

## Interspecies Consent, Dirty Hands, and Collective Fantasy

Willy Smart

The fava bean plants, falling over with their own weight, are easily extricated from the soil, their roots only able to reach so far into the raised bed in which we planted them last fall. I've largely let them grow and then fall, harvesting only once a clutch of beans which I shell then blanch then peel then eat in a salad where they seem fairly insubstantial in proportion to the labor involved in their preparation. At this point some small insects have taken up residence in (or infested, depending on how I want to characterize this profusion) the plants and so I justify my avoidance of the task of either harvesting or felling the beans out of a concern for the harm this would do to insect and plant alike. My roommate is less sentimental and at his urging we clear from the beds the fava beans and all the other wasted plants too that amazingly grow all winter long in this new-to-me climate. I wish I was wearing gloves, the stalks of the bolted radishes surprisingly spiny. In any scene that sets me spinning like this with the anxiety of imagined harm, there's more at play than I'm willing to divulge in a piece of ostensibly critical writing, but I want to start here because this scene allows me to describe in embodied and affective form the fantasies and concerns that animate my thinking here: most broadly, how do I relate to the forms of violence that constitute my relations to others, to the nonhuman or the inhuman? I mean this 'how do I relate' not in a descriptive way, but a speculative way: how do I relate as a form of how *can* I relate or how *might* I relate. What do I do with the knowledge that I have and will cause harm? To offer a negative answer first: not seek innocence. To offer a positive answer: work towards a critical language that offers a way of describing and annotating relations that do not reinforce the assumption or goal of innocence. I promise this whole paper is going to be a lot less grand and pastoral than this introduction sounds.

I am led into these thoughts by Ashon Crawley, who, writing as well of the garden, of a

scene of necessary pruning, offers an image of repair beyond innocence: “the garden shows me again that some concepts, some ideas, are deeply insufficient for trying to contend with our world. all that matters is my attempt to repair the harm done. so instead of guilt and shame, which are the underside of and produced by desires for innocence: care, tenderness, handling things—literally putting my hands in the dirt, pruning, getting messy with my hands.”<sup>1</sup> I take Crawley’s invocation of dirt to be more than literal here—the work, meaning the thinking and the doing, of antiviolence requires a willingness to work with what is indiscrete, with what does not adhere as a singular object, with what gets under my fingernails, which is soil, which is full with forms of life beyond my comprehension. I want to frame my method here as a mode of “getting messy.” To that end I will pursue associations and pleasure in my writing even given the graveness of my object in this paper: namely, the limitations of models of consent in understanding and challenging violence enacted on nonhumans, particularly animals. Do you want to hear a dirty joke. A white horse fell into a pool of mud. I’ve never been a horse girl but let me here model such a fall. After all the joke doesn’t say whether the horse tripped or willingly dove. Her intent I suppose matters less than what happens once sunk into the mud. Let me wallow.

The figure of consent is often deployed as an emblem of ethical relation in both human-human relations and human-animal relations. Arguments against violence toward animals often invoke the animal’s purported inability to consent. Human-animal sex is categorically abuse,

---

<sup>1</sup> #PettyPendergrass. “Harm Happens. We Harm One Another. Many Think This Is a Value Statement and a Moral Judgment. so Instead of Thinking about This Fact, We Pretend We Can Be Innocent. and so, Too, We Value Innocence as a Moral and Ethical Good. but My Garden Keeps Teaching Me. <https://t.co/KcnK2TifZp>.” Tweet. @ashoncrawley, June 6, 2021. <https://twitter.com/ashoncrawley/status/1401539680517165060>.

these arguments go, because animals cannot understand nor communicate the stakes of sexual relations. Just to be clear, the argument I am forwarding here is not going to be a defense of bestiality or other violences—rather, an argument that a politics of consent does not actually serve a position of anti-violence. Asking whether the fava beans consent to be felled does not meaningfully support an accounting with the harm that I undoubtedly do enact by cutting them before their propagation. I know I am toggling between plants and animals which have markedly different positions in animacy hierarchies, but the aporia produced by the question of botanical consent I think does usefully foreground the terrain I am trying to mark here. As I am learning perhaps more slowly than I could, an aporia, an unbindable knot, a situation of confused complexity, is not an indication I'm on the right path. Not necessarily.

