COMPLAINT AS COUNTERPUBLIC

Weak Resistance and Feminism in Neoliberal Academia*

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Abstract

This article critically engages in the perplexed ontology of the complaint, which crosses the boundaries between the personal and the public and at the same time undermines the presuppositions organizing said division within the academic workplace. A feminist counterpublic – as Nancy Fraser defines it – opens ways of opposing the existing inequalities by producing a discursive space of critique of the status quo from an oppressed or marginalized position. Following the analysis of the complaint offered by Sara Ahmed, this article emphasizes the political dimension of the complaint, showing how it actually needs to become something else, probably more than a mere procedure, to bring any change. The passage from complaint to counterpublic built here is an effort to combine the critique of academic procedures of justice as potentially discriminatory practices

* The process of writing this article was long and painful. Most academic work is in fact a collective practice, and in the case of this article this was particularly true, and on many levels. I therefore would like to thank my friends and colleagues, especially Barbara Godlewska-Bujok, Agata Lisiak, Beata Kowalska, Elżbieta Korolczuk, Katarzyna Kasia, Monika Rogowska-Stangret, and Mikołaj Ratajczak for their constant support, in theory and in the practice of academic life. I also need to thank Joe Grim Feinberg and Ľubica Kobová for their generous feedback; Tereza Stejskalová for feminist solidarity, and – *last but not least* – to my students, and particularly: Dominik Puchała, Sebastian Słowiński, Amel Mana, and Filip Wesołowski for engaging in the academic counterpublics.

within neoliberal academia with a suggestion that perhaps a more public and labour rights oriented strategy is better suited to accomplish equality.
Keywords
The complaint, counterpublics, diversity work, feminism, academic labor

> *In the face of these conditions one can only sneak into the university and steal what one can. To abuse its hospitality, to spite its mission, to join its refugee colony, its Gypsy encampment, to be in but not of – this is the path of the subversive intellectual in the modern university.*
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> Stefano Harney and Fred Motem, *The Undercommon: Fugitive Planning & Black Study*[1]

> *To be identified as willful is to become a problem.*
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> Sara Ahmed, *Willful Subjects*[2]

In *Changing Difference*, the French philosopher Catherine Malabou depicts the situation of women in her discipline as follows: "Still today the professional or personal achievements of a woman cannot be seen as anything other than an act of emancipation."[3] And she continues, more specifically: "Philosophy is woman's tomb. It grants her no place, no space whatsoever, and gives her nothing to conquer. [...] The violence women suffer in this field is not just physical."[4] In Malabou's description, academia, and philosophy in particular, is *par excellence* a field of gender inequality. Undermining it seems inevitable for women, yet the institutions tend to resist change. In neoliberal academia, scholars are usually overwhelmed with work, thus there is little energy for supporting those making complaints, let alone filing a complaint of one's own. And yet, making a complaint seems like the option many women in academia are considering, although only some eventually decide to do it. Sometimes a complaint helps to articulate a problem, and if further backed by others in public, and by debates, petitions, or even strikes, it may become a tool for reshaping an institution or at least change some part of it. Such scenarios, however, are extremely rare as most of us simply avoid any confrontations with the institutions we work at, and for good reasons. As Sara Ahmed and other scholars argue, the complaint's separation from the public makes it particu-

[1] Stefano Harney and Fred Motem, *The Undercommons: Fugitive Planning & Black Study* (Minor Compositions, 2013), p. 26.

[2] Sara Ahmed, *Willful Subjects* (Durham, N.C.: Duke University Press, 2014), p. 3.

[3] Catherine Malabou, *Changing Difference. The Feminine and the Question of Philosophy*, trans. Carolyn Shread (Cambridge: Polity Press, 2011), p. 92.

[4] Malabou, *Changing Difference,* p. 100–101.

larly difficult for the issue under investigation to become an element of a public debate.

This article attempts to provide a critique of academia's failures of transition towards being a more egalitarian institution. It follows several cases of complaints and analysis of such cases based on an analysis of institutions as refusing and opposing change, as was shown in Mary Douglas's important analysis in *How Institutions Think*; the article discusses the practice of diversity works provided by Sara Ahmed, the work against sexual harassment by Catharine MacKinnon, and approaches the feminist and leftist critiques of neoliberal, precarizing academia offered by Briony Lipton, Monika Rogowska-Stangret, Mariya Ivancheva, David Graeber, Henry Giroux, and multiple others. It concludes with a strategic shift towards counterpublics – understood as a critical engagement, transversally crossing the public/private divide, as was argued by Nancy Fraser – as a possible solution to the impossible dilemma of accepting academic institutions as they function now or rejecting them entirely, which seems to be the alternative being currently maintained.[5] As my main focus is on the situation in Poland and the research conducted by Sara Ahmed around her own university practice, as well as on the research, based on a small number of in-depth, reflective interviews, that is depicted in *On Being Included: Racism and Diversity in Institutional Life*, covering the ethnography of diversity work in the UK and Australia, I cannot legitimately claim to be discussing "globalized academia."[6] However, some tendencies, particularly the secrecy of complaints as well as the general overdose of caring for the university's good name rather than an interest in finding solutions, can be seen as globally present.

The critical analysis of the complaint offered here should be understood as a part of a larger critique of the neoliberal academia, undermining the process of imposing smoothness and profitability over the need for a due diligence of institutions in solving harassment and discrimination-based complaints. Additionally, in the general shift from stable employment to neoliberal precarity, academia lost not just its ability to grant decent conditions to its workers, especially those without tenure and in the early stages of their career; today's profit-oriented academia often disregards the rights of the employees so as not to risk losing sponsors or their good position in the rankings.

