victims change into baggy shorts, sometimes by positioning and approaching their bodies in a way that obscured their vision); this was also how he hid his behavior from parents chaperoning treatment of their children. When alone with patients, Nassar sometimes engaged in sexual patter, layering chit-chat about massages, blowjobs, and boyfriends over his molestation of their bodies while pretending that he was giving them physical therapy. He did this to Thomashow when, before groping her breast, he joked that her boyfriend needed to give her better massages. In a very real sense, he presented himself as a friend to the girls and women he abused, verbally disavowing the power he exerted over the bodies of those who were required to be treated by Nassar while they competed as members of the U.S.A national gymnastics squad or as members of MSU sports teams.

Mulla's analysis of the forensic encounter sheds additional light on other problems encountered in the history of complaints against Nassar. A standard part of the forensic examination of victims of sexual violence is the photographing of the victim's body. For a wide range of reasons, surprisingly little comes of these photographs. Very few cases make it to a jury trial, and when they do, prosecutors may avoid using the photos because juries, Mulla explains, can be deeply uncomfortable with close-up photographs of a person's genitals. Showing such material can work against the victim's interests. Members of a jury cannot be counted on to understand the content of such images and are unlikely to be familiar enough with such representations to recognize, for example, a wound. They might also experience a visceral repugnance that would make contemplating the images impossible. Such photographs are apt to provoke shame and a desire to look away (Mulla 136–37). Many of the investigators who interviewed Nassar showed this level of discomfort and thus put no pressure on his own explanations for what he was doing. For example, he claimed he was working near genitals but not on or in them, but he also claimed to be an expert in pelvic massage therapy. He presented himself to his victims as an expert in pelvic floor work, but when interviewed by the police and by journalists in a later case, he said he had never received training in it. In an interview with a police detective investigating Thomashow's complaint, he deflected a question about past complaints by claiming that while three patients had complained, they had

all been victims of sexual abuse (“Believed”). He denied penetrating his patients and routinely left the fact that he was doing so out of their medical records (Gibbs). MSU’s community of faculty and administrators might have responded to the evidence produced around Thomashow’s complaint quite differently had they been willing to examine their own impulses to look away from the case and its details.



Title IX, as a tool, spotlights the place of sexual violation in the founding mythologies, archaic histories, and traditions that define the space of the school. The fact that there are laws prohibiting sex-based discrimination, however, does not guarantee a good or fair outcome for a complaint. An investigation and disciplinary process has the capacity to ritualize something quite different: it may stage the articulation of an institution’s mythology. It will produce the truth that the institution needs. An investigation can force an encounter with forms of unbearable knowledge, requiring a confrontation with not just the singular event of a violation but the ongoingness of the sexualized abuse of power in the everyday. One must work through the latter, unlearn one’s unknowing in order to grasp the truth of the former.

The narrative structures offered by a university’s administrative culture can reproduce, amplify, nurture, and sustain the forms of incoherence that support the reproduction of sexualized forms of harm. The problem is not that most people are explicitly invested in reproducing sexual violence, but that sexual violence and violation are grounding forces in our lives and institutions present themselves as structures that regulate and manage that problem for us. This may be particularly true for the school, which carries us from early childhood through adolescence and into adulthood (Crewe and Ichikawa). Within the institution, the need to understand and value what a person says about their experience with harassment is all too often deferred to a process, projected onto a structure of institutional authority. This yields a phenomenon that Félix Guattari described as “a fixed transference, a rigid mechanism, like the relationship of nurses and patients with the doctor, an obligatory, predetermined ‘territorialised’ transference onto a particular role or stereotype.” Much of Guattari’s clinical practice centered on the relationship between individuals, groups, and institutions (e.g., patient and doctor to clinic and university). For him, the hardening of these relationships “is a way of interiorizing bourgeois repression by the repetitive, archaic, and artificial re-emergence of the phenomena of caste, with all the spell-binding