In describing the animal as constitutively unable to consent, the animal is made equivalent to the Child, the other great moralizing figure of liberal society.<sup>2</sup> The animal and the child are innocent because they are unable to speak (or more precisely, because their speech doesn't count as public speech); and because they are innocent they must be protected. I could stop here and question whether such a paternalism meaningfully preempts harm, question who it is that an attribution of innocence—my own, the animal's, the child's, the felled fava bean—in actuality serves and protects. But above these questions, I want to historicize the figure of consent, following Emily Owens, who traces the rigid identification of consent with the citizen subject in early American law. Enslaved people lack reason and therefore their consent is meaningless. The white woman can consent to marriage but not to politics. White children cannot consent because

---

<sup>2</sup> N. Ahuja, "Intimate Atmospheres: Queer Theory in a Time of Extinctions," *GLQ: A Journal of Lesbian and Gay Studies* 21, no. 2–3 (January 1, 2015): 366, <https://doi.org/10.1215/10642684-2843227>.

they are not yet adults.<sup>3</sup> The nonconsenting animal falls somewhere between the slave and the child: innocent, like the child; but also lacking reason, never to graduate into consensual white adulthood. To invoke the animal's inability to consent then is to traffic in the racialized apportionment of reason, hardly a convincing argument for a politics of anti-violence.

And indeed, the animal's purported inability to consent can just as well serve as the basis for violence *toward* the animal, as historian Gabriel Rosenberg argues in his work on animal husbandry. Because the pet cannot speak, any form of sexual contact is by nature abuse; whereas because the cow cannot speak, her bellows in the slaughterhouse or the scene of artificial insemination have no meaning and cannot therefore be taken as form of legitimate, meaningful protest. Rosenberg's argument here is that it is not the animal's ability to consent that determines the degree of violence she is dealt but rather her proximity to capital.<sup>4</sup> This bifurcation of animal harm and care is authorized in bestiality proscriptions in US law, which in most states were redrawn between the 1970s and 2000s, nearly always including an agricultural exemption for practices of artificial insemination. As Rosenberg elaborates, the concept of the sexual abuse of animals becomes very unstable amid these legal convolutions: a certain act of intimate contact with an animal—a guardian instructing a child to put their hands into the rectum of an animal—would unambiguously be marked as sexual abuse if the animal in question were the family pet; yet the same act repeated in the context of the **farm** with agricultural animals legally would be classified not as sex and hence not abuse, but farming.<sup>5</sup> Following Rosenberg, my point then is

---

<sup>3</sup> Emily A. Owens, "Keyword 7: Consent," *Differences* 30, no. 1 (May 1, 2019): 151, <https://doi.org/10.1215/10407391-7481316>.

<sup>4</sup> Gabriel Rosenberg, "How Meat Changed Sex: The Law of Interspecies Intimacy after Industrial Reproduction," *GLQ: A Journal of Lesbian and Gay Studies* 23, no. 4 (October 1, 2017): 473–507, <https://doi.org/10.1215/10642684-4157487>.

<sup>5</sup> Rosenberg.

that a theoretical framework that implicitly or explicitly positions the animal (or the child) as outside of language, as innocent, as fundamentally and essentially unable to consent, is ultimately harmful and obfuscates messy scenes in which violence and pleasure are reproduced together.