[5] See Briony Lipton, "Gender and Precarity: A Response to Simon During," *Australian Humanities Review* 2015, no. 58, pp. 63–69; Monika Rogowska-Stangret, "Sharing Vulnerabilities: Searching for 'Unruly Edges' in Times of the Neoliberal Academy," in B. Revelles-Benavente, A. M. González Ramos (eds), *Teaching Gender: Feminist Pedagogy and Responsibility in Times of Political Crisis* (London: Routledge, 2017), pp. 11–24; Mariya Ivancheva, et al., "Precarity, Gender and Care in the Neoliberal Academy," *Gender Work & Organization* 26 (2019), no. 4, pp. 448–462; David Graeber, "Anthropology and the Rise of the Professional-Managerial Class," *Hau: Journal of Ethnographic Theory* 4 (2014), no. 3, pp. 73–88; Henry Giroux, "Neoliberalism's War against Higher Education," *Límite* 10 (2015), no. 34, pp. 5–16.

[6] Sara Ahmed, *On Being Included: Racism and Diversity in Institutional Life* (Durham, N.C.: Duke University Press, 2012).

Thus, as Sara Ahmed emphasizes on many occasions, many complaints are simply swept under the carpet instead of being meticulously processed. This critique cannot be challenged by simply enumerating the list of new, anti-discriminatory procedures, equal rights opportunities, and affirmative action programs in academia. Capitalism is a system based on contradictions, and its neoliberal version has a tremendous capacity for embracing opposing tendencies, including those concerning gender relations.[7] Henry Giroux rightly contests the neoliberalization of academia, identifying it as a "war on higher education" and claims: "Under the reign of neoliberalism, economic and political decisions are removed from social costs and the flight of critical thought and social responsibility is further undermined by both the suppression of dissent, an assault on higher education as a democratic public sphere, and an ongoing attempt to suppress the work of educators whose work strives to connect scholarship to important social issues and develop forms critical to an education whose aim is to translate private troubles into public concerns while promoting what Paulo Freire once called 'education as the practice of freedom.'"[8] In such a context the work towards equality, including procedures of justice known as "complaint," which Sara Ahmed identifies as "diversity works," constitutes a moment in a larger context of the social. The harm, marginalization, oppression, and exploitation suffered by scholars and students in universities might be enhanced by the accelerated search for profit of neoliberal capitalism, and thus the desire to be a part of academia for many scholars becomes a painful reminder of their unprivileged status rather than a satisfying pursuit of knowledge, prestige, or educational mission. Lauren Berlant discusses "cruel optimism," in which the affective investment, once started to sustain and enhance the subject, becomes a toxic attachment, endangering the integrity of the subject and even its very survival.[9] In neoliberal academia, this already problematic optimism tends to be even more cruel for women, since, as Mariya Ivancheva, Kathleen Lynch, and Kathryn Keating claim, "The academy is a highly individualistic, competitive and greedy work institution in time terms, increasingly governed by new managerialist norms of overworking that the care-free alone can fully observe. An increasingly segmented labour market exists where tenured faculty build careers at the expense of the precarious professional *and* affective relational lives of those who unable to give that 24/7 commitment, the majority of whom are women."[10] I believe that, for many women and other discriminated groups, staying in academia means precisely such a cruel attachment, in which the optimistic premises upon which one accessed the institution – which supposedly is progressive, modern, or otherwise holding up the promise of better procedures – was with time

[7] See Lipton, "Gender and Precarity."

[8] Giroux, *Neoliberalism's War against Higher Education,* p. 5.

[9] See Lauren Berlant, *Cruel Optimism* (Durham, N.C.: Duke University Press, 2011).

[10] Mariya Ivancheva, et al., "Precarity, Gender and Care in the Neoliberal Academy," p. 452.

revealed to be operating by violent discriminatory practices. In her article *Sharing Vulnerabilities,* Monika Rogowska-Stangret argues that within the neoliberal academia the bodies of scholars are submitted to exhausting mechanisms that supposedly enhance productivity, but in fact only protect submission. Recognizing the impossibility of the separated self, and embracing the always already existing multitude in a Spinozean, feminist materialist perspective, she demands the caring approach of "slow science" rather than the accelerated neoliberal performance of success, often built over the exploited body of the scholar. Following Donna Haraway and Isabel Stangers, among others, Rogowska-Stangret argues: "In order to disarm the painful repercussions of neoliberal individualization one may be willing to look into how the self is produced – or better put – out of what it emerges. Self-*poiesis* – as demonstrated above in the elaboration on response-ability – is the relational category per se. It means that there are no conditions that "add" the relational aspect to the self, since it is relational from the start (as we have seen in the example of organic response)."[11] As we will further see, staying together in a situation of a complaint seems particularly demanding, yet, it also proves to be necessary. This article is written partly as a research work and partly as a form of engagement in the effort to dismantle these structural forms of oppression.

The Complaint: From a Phenomenological to a Critical Perspective

A complaint is a formalized way of reporting someone's behavior as a violation of the existing law or regulations. In this article, I will only discuss cases of anti-discriminatory and anti-harassment complaints from academia, and their phenomenological analysis provided by Sara Ahmed, as well as my own critical theory-inspired approach, developed in relation to the notion of counterpublics.[12] One of the reasons for writing this article is a pessimist constatation, repeated by various feminist scholars, that the academic system of preventing and combatting discrimination and sexual harassment at universities is dysfunctional. As Catharine MacKinnon states in her recent article, "A Brilliant Study by Professor Louise Fitzgerald Called 'Why Didn't She Just Report Him?' found that the answer to that question is that women's lives were worse off, both subjectively and objectively, when they reported being sexually harassed. That's why they don't report – because it makes their lives worse."[13] MacKinnon recognizes

[11] Rogowska-Stangret, "Sharing Vulnerabilities," p. 17.