and reactionary group phantasies they bring in their train” (111). Some antiharassment and antidiscrimination complaints cannot be addressed without breaking the cemented social forms that pattern and limit our work with each other and our relationships to each other. As we receive word of new complaints on our campuses, our responses carry our feelings about sex and about work, as well as our feelings about our relationships to the institution. We might understand our relationships to each other through that structure (e.g., as teacher and student, athlete and coach, patient and doctor), but we must not understand our relationships to each other only through that structure. An institution, social structure, group, or organizational culture may be deeply invested in what Eve Sedgwick called “the privilege of unknowing.” The mythologies of these structures may, in fact, originate in profound forms of disavowal experienced by members of that institution as fundamentally necessary to the institution’s well-being and to the individual’s sense of order and survival. When we adopt a paranoid and defensive posture that expresses our most conservative sense of what the institution requires of us, and when we internalize and then manifest that version of the institution in our own behavior, it becomes impossible to listen to and learn from, especially, those whom the institution positions as subordinate.

Speaking with reporters hosting a podcast on the Nassar case, Amanda Thomashow recalls the day she went to campus so that she could learn, in person, of the results of the Title IX investigation (Smith and Wells). When she took her seat at a table across from Kristine Moore, Moore showed her “a simple diagram of a human body.” She pointed to it and said, “This is where this manipulation happens.” She began to walk out her story of a woman’s confusion of manipulation and massage, underwear zone and vaginal opening. Thomashow recalls thinking, “Oh my gosh, you are explaining to me that I wasn’t sexually assaulted.” As Moore reviewed her conclusions, she told Thomashow, “We talked to a lot of doctors, we talked to four women.” Thomashow’s voice shifts when she speaks that last word. You can hear her anger. One imagines her looking across the table, refusing Moore’s suggestion that a woman is a man’s best alibi. “Oh, women, *well . . .*” she says, leaving the rest of the thought unfinished. Incredibly, as their meeting concluded, Moore gave Thomashow a brochure addressed to sexual assault survivors. This, most likely, expressed Moore’s willingness to take up Nassar’s suggestion that if Thomashow thought she was violated by Nassar, it was not because he assaulted her, but because she had already been violated sometime, somewhere outside the frame of this story.

“Knowledge,” Sedgwick writes, “is not itself power; it is a magnetic field of power. Ignorance and opacity collude or compete with it in mobilizing the flows of energy, desire, goods, meanings, persons” (“Privilege” 23). The Nassar case brings to the surface the proximity of knowingness and ignorance, innocence and shame where sex is concerned. It reveals sexual violation not as outside the boundaries of professional conduct, but as, in fact, the very center of patriarchal expressions of capacity and expertise. Nassar’s women colleagues, for example, can imagine how their patients feel when their doctor slides an ungloved hand down their pants. Nassar’s privilege was that his colleagues were deeply invested in the idea that he could not.

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## Notes

- 1 Sexual coercion is a central component to quid-pro-quo sexual harassment and has been a major aspect of employment law since the 1970s, when courts first established that employees could sue their employers for sexual harassment. The sexual harassment of students was recognized as a form of sex-based discrimination in 1980 in *Alexander v. Yale*. Ronni Alexander, one of five complainants, claimed that she had been harassed and sexually coerced by one of her teachers. Sexual harassment has fallen under the domain of Title IX governance since that case. The legal precedents for linking sexual violence to sexual harassment and discrimination within Title IX frameworks have been unfolding continuously since then, with a range of decisions expanding and limiting school liability in relation to cases of sexualized forms of harm. For informed feminist scholarship representing different political perspectives on sexual harassment, compliance, and antidiscrimination law, see MacKinnon and Siegel. For more recent scholarship and informed commentary on Title IX, sexual violence, and harassment, see Brodsky and Deutsch; Halley (“Trading”); and Gerson and Suk. Title IX is closely related to Title VII, which amends the 1964 Civil Rights Act and bans discrimination in employment. For recent overviews of the development of antidiscrimination law around Title VII and Title IX, see Grossman; Schultz et al.
- 2 The bibliography of writing on discrimination, sexual misconduct, sexual violence, and higher education policy is deep and broad. There are very thoughtful critics of the administrative culture that has grown up around Title IX regulation. See, for example, Cantalupo and Kidder; Gerson and Suk; and Howarth. Feminist scholars have long been at the leading edge of the analysis of the sexual politics of civil and