However, an ascription of consent to all those subjects previously cast outside of its charmed circle is not anodyne either. For one, such an ascription would do nothing to rearrange the binarized structure of social inclusion and social death that consent implies. As legal theorist Joseph Fischel argues, the flipside of the idealization of the figure of the consenting adult (which we might expand to include the consenting animal) is the containment of all of consent's others, all of those deemed dangerous.<sup>6</sup> The legal recognition of a subject's ability to consent obviously does not guarantee that she will actually seek consent in her relations with others. My point here is not to exonerate actors whose nonconsensual actions undoubtedly cause real harm. But a meaningful politics of anti-violence must as well be anti-carceral and therefore a moral structure that produces two classes of subjects, one idealized and the other castigated and contained is untenable. This returns me to Crawley's point about presumptions of innocence and harm in the garden—so long as I believe in innocence, the incarceration of innocence's transgressors will seem a just solution or at least adequate if imperfect. But to think beyond consent as an ethical end and beyond a fixation on innocence opens onto a different mode of relating. Here is where I want to have my hands in the dirt. Or better, mud.

The logic of consent is transactional, founded on the primacy of the individual—a figure which in its propertied, possessive form was fortified by racialized expropriation and

---

<sup>6</sup> Joseph Fischel, "Against Nature, against Consent: A Sexual Politics of Debility," *Differences* 24, no. 1 (May 1, 2013): 55–103.

dispossession. The line of thinking I am annotating here and the critique of consent I am offering is in large part a citation of the tradition of Black feminist theory: work which has been crucial for me in beginning to imagine the contours of a project of interspecies antiviolence.<sup>7</sup> I realize here I am toggling between the animal and the human. The suggestion I am making however is not that animality and blackness are historically or contemporarily analogous, a position which Zakiyah Iman Jackson brilliantly refutes,<sup>8</sup> but that the self-possessive form of subjecthood is a form of “freedom for some,” that as Emily Owens writes, “has historically required the unfreedom of most.”<sup>9</sup> The notion of consent, in its legal form that is often taken to be an ethical form, requires as its foundation a possessive model of subjecthood. While possessive individualism has a deeper genealogy, its formation in the nineteenth century United States, as Grace Hong argues, presents a form of ostensible universality that is nevertheless gendered and racialized. In other words, the propertied form of subjectivity that subtends American liberalism presents a structural contradiction of universality.<sup>10</sup> Therefore, an extension of consent to new

---

<sup>7</sup> An incomplete bibliography of writers whose work has influenced my thinking in this paper but are otherwise uncited:

- Cohen, Cathy J. “Punks, Bulldaggers, and Welfare Queens: The Radical Potential of Queer Politics” In *Black Queer Studies*, 21–51. Duke University Press, 2005.
- Davis, Angela Y. *If They Come in the Morning...: Voices of Resistance*. Verso Books, 2016.
- Ferguson, Roderick A. *Aberrations in Black: Toward a Queer of Color Critique*. U of Minnesota Press, 2004.
- Gilmore, Ruth Wilson. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. Univ of California Press, 2007.
- Kaba, Mariame. *We Do This Til We Free Us: Abolitionist Organizing and Transforming Justice*. Haymarket Books, 2021.
- McKittrick, Katherine. *Dear Science and Other Stories*. Duke University Press, 2020.
- Muñoz, José Esteban. *The Sense of Brown*. Duke University Press, 2020.

<sup>8</sup> Zakiyah Iman Jackson, *Becoming Human: Matter and Meaning in an Antiblack World* (NYU Press, 2020).

<sup>9</sup> Owens, “Keyword 7,” 149.

<sup>10</sup> Hong, Grace Kyungwon. “Existentially Surplus: Women of Color Feminism and the New

subjects, even if carried out in the name of antiviolence, can only be fraught. Animality is not simply another axis of difference alongside race and gender, but a particular form of classification by which the contradictions of gendered and racialized universality are managed.