[12] My main references concerning the complaint in academia are publications and lectures of Sara Ahmed, see Sara Ahmed, *Living a Feminist Life* (Durham, N.C.: Duke University Press, 2017); her blog, "The Feminist Killjoy" (online at: https://www.saranahmed.com/complaint [accessed Dec. 11, 2019]); and her lectures, Sara Ahmed, "Complaint as Diversity Work," Cambridge University, 9 March 2018 (online at: https://www.youtube.com/watch?v=JQ_1kFwkfVE [accessed Dec. 11, 2019]).

[13] Catharine MacKinnon in conversation with Durba Mitra, "Ask a Feminist: Sexual Harassment in the Age of #MeToo," *Signs: Journal of Women in Culture and Society* 44 (2019), no. 4, pp. 1027–1043,

the important influence the #metoo movement has on the law, emphasizing how the sudden visibility of women's testimonies of assaults committed against them years ago and never reported resulted in changes in legal practice.

In her lectures, as well as in blog entries and books, Ahmed offers a series of descriptions of the complaint, which I would like to discuss here in recognition of the existential dimension she emphasizes in her analysis, thus making of the complaint an experience rather than merely a procedure. The complaint indeed is an experience, which – in the process of unfolding – involves the entire person. Eventually, the complainant becomes the complaint, and – as the old song had it – "nothing else matters." The complainant becomes the complaint, and their research, scholarship, academic credentials – all this disappears, swept away by the wave of the scandalous: "she did it!" In Ahmed's texts, the complaint has been depicted as: a work that "has to be done" to "accommodate diversity and people who have been discriminated against," as a "magnifying glass" and as a process which "literally becomes you" – one gets reduced to the complaint they file. All the rest of their work, life, persona, is gone, "here she is, the complainant, the complaint."[14]

A diversity framework is a set of ideals and normative guidelines issued by an institution – here, an academic one, in order to regulate the conduct, employment, knowledge production and archive, in order to achieve and/or protest such values, as: equality, inclusivity, and freedom from discrimination and harassment, including sexual harassment. Usually, such frameworks are connected to the persons and/or commissions appointed by the universities to handle cases of misconduct and complaints.

In the book *On Being Included,* Ahmed explains her perspective on diversity works as one rooted in phenomenology. She claims: "Phenomenology allows us to theorize how a reality is given by becoming background, as that which is taken for granted. Indeed, I argue that a phenomenological approach is well suited to the study of institutions because of the emphasis on how something becomes given by not being the object of perception."[15] The unseen bias, prejudice, divisions, and inequalities of academia become more perceptible in Ahmed's account; she does not however build strong normative conclusions as she criticized and left the university but did not present a strong alternative framework for the better handling of the complaints. In my view, this can be seen as a flaw in her position. However, the amount of work, effort, and time she spent to diagnosing, criticizing and publicizing the failures of academic institutions to

here 1031. I would like to thank Ľuba Kobová for suggesting this reference. I need to stress that while I agree with MacKinnon on most of her critique of sexual harassment in institutions, I do not share her views on pornography and sex work. Some of my own views on censorship were expressed here: Ewa Majewska, "Censored Bodies, Censored Selves: Towards a Feminist Critique of Neoliberal Anti-Porn Legislations," *Transverse* 2010.

[14] Ahmed, *Living a Feminist Life.*

[15] Ahmed, *On Being Included*, p. 21.

realize their own diversity politics are nevertheless more than any other scholar had done on this topic.

The critique of injustice has no means to form a claim on its own. Within the description of complaints constructed in the phenomenological method, such critical activity would certainly constitute an intervention based on prior presuppositions, such as readiness to connect the perceived data and experiences in a negative way, leading to undermining the injustices of the observed context. This in turn would ruin the principle of "unbiased observation," the practice of *epoché,* which Ahmed appropriates in her analysis. This is a point in which I partly disagree with Ahmed's methodology: I believe phenomenological observation can indeed allow some insights in the procedures of invisibility within the university institutional work, but I do not believe that it is sufficient to undermine, challenge, and change its biased proceedings. Ahmed's use of phenomenology is different from that offered by Iris Marion Young.[16] When Young studies children's behavior in an effort to see the gender difference, she notices how boys and girls are socialized differently, thus her (unbiased) observation allows a strengthening of the feminist analysis of gender formation, leading to a contestation, and possibly a rejection of, behaviorism and psychoanalysis as inadequate tools for explaining at least some aspects of gender difference. The topic of Ahmed's analysis is however very different – discrimination or harassment are defined legally, unlike throwing a ball (well, this can be defined legally in some contexts, but still...). It is therefore necessary that the observation and epistemology organizing it embrace this institutional context. Phenomenology is in my view insufficient to allow such contextualization, and thus, although it brings up the often forgotten experience of the complainant, it is insufficient to understand what the complaint is. The use of phenomenological method in the context of the complaint is thus perhaps necessary but insufficient to grasp its specificity, and thus also to challenge the problems the complainants are facing in academia and other institutions.

The very possibility of the "unprepared eye" of the observer, who happens to be an engaged feminist and antiracist scholar representing several minority groups at once might also generate severe doubts, as it seems to be foreclosed by the scholar's experience and social practice. Thus, I believe that the critical theory framework, already acknowledging the initial engagement of the scholar as well as their context, the entanglements of the institutions, and the will to transform the encountered bias, might be somewhat more effective. While in disagreement with these aspects of Ahmed's method, I also acknowledge that the critical position has, or has for a long time had, a disadvantage brought to light by Ahmed. The critical position usually assumed access to the moral ground already prior to observation, it often tends to act before taking

[16] See Iris Marion Young, "Throwing Like a Girl: A Phenomenology of Feminine Body Comportment Motility and Spatiality," *Human Studies* 3 (1980), no. 2, pp. 137–156. I am grateful to Ľuba Kobová for suggesting this comparison.