- criminal law (see Halley; MacKinnon; Place; and Schultz et al.) as well as of sexuality and pedagogy (see Gallop; Gilbert; hooks; Johnson; and Pellegrini). There is a growing body of work mapping the traumatic impact of the poor administration of sexual assault and harassment cases (e.g., Smith and Freyd) and on efforts to create alternatives to the criminal justice system (see Chen et al.; Deer; Koss, Wilgus, and Williams; and Paterson). There is a world of white papers issued by risk management groups, best practices guidelines written by scholars who study student advising, and law journal articles on the impact of court decisions and shifts in enforcement. My own work on campus harassment focuses on the intersection of discourses of sexual security and campus policing (see *Campus*).
- 3 This is likely an effect of the university's struggle with its insurers: MSU filed a lawsuit against its insurers in July 2018 (Jesse, "Michigan").
- 4 In a recent article addressing the distortions of law and policy circulating through public discourse on rape and Title IX, Anne McClintock presents a convincing argument that the widespread characterization of the application of Title IX to sexual assault cases as a form of government overreach "is part of a [right-wing] strategy to infiltrate academia, push back Obama-era policies, undermine collective civil rights and impose large-scale deregulation." She maps a frightening collaboration among Koch-funded groups: the far-right American Legislative Exchange Council, the Foundation for Individual Rights in Education (a right-wing "free speech" organization), and the antifeminist Independent Women's Forum. Their campaign exploits meaningful
- debates about the administration of sexual life to launch a broad attack on support for public education as a whole. Misogyny and the discourse of rape are instrumentalized in the service of a decredentialization of the idea of public education itself.
- 5 Nancy Chi Cantalupo and Bill Kidder describe the rhetorical movement from the subject of sexual assault to academic freedom as a stereotype about harassment that, in discourse about Title IX, "turn[s] attention to physical conduct into discussions about speech" (676). They discuss Kipnis's work in particular because while her polemic centers on academic and sexual freedom, the case that initiated her work (and that she discusses at length in *Unwanted Advances*) involves a faculty member whose defense of his behavior with two students who accused him of sexual misconduct and assault was not a denial of the sexual behavior, but an insistence on it having been consensual.
- 6 Thomashow is not the first person to file a complaint against Nassar. The earliest complaints at MSU about his behavior were made in 1997 and were expressed in disclosures to coaching staff. In 2004, Brianne Randall-Gay, then fifteen, filed a complaint with Meridian Township Police (Rambo); the police did not forward her complaint to prosecutors.
- 7 There is more to the story of the Nassar case than I can engage in this context. For example, not long after Nassar was sentenced, William Stremple, the dean under whom Nassar worked, was arrested and accused of "using his position to 'harass, discriminate, demean, sexually proposition, and sexually assault female students'" (Jesse, "MSU"). In three

performance reviews (staged at five-year intervals), employees complained that he sexualized his interactions with them and with students. Each review yielded a caution and a vague commitment to monitor Strample. The question of what monitoring might have looked like went unasked.

- 8 An ugly and important part of this story: as individual victims have been reconciling themselves with their experiences, they have sought out new doctors to address the injuries that brought them to Nassar's office in the first place. Victim narratives now include

revelations that Nassar avoided diagnosing addressable issues, likely in order to keep victims coming back. Alexandra Nelson, for example, reporting on the experiences of gymnast Selena Brennan writes: "After Nassar was arrested, Angie started looking for a new doctor for her daughter—this time, a woman, because Selena didn't want to see male doctors anymore. For at least a year, Nassar had been unable to find the source of the pain. But the next sports physician Selena saw administered a single MRI and immediately offered a new diagnosis: a degenerative disc."

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