And of course I am absolutely not suggesting that policies and practices of seeking consent entail harm—of course pragmatically consent does offer a useful framework for discussing harm and detailing what it is one wants—but harm follows when we mistake a legal framework for an ethical end. A project of anti-violence cannot be based on the impossible demand for violence to not exist. Rather, that is the unrealizable dream of consent—that we might finally excise violence from our relations. I am thinking here with Jennifer Nash, whose critique of consent does not set me down on some continent or garden plot free of violence. Instead, Nash asks that we understand the imbrication of violence and sex to be durable, mutually constitutive. We won't get free by imagining some privileged relation, some special place, some legal operation that is free of violence—instead, Nash writes, we can “sit in unfreedom.”<sup>11</sup> Refusing the fantasy of the right theoretical framework that will guarantee ethical relation and that will eliminate harm, portends a messier project than that suggested by consent's legal tidiness. I've outlined all of this because I am concerned that much work in animal studies and environmental humanities, even when not invoking the figure of consent directly, relies on a framework of liberal subjectivity and consent-based communication whose insufficiencies I've hopefully at the very least been able to hint at. I'm worried here about the scope of my claims—nervous again about the grandness of my critique without having erected a clear model of the framework to come. But this is precisely the issue—the project of elaborating inter- (and intra-) species relations cannot

---

Crises of Capitalism.” *GLQ: A Journal of Lesbian and Gay Studies* 18, no. 1 (January 1, 2012): 87–106.

<sup>11</sup> Jennifer C. Nash, “Pedagogies of Desire,” *Differences* 30, no. 1 (May 1, 2019): 212.



be defined by an implicit valorization of clarity and purity. That's not to say there's an empty slate: that too is a delusion of the liberal subject. Rather, that the project will be messy, dirty, and will require visceral involvement.

I want to shift my focus here then to a scene of such viscera. Allow me to offer a piece of narrative:

The first two kids came out fine. The third though remains stuck at the threshold, her face visible through the amniotic membrane. Finally, after a corporeal intervention by an attendant, she finds release, falls to the ground, and is licked clean by the goat who has just birthed her.

One of the participants in this scene is Radhika Govindrajan, who offers an account of the atmospheric aftermath of the goat's birth in her 2018 ethnography, *Animal Intimacies:*

*Interspecies Relatedness in India's Central Himalayas*, which I will quote a long passage from now:

“We were all affected by the other in that moment; our bodies were permeable and open to potential interconnection. Each of us was moved to participate in the life of another—the doe, who bathed her newborn kids with her tongue, sustaining life; chachi, whose breath was labored from the effort of crouching beside the doe in the unventilated shed but had refused to leave her side during the long labor; the second kid, who snuggled close to the first for warmth and companionship; and even I, as I kept guard over the other two kids to make sure they did not get too close to the cows. That moment had engendered a density of embodied affect.”<sup>12</sup>

I offer this passage here because the scene Govindrajan describes indexes the collective nature of the viscosity that I am trying to gesture toward; but also because certain rhetorical

---

<sup>12</sup> Radhika Govindrajan, *Animal Intimacies: Interspecies Relatedness in India's Central Himalayas* (University of Chicago Press, 2018), 46.

aspects of Govindrajan's study are representative of the liberal theories of relations in animal studies and environmental humanities that I am trying to unsettle.

Govindrajan's book is based on fieldwork begun in 2010 in the Kumaon region of India's Uttarkhand. Each chapter of the book focuses on a particular intricacy of animal and human relations, in turn narrating humans' entanglements with goats, cows, monkeys, pigs, bears, and finally in the epilogue, panthers and dogs. In its avowed aims, Govindrajan's project clearly is not intended as a defense or a buttressing of liberal humanism. Indeed Govindrajan's intent is decidedly non-humanistic—in her introduction she writes that, “I am committed to rendering animals as I encountered them—not as a symbolic foil for human representation but as subjects whose agency, intention, and capacity for emotion was crucial in shaping the relationships they made with humans.”<sup>13</sup> The snag here is that the concepts Govindrajan introduces to make her movement away from anthropocentrism—agency, intention, and capacity for emotion—are concepts whose meaning and legibility cannot easily be extricated from histories of racialized violence and dispossession.