sufficient time for observation; it also allows far more knowledge about certain events of the oppression to the external observer than to the person experiencing the abuse. In Ahmed's perspective, observation comes first, and it allows a better grasp of what actually happens and what the person experiencing it needs, wants, and struggles for. Thus, I appreciate Ahmed's ability to undermine such immediacy of *passage à l'acte* of those handling the complaint; her insistence on actually granting the complainant the right to express their experience without prior bias is priceless and indeed necessary to understand what a complaint is about. While I firmly believe that the Husserlian *epoché* is not quite possible in the context of legally defined matters involving human experience, I do embrace the insistence on allowing the complainant to express their experiences, their needs, and their claims.[17] The choice of phenomenological method is explained by Ahmed as one allowing access to the experience of complaint, which connects her work and that of Alexander Kluge and Oskar Negt, who, while theorizing the "counterpublics," proletarian public spheres based in the *experience,* also emphasized the need to observe the actual lives of the oppressed. Both theories – that of Ahmed and that of Kluge and Negt – somehow challenge the preoccupation with social norms, arguing in favor of the diversity of social experiences. However, while Kluge and Negt reject the hegemony of bourgeois experience over that of the workers, and eventually also come up with a generalized scenario of the proletarian public spheres oppositional to those formed by the privileged classes, Ahmed's vision of the oppressed does not lead to a claim concerning how she would imagine the proper handling of the complaints. Diversity work does not seem to build such response.[18]

According to Ahmed, the complaint works as a "Pandora's box": one case immediately opens doors to other people complaining, though not necessarily filing official complaints about the abuse they went through in academia. In several complaints in Poland this happened to be the case – the complainant usually becomes an informal counsellor, to whom all those discriminated will come with their stories. This usually leads to an overwhelming sense of responsibility of the complainant and results in the impossibility of fulfilling one's daily duties. It also brings a depressive sense of being overloaded with pain – one has to carry every harmed person's pain as well as one's own, because they dared to speak up. They somehow magically become everybody's counsellor, and this role often stays with them for years.

This process of sharing the pain should not be seen merely as an eruption of vulnerability. It constitutes an important element of the larger field of affective and caring labour, still invisible at the universities and mainly provided by marginalized workers and students. Briony Lipton, among other scholars, depicts the fate of feminists in

[17] See also Sara Ahmed, *Queer Phenomenology* (Durham, N.C.: Duke University Press, 2006).

[18] See Oscar Negt and Alexander Kluge, *Public Sphere and Experience: Toward an Analysis of the Bourgeois and Proletarian Public Sphere*, trans. Peter Labanyi, et al. (London and New York: Verso, 2016).

academia as always doing much more than the average academic: "In this instance, feminist leadership comes to mean all educators who operate from a feminist perspective, one which informs their practice as researchers and teachers. Both cited the importance of mentorship and supporting younger female academics as well as the need to give voice to young women they teach in the classroom by facilitating discussions that enable female students' voices to be heard [...]."[19] Paradoxically, the occurrence of a complaint only makes them do more caring work. Refusing to react to the complaints of others often becomes a further victimization – accusations of egoism and selfishness abound. Such refusal of caring for others should be understood as a necessary reaction to preserve oneself, however often it is mistakenly classified as selfishness. In her essay about precarity in the feminist perspective, Silvia Federici discusses the hardships of a woman's refusal to do the housework.[20] She compares it to a strike, and claims that outside of the home refusal is easier as it is much harder not to provide care/affective labour to your own children, partner, and relatives as opposed to strangers. The complainant sometimes has to refuse helping other of the oppressed simply to stay sane or to make a point about how it should not be her role but that of the employers to handle injustices in a workplace.

In Sara Ahmed's account, those who offer care – appointed and not appointed to handle the academic complaints, often feel like "killjoys": "Becoming a killjoy can feel, sometimes, like making your life harder than it needs to be. I have heard this sentiment expressed as kindness: as if to say, just stop noticing exclusions and your burden will be eased."[21] Catharine MacKinnon, the feminist lawyer who defined sexual harassment, writes that college and graduate studies are perhaps the most dangerous time and space for women and other people not identifying as heterosexual men in the context of sexual assault.[22]

The complainant has to learn the procedure, which should be understood as another layer of unpaid labor which they do for themselves, but also by the rest of the community. This was discussed by Sara Ahmed as an element of producing the university; I would also call it producing knowledge – a scholar and particularly a feminist one might even develop new methodologies, strategies, analysis, or critiques of the complaint.[23]

[19] Lipton, "Gender and Precarity," p. 67.

[20] Silvia Federici, "Precarious Labour: A Feminist Viewpoint," a lecture presented on October 28, 2006 at Bluestockings Radical Bookstore in New York City, 172 Allen Street, as part of the "This Is Forever: From Inquiry to Refusal Discussion Series" (online at: https://inthemiddleofthewhirlwind.wordpress.com/precarious-labor-a-feminist-viewpoint/ [accessed Aug. 19, 2020]).

[21] Ahmed, *Living a Feminist Life,* p. 235.

[22] See Catharine MacKinnon, "In Their Hands: Restoring Institutional Liability for Sexual Harassment in Education," *Yale Law Review* 125 (2016), no. 7, pp. 2038–2105.

[23] See Ahmed, *Living a Feminist Life.*

Some Notes from the Practice of Complaint Works

Because of the habitual, liberal distinction made between the personal, particular, and thus possibly biased, and the objective, political, general, and thus truly scientific, a complaint in academia is like a virus, an alien body that endangers the academic status not just of the complainant, but also of the entire department or university where she works. These descriptions are crucial for understanding to what extent the complaint is an experience transforming those who decide to file it.

The complaints seem very different from the descriptions provided in the general report summarizing the work of the university officials responsible for handling them. I listened to such an annual report at the session of Warsaw University's Senate session in May 2019. There cases were depicted in numbers, approximately 160 complaints in 2017/18, with some diagnosed as "solved," some as dropped, usually due to the complainant's resignation, and some as "unsuccessful." The perspective of the complainant was not discussed at all, there was no information about feedback from the complainants, and no external, qualitative evaluation of the work of the University's Ombudswoman was mentioned. Apparently since the University's Ombudswoman's position started some 6 years previously, nobody even tried to collect such qualitative feedback – the only evaluation quantitative was entirely done by the person occupying the Ombudsman's post. The annual report reads as if the anti-discriminatory complaints were an inoffensive, easy procedure, and it does not consider the obstacles in the complainant's way; it also fails to recognize the losses that, as examples show, are many.[24]

As only 50 of all the cases submitted to the UW Ombudswoman annually are connected to the issue of discrimination/abuse, it is perhaps interesting to briefly mention the surveys recently conducted in Poland concerning discrimination and sexual harassment in academia, conducted by other institutions. According to the authors of a survey conducted by the Polish State Ombudsman (RPO) in 2018, some 40% of students declared they experience sexual harassment in academia.[25] According to the data collected in 2016, some 1,350,000 people study in Poland, including approximately

[24] The Report of the University of Warsaw's Ombudswoman was presented in the University Senate's session in May 2019. It covered cases of discrimination complaints, misconduct, ethical dilemmas, and procedural inquiries, thus the amount of complaints relevant for this article is approximately 50. The University Ombudswoman is also responsible for programming workshops and training, creating annual strategies for an institution hiring 5,500 people, etc., and they are also specific participants in the investigations, later run by judges – and their division of labour is far clearer than in the case of the university Ombudsman, who sometimes fulfills both roles. A detailed discussion of the UW Ombudswoman and, more generally, the persons appointed by the universities to handle complaints, cannot be provided here; however, such analysis would greatly help us to understand how this system functions and what could be improved.

[25] *Raport: Doświadczenie molestowania wśród studentek i studentów*, The Polish State Ombudsman (RPO), Warszawa, 2018 (online at: https://www.rpo.gov.pl/sites/default/files/Doświadczenie%20molestowania%20wśród%20studentek%20i%20studentów%2C%202018_0.pdf [accessed Dec. 5, 2019]).

780,000 women.[26] There are 434 university institutions in Poland, and by 2018 only 14 of them had appointed Ombudspersons or other personnel responsible for handling cases of discrimination or harassment specifically. The RPO's report does not depict how and whether the students dealt with discrimination or harassment. There are no sources discussing the anti-discrimination university strategies, thus no standards, comparisons, or recommendations are made, potentially keeping the non-functional system unchanged. When suggesting any malfunctioning of the anti-discrimination system in academia, it is important to stress that almost a half of Polish students experienced harassment. Obviously, as in the case of rape or domestic violence, the reported cases represent only the tip of the iceberg.[27]

In 2016, Sara Ahmed resigned from her post as a Professor of Race and Cultural Studies at Goldsmiths, University of London, in protest of the institution's failure to address the sexual harassment of students. She decided to become an independent scholar, without legitimizing institutions that cannot meet their own anti-discriminatory standards. This decision was commented on in many ways, with some declaring support for Ahmed and taking her stepping out of institutional academia as a demonstration of resistance and protest, and others contesting her choice as supposedly taking the "easier path." Looking at Ahmed's tremendous involvement in the anti-harassment activism in academia and beyond it, I believe that to speak of her decision merely in terms of "resignation" or taking the "easier path" is deeply neglectful of her involvement both as theorist and practitioner.

When I made my own complaint at the University of Warsaw, one concerning discrimination, and made it known first to the Department's community, then also to the social media bubble I am merged into, various reactions followed. On one hand, I was warned by many scholars that the moment was not a good one as I was also applying for habilitation. On the other hand, because of this complaint my students came to me during my office hours with various further complaints concerning the potentially discriminatory behavior of several professors in my department. It was also a moment when the media started to be interested in the topic of discrimination in academia, as we were going through a general reform of the universities in Poland, but somehow the topics of discrimination and harassment, as well as ways of preventing and handling them, was not a part of the reform. Then I was informed that my contract at the university would not be extended past June 2019. The students started a petition to keep

[26] The data was published by an internet students' portal, Studencka Marka (online at: https://www.studenckamarka.pl/serwis.php?s=73&pok=1909 [accessed Dec. 12, 2019]).

[27] For this metaphor and some relevant statistics, see Ewa Majewska and Marta Kukowska, *Przemoc wobec kobiet w rodzinie i relacjach intymnych* (Warsaw: Amnesty International, 2006) (online at: https://amnesty.org.pl/wp-content/uploads/2016/02/przemoc_wobec_kobiet_w_rodzinie_i_relacjach_intymnych_2006.pdf [accessed Aug. 19, 2020]) and Ewa Majewska and Ewa Rutkowska (eds.), *Równa szkoła. Poradnik dla nauczycieli* (Gliwice: Dom Współpracy Polsko-Niemieckiej, 2007).

me in office, which in turn fueled the media interest in the matter, and also involved the unions. Some other students decided to act against discrimination and together we invited a feminist professor of law, who gave a lecture on strategies of preventing and acting against discrimination. The lecture was followed by an extensive discussion, leading to declarations by the department's younger faculty and the student organizations to work against discrimination. Finally, my contract was not renewed, despite a very good publication record, excellent assessments from the students, a petition, and the support of one labour union, the Worker's Initiative (Inicjatywa Pracownicza UW). My firing from the University of Warsaw was described by another law professor as "*de facto* firing under the pretext that the contract was over." An intense series of events took place while my case was processed within the university and debate continued outside it, multiplied by students' voices criticizing the oppressive behaviour of some other professors.

I am using my own example because I believe we need to take the feminist slogan "the personal is political" seriously. The complaint is never a distant, abstract procedure, but an experience shifting our lives; transforming them into merely an addition to "the case," and thus reducing the complainant to the case, is never justified. The complaint also potentially endangers the university's reputation, which in most cases leads therefore to a complete disregard for the complainant's reputation, and thus to such handling of the cases that, in the end, even the most clear-cut cases become unbearable for the complainants. Sometimes a complaint is made in the proximity of our work situation, but do we react to it? Does the neoliberal academia allow any support for the complainant? Is it impossible to show any solidarity?