As Kyla Schuller demonstrates in *The Biopolitics of Feeling: Race, Sex, and Science in the Nineteenth Century*, prior to the rising tide in the twentieth century of theories of racial determination based on genetic models of heredity, nineteenth century discourses of impressibility and sentimentalism figured whiteness as a condition of permeability and porousness and blackness as a state of inert unimpressibility. Drawing on Lamarckian theory, nineteenth century race scientists and eugenicists proffered an evolutionary model of “sentimental biopower”: if all organisms possessed *sensibility* and hence were sensitive to their environment, only “advanced” animals possessed *impressibility*, or the capacity to manage

---

<sup>13</sup> Govindrajan, 6.

impressions toward an end greater than instinct.<sup>14</sup> Emblematically, black bodies are cast as not only primitive or unevolved, but *lacking the capacity* to evolve because lacking the capacity to productively regulate impressions.

The relevance of Schuller's study to Govindrajan's is here in the potential slippage from Govindrajan's attempt to render animals agentive to an unwitting recapitulation of nineteenth century racial hierarchies. As Schuller's text makes very clear, "agency, intention, and the capacity for emotion," far from being alternatives to the entrenched Enlightenment project of the human, are categories whose differential distributions are its fundament. Extending these categories to nonhuman animals does not challenge human exceptionalism but instead risks reproducing the racialized logics by which states of exception are authorized.

As Zakkiyah Iman Jackson offers, the anti-black logic of the Enlightenment operates not so much as exclusion or dehumanization but "the violent imposition and appropriation—inclusion and recognition—of black(ened) humanity in the interest of plasticizing that very humanity, whereby 'the animal' is one but not the only form blackness is thought to encompass."<sup>15</sup> In tending, then, as Govindrajan does, to the flight patterns and forms of interspecies relatedness, it is crucial to tend as well to the very attribution of relations in the first place. The richness of relations is reason enough to remain oriented toward the world, but without attending to the ways that relatedness is not pre-given but imposed, our capacity is lessened to distinguish and hence to transform the violences that differentially mark our entry into a shared world.

I am returned here to consent—a concept, which like agency, innocence, impressionability, and emotional capacity, implies a certain kind of subject who has historically looked like and

---

<sup>14</sup> Kyla Schuller, *The Biopolitics of Feeling: Race, Sex, and Science in the Nineteenth Century* (Duke University Press, 2018), 12.

<sup>15</sup> Jackson, *Becoming Human*, 3.

only like a white male. The point is not simply these are terms with racist histories—the point is that the way this world is built, the way concepts adhere, relies on a structure of racialized violence and domination that remains unshaken by a widening of the circle. As Saidiya Hartman points out, the enslaved person’s recognition as a legal subject who can freely consent occurs only in the situation in which the enslaved person is accused of rape or some other breach of law or white propriety.<sup>16</sup> Does this mean I need to purge all reference to subjecthood and scrub any allusion to agency in my writing? Of course not. My hands are dirty and it’s not the dirt that’s at issue but the illusion my hands were ever or could ever be clean. What this means is that I need to be aware of the reach and limit of these concepts as well as the histories that structure their coherence and circulation. More specifically for a project of elaborating interspecies relations, it means that there must be an effort made to reflexively examine the concepts that have normatively inscribed themselves in genres of writing about the nonhuman—the examination not a means to a purification of critical discourse, nor as the means to the invention of a better or truer language, but as means to account for the fantasies that animate such critical projects in the first place.

Consent is as well a concept that Govindrajan invokes at two key moments in her ethnography. The first instance occurs in the chapter I quote from above with the scene of the goat birth. The larger project of this chapter is an inquiry into the shape of kinship and care in sacrificial relations. Consent appears at a pivotal moment in the ritual: Before the sacrifice of a goat, rice is sprinkled on the animal’s back; after this application, the shaking of the goat’s body is taken as a sign that he has consented to his death.<sup>17</sup> As an ethnographer, Govindrajan does not

---

<sup>16</sup> Saidiya V. Hartman, *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (Oxford University Press, 1997).