The way cases of discrimination and harassment are handled by universities clearly signalizes the multi-layered efforts to dissimulate any accusations of misconduct or violence. As Mary Douglas claims: institutions, by definition, resist change.[28] The academic complaint should be seen as one of the symptoms of such a tendency. My own case is perhaps interesting also because it provides an example of how a complaint becomes a counterpublic; how a personal, individual case of discrimination can lead to a nation-wide debate concerning academia and its discontents. As my employment was not extended and my habilitation application was declined, some see it as proof that standing up against violations of equal rights does not make sense. Others, however, see it as an element in a larger process. My habilitation still awaits a resolution: I made an appeal, and it was backed by multiple scholars from Poland and abroad. Students collected hundreds of signatures, and the media – both printed and radio, as well as social media – covered the story from several perspectives, thus opening a public discussion, the first in many years, concerning the conservative bias of the Polish academia. Although we all learned that the existing academic system aimed

[28] Mary Douglas, *How Institutions Think* (New York: Syracuse University Press, 1986), p. 63.

at equality simply does not function, especially in cases of university employees with precarious, short term contracts, we also learned that the entrance of a case into the public debate can and does encourage further protests against discrimination, as well as solidarity action. We also learned that it requires a lot of courage and the ability to live under the conditions of extreme stress for many long years.

In a particularly dramatic case of harassment, depicted in an article published in 2013 by *The Guardian* with the somewhat depressing title "In Academia, There Is No Such Thing as Winning a Sexual Harassment Complaint," the author shows to what extent the universities resist acknowledging a complaint, as well as how big and painful the costs of a complaint usually are for the complainant.[29] In the case of the author of this article, the costs of the complaint included the payback of the student's loan (some 30,000 dollars), a suicidal attempt, depression, and post-traumatic stress disorder, as well as a change of life plans and scenario. Such stories clearly add to the point also made in this article: the existing academic procedures of complaint are ineffective at best, harmful at the worst.

A longer fragment from Ahmed's Feministkilljoys.com blog gives a description of how institutions resist such complaints and what some of the consequences are: "How do these cases disappear without a trace? Almost always: because they are resolved with the use of confidentiality clauses. The clauses do something: they work to protect organisational reputation; no one gets to know about what happened. They most often protect the harassers: there is no blemish on their records; they can go on to other jobs. But they also leave those who experienced harassment even more isolated than they were before (harassment is already isolating). They leave silence. And silence can feel like another blow; a wall that is not experienced by those not directly affected (because silence is often not registered as silence unless you hear what is not being said). And another consequence: we have no way of knowing the scale of the problem."[30] Some elements of this quotation need comment. The demand to keep the cases of harassment visible is a problematic one for several reasons: the complainant might want to stay invisible, the universities often claim that the accused needs protection until "proven guilty," and sometimes also the good name of the university is at stake. Nevertheless, as Ahmed and MacKinnon both argue, the protection granted to those accused of discrimination or sexual harassment often simply allows them to be perpetrators more than one time. MacKinnon discusses several cases where offenders were allowed to continue assaulting their victims sexually because of the supposed "need to collect

[29] The Postgraduate, "In Academia, There Is No Such Thing as Winning a Sexual Harassment Complaint," *The Guardian*, Aug. 9, 2013 (online at: https://www.theguardian.com/commentisfree/2013/aug/09/academia-winning-sexual-harassment-complaint?fbclid=IwAR1PwkUJxLClx-9Hfuv96HttqfhICaYE_irzoXhZWa8LiPQrJ1uXV0aAcvZk [accessed Dec. 5, 2019]).

[30] Sara Ahmed, "Speaking Out," a blog entry from June 2, 2016 (online at: https://feministkilljoys.com/2016/06/02/speaking-out/ [accessed Dec. 6, 2019]).

better proof," and she comments sharply that: "The logic of this prong of the doctrine, in relation to the rest, frequently leaves the impression of permitting sexually predatory teachers at least one free bite."[31] Among those who commit rape or attempt such a crime, some 76% will repeat such actions.[32] The universities resist acknowledging this fact, and allow transfers of faculty members who could be depicted as sexual predators to other departments or universities without any notice. In globalized academia, it can be very easy to find another job even after several proven assaults. Sara Ahmed's involvement in making such unfortunate repetitions of crimes visible is particularly important.

Contradictions of the Complaint in Neoliberal Academia.

The academic complaint is a procedure that exists in a context, and the context of precarization and neoliberalization of academia is very crucial. In it, the university became, as Stephano Harney and Fred Motem argue in *Undercommons,* a place where theft is legitimate and being unreliable the only survival strategy.[33] While the disagreement their work awakens remains inspiring, and their critique of the universities of today relevant, there are, I believe, ways of resisting oppressive institutions that involve moving within their territory. One of them could be the use of the complaint as a counterpublic – to produce claims and demands, search for justice and transform the institutions from within. As we have seen in the time of #metoo campaigns globally, we not only need a better juridical system to handle the cases, but also a public debate concerning the standards of conducting such cases, as well as a wider discussion concerning gender relations in workplace and society. The procedure of complaint and its immediate privatization as a "case," secretively hidden from the wider public, has as its declared aim the realization of the rights of the complainant, which includes the protection of data and a better justice procedure, but at the same time its form makes it practically impossible to achieve this goal. Thus, the transition from (privatized) complaint to the counterpublics presents itself as an effort not only to criticize the existing university and complaint practice, but also as a way to negotiate the academic practice and allow solidarity with those who need it most – victims of systemic, institutionalized oppression. The notion of "due diligence" that was developed by human rights organizations, and embraced by Catherine MacKinnon in her theory and practice against sexual harassment, might help the university to better execute its duties in providing equal rights and equal chances to all members of the academic community.[34] MacKinnon explains: "Due diligence, adopted as a liability standard, would hold schools accountable to survivors for failure to

[31] MacKinnon, "In Their Hands," p. 2071.

[32] Data from materials published by the University of Michigan Sexual Assault Prevention Section (online at: https://sapac.umich.edu/article/recidivism [accessed Dec. 6, 2019]).

[33] Harney and Motem, *The Undercommons*, p. 41.

[34] The possible practical implications of this notion are discussed in Majewska and Kukowska, *Przemoc wobec kobiet w rodzinie i relacjach intymnych.*

prevent, adequately investigate, effectively respond to, and transformatively remediate sexual violation on campuses, so that sex equality in education is delivered in reality. Its contents would not be foreign to schools, courts, and agencies that have struggled creatively within the straitjacket of existing doctrine to produce such outcomes against the strictures of the current standard."[35]

The process for the majority of complaints takes a very long time to unfold. They require several meetings of various agents – the complainant and the accused, sometimes the mediator, the university representatives, sometimes also witnesses, also the diversity/anti-discriminatory academic plenipotentiary or commission, the examination of the evidence, the meetings with additional persons, and so on. Such meetings are scheduled within several months from the assessment of the complaint, thus making the waiting a painful element of the life of the complainant and sometimes also the accused. The universities usually employ one person or a small group to handle the cases, neglecting the obvious fact that the complaint should be processed fast in order to not to tear apart the academic community, and the life of the complainant in particular.

This long time period for the processing of a complaint is extremely dangerous for a scholar's career, because in the neoliberal academia time means everything.[36] Many precarious workers of today's academia do not engage in such proceedings at all as their contracts often cover a shorter period of time than that of such procedures. Not publishing, not participating in conferences and projects means to lose out in the academic competition, and this is usually the cost paid for the filing of a complaint, as has been described in numerous accounts. An academic cannot afford such a loss. This is one of the reasons why most scholars – even those harassed, sexually molested, or discriminated against – refrain from using the procedure.

The institutional model of today's academia makes it into a corporate factory. Its preoccupation with smoothness of operation and profitability has transformed it into an excellent machine for the acute neglect of its own workers and their rights. It needs to be stressed that precarity does not affect men and women in the same way. As feminist scholars remind us, women pay a substantially larger price for the loss of stable employment situations and institutional social support. Briony Lipton, following Laura Fantone, says it openly: "Precarity is an endemic feature of the contemporary higher education landscape and one which disproportionately affects female academics."[37]

[35] MacKinnon, "In Their Hands...," p. 2041.

[36] There are many analyses and critiques of the neoliberalization and precarization of academia. The critical perspective I chose to reference here was most fully expressed in Stephano Harney and Fred Motem's *The Undercommons*. A more neutral perspective, and one definitely written from within academia, is the systemic analysis of contemporary academia provided in Krystian Szadkowski, *Uniwersytet jako dobro wspólne. Podstawy badań krytycznych nad szkolnictwem wyższym* (Warsaw: PWN, 2015).

[37] See Lipton, "Gender and Precarity." The topic of precarity and gender has a long bibliography, see also Laura Fantone, "Precarious Changes: Gender and Generational Politics in Contempor-

Women, as the main providers of care and affective labour, are often used in academia as support by their male colleagues, whose ability of providing such care to others is rarely requested. Thus, a structural bias is established and maintained, adding to the general tendency of sexual abuse and discrimination of women in academia, which – according to statistics collected by MacKinnon as well as by the Polish State Ombudsman – tend to be very high, as between 30–44% women report being victims of sexual assault during their studies or/and in academic work alone.[38]

According to lawyers working with the Labour Code, growing precarization, also in the field of academia, leads to a further bias in the relations between the employees and employer, as well as to the growing inequalities between workers. Barbara Godlewska-Bujok emphasizes that these processes augment the risks of institutional and economic violence at the workplace: "Violence in professional relations is also of interest to the ILO [International Labour Organization]. Thus it has been defined as any action, event or behavior that deviates from the proper procedure, by which a person is attacked, intimidated, harmed and/or injured in his/her work or immediately after."[39] Godlewska-Bujok argues that all forms of abuse at work should be discussed as possibly being of a violent nature, as violence is a factor potentially inscribed in every employer-employee contract, particularly if the provisions of the Labour Code do not apply, as is often the case with precarious work. I already believe that such a description of a workplace suddenly opens our eyes to a very different perspective on university work, adding further arguments to the critiques of precarization as augmenting gender inequality, making women even more vulnerable as workers, and thus even more exposed to the already existing risks of discrimination and harassment.

As a university is not merely producing knowledge and skills, but is also a workplace, often the largest in a given city or region, it should, I believe, be discussed as such and not solely as an abstract space with no history of struggles and no legal context. In Ahmed's account these labour connected aspects of academia are somehow blurred by the supposedly individual, diversified experience, which in turn rises the question of how is it possible to separate complaints against discrimination and sexual harassment if, as MacKinnon and other scholars clearly prove, they follow patterns, and, as Ivancheva, Rogowska-Stangret and other critics of precarity clearly prove, these patterns

ary Italy," *Feminist Review* 2007, no. 87, pp. 5–20; Silvia Federici, "Precarious Labor: A Feminist Viewpoint." On how the experience of precarity differently influences individuals depending on their ethnic and geopolitical origins, see Ronaldo Munck, "The Precariat: A View from the South," *Third World Quarterly* 34 (2013), no. 5, pp. 747–762.

[38] See MacKinnon, "In Their Hands" and Ewa Majewska, "Prekariat i dziewczyna. W stronę feministycznej krytyki ekonomii politycznej," *Praktyka Teoretyczna* 15 (2015), no. 1, pp. 218–241.