<sup>17</sup> Govindrajan, 33.

strain to adjudicate this consent, but instead tracks its coherence and circulation among Kumaoni villagers and animal rights activists, offering here an insight that resonates with claims made in queer of color critique, a field which from a different vantage is as well attuned to the closeness of death and social life: “the awareness that the future holds violence encourages people to generate forms of care and reciprocity in the present.”<sup>18</sup> But neither does Govindrajan take the opportunity to unpack the ways that the language she uses to render animals “as they are”—as possessing agency, creativity, and the capacity for emotions—casts consent in the mold of a particular vision of subjecthood. In the context of animal sacrifice in India’s Kumaon region, consent undoubtedly signifies differently than in American universities where one is told, “consent is sexy!”<sup>19</sup> It is beyond the scope of my paper to spell out the specific contradictions and resonances of these two sites, but given consent’s universalizing epistemological effect, it is crucial to tend to the transnational and material production of subjecthood’s coherence—and this is particularly the case in fields like animal studies and environmental humanities that locate their objects in the unmarked waters beyond the human.

The figure of consent appears again in Govindrajan’s final chapter, albeit here in less explicit form than in the chapter on animal sacrifice. In this chapter, Govindrajan notates a genre of Kumaoni women’s stories in which wild bears target lone women, drag them to their lairs, have sex with them, and sequester them from human contact. These stories serve as immanent critiques of women’s marital dissatisfactions, but as well, in Govindrajan’s rendering which glosses José Esteban Muñoz, the stories index a queer longing for forms of pleasure unrealizable in the present. Asked about whether the bear stories describe sexual violence, one of her

---

<sup>18</sup> Govindrajan, 53.

<sup>19</sup> Nash, “Pedagogies of Desire.”

interlocutors replies, “Yes ... maybe rape. But he takes care of the woman, licks her feet. She starts to like him, too”<sup>20</sup> While the act of sex with a bear is central to these stories, it is the ancillary queer pleasures—the caregiving, the feet licking—that offer a sense of the fantasy’s affordance of an otherwise. Fixing a secure location for consent is troublesome here—the role of sexual violence in these stories is not metaphorical, but at the same time violence here is not reducible to sex. This is as well the violence necessary to rupture the present, even if only momentarily and provisionally in the headspace of fantasy.

While the terms are clearly not incommensurate, fantasy and consent do different sorts of work when taken as the basis for theories of relatedness. *Consent* implies possessive, individuated subjects whose relations are modeled on the logic of the transaction. *Fantasy* implies a messier sort of relatedness, in which—as in the bear stories of Kumaoni women—violence and pleasure are bound together in disquieting ways. There’s no neat homology between consent and fantasy—no pragmatic methodological takeaway that as scholars we search for and replace all our usages of *consent* with *fantasy*, but in the spirit of messiness that I invoked at the top with the help of Ashon Crawley, I want to suggest that a critical embrace of fantasy is necessary for elaborations of relations human and nonhuman alike that do not reproduce the reductive aporias of the logic of consent. I’m under no illusion that fantasy necessarily or inevitably serves radical ends; or that fantasy in itself is enough to unsettle institutions and relations of domination. But neither is fantasy dispensable in these efforts. If fantasy invokes a future, it is a future through which is threaded the material forms of past and present. That’s not to say fantasy works as a pragmatic linear progression from now to then. Nor that fantasy is the realm of the impossible and ideal. Only by getting our hands dirty together,

---

<sup>20</sup> Govindrajan, *Animal Intimacies*, 153.

discussing and describing the forms of our relations in all their visceral, imaginary, impossible, and ordinary dimensions will we recognize the enmeshment of harm and repair in a way that affords movement. Or that's my fantasy anyway.