[39] Barbara Godlewska-Bujok, "Precariat: Next Stage of Development or Economic Predominance in a New Scene," in Jeff Kenner, et al. (eds.), *Precarious Work: The Challenge for Labour Law in Europe* (Chelthenham and Northhampton: Edward Edgar Publishing, 2019), pp. 22–37, here 35.

are gendered, racialized, class- and orientation- interconnected, thus fitting in generalizations. The university has been defined as a space of production, as a vital part of the public sphere and public debate, as an institution generating economic, social, and cultural capital, as well as a workplace for thousands of workers and students alike. It therefore needs to be held responsible for making it difficult, unbearable, or impossible for some of its members to continue being there.[40]

In the process of making the university a smooth and profitable neoliberal operation, the complaint can become an uncomfortable obstacle or a way of convincing everyone that discrimination and other forms of abuse are over. The complaints called "successful" by the university administration – that is, those that were brought to a conclusion – can be particularly tricky, adding to the university's auto-affirmative narrative "but we've already taken care of it." The other problematic approach to complaints is obviously the one that avoids any conclusion to the complaint besides the one that is plausible for the university. In these highly competitive times, when universities fight for funding and popularity among students, which also depends on the quality of the conduct of its employees, complaints obviously constitute an unwanted obstacle to prestige and popularity and are thus to be avoided by all means possible. Ahmed's impression that the university officials were in most cases trying to sweep the complaints under the carpet was the main reason for her resignation not just from the position of diversity worker, but also of her tenured academic position, as she left Goldsmiths, University of London completely.

The complaint, however, can become a tool of workers resistance. It should therefore be seen in such a context – in the larger framework of workers' rights, the labour code, and other legal and cultural measures of human rights in the context of labour. This does not necessarily mean that only lawyers should be in the position of handling complaints at the universities. The complaints could not only have an influence on universities, but also more generally on society. And they have: but as of now mainly as a factor discouraging the pursuit of justice, as most of those who filed complaints and many of those pursuing them within universities, complain about the impossibility of them coming to a satisfying conclusion. The depressing account Ahmed provides of her experiences with complaints, and diversity work more generally, prove that they cannot be effective in the form they currently have, at least not in the UK. In Poland the situation is similar: one resolved case of a professor fired from the University of Torun does not really change this sad account, as he sexually harassed students for decades and it took years to finally bring the case to a conclusion.[41]

[40] See Monika Kostera, et al. (eds.), *The Future of University Education* (London: Palgrave Macmillan, 2017).

[41] The description of the case is not available in English, it was widely discussed in Polish media, e.g.: https://torun.wyborcza.pl/torun/7,48723,25838995,prof-miroslaw-zelazny-zwolniony-dyscyplinarnie-z-umk.html

The question as to whether a complaint can be used to actually disrupt the process of exploitative academic production is a particularly large one. My proposition to see in the complaint a prospective counterpublic is an effort to understand the work that has been done against discrimination and harassment, including that of Sara Ahmed, as an important element of feminist politics but without alienating it from the history of labour rights and social movements, unions, legal networks, and other agents and instruments. I firmly believe that maintaining that isolation only makes it easier for the university authorities to maintain academia as it was – without equality – and as it should be according to the principles of neoliberalism, that is, without equality, solidarity, and justice. Counterpublic – as a two-fold opposition – against the general social norm, alienating the public from the private and against a particular privilege, allows a claim to be made that influences the whole community and not merely those involved, and thus has a transformative quality.[42] Such a quality is lost in the privatized, separated, and alienated complaint procedure that contemporary academia provides for, and that is depicted in the phenomenological perspective.

In academia, we are informed that there are equality norms and instruments to achieve them, and yet on the other hand engaging in them often means getting lost in a long, time-consuming and exhausting process. At most universities, both workers and students are invited to accept the University's Mission, or various declarations concerning diversity, equality, and so on. Many scholars act as though the sheer fact of such a document's presence automatically meant equality has been achieved, or perhaps they are so engaged in being productive neoliberals that they never claim otherwise. The need to be reminded of the practice often leads to the creation of further documents and proceedings, which became an important part of Ahmed's analysis in *On Being Included*. She depicts numerous meetings and discussions concerning new narratives, which later get written, usually by the already overworked functionaries of diversity works, only to be signed and piled together with previous narratives of equality. Some of the diversity workers interviewed by Ahmed openly contest such a replacement of diversity politics by document making.[43]

It should come as no surprise that while the number of anti-discrimination and anti-harassment procedures available in neoliberal academia grows, the tendency to promote the needs of senior faculty and staff over their younger and female colleagues also can be observed, sometimes more so than previously, as the universities are also obliged to compete over funding more intensively than in the previous decades. The desire not to undermine the good academic reputation of the university often prevails over the need to solve the misconduct of particular professors, just as maintaining the

[42] My analysis of counterpublics follows the critics of Jürgen Habermas, see Negt and Kluge, *Public Sphere and Experience*, and Nancy Fraser, "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy," *Social Text* 1990, no. 25/26, pp. 56–80.

[43] See Ahmed, *On Being Included,* chapters three and four.

good image of a department or entire academic unit sometimes predominates over other considerations and makes any claims aimed at changing abusive behavior impossible.

The complaint, as Ahmed puts it, is an "impossibility in itself." Institutions, as Mary Douglas argued, resist egalitarianism, universities included.[44] Such resistance can be seen as a form of ideology, when – as in Althusser's famous formula of interpellation – we confirm and maintain power structures, keeping everything and everybody in their place.[45] Briony Lipton argues that "Neoliberalism appears resistant to nuanced criticism precisely because it has individualised and internalised the norms of capitalist logic and self-interest, making it difficult to articulate these new forms of inequality."[46] The complaint is thus an element of "diversity work," which – according to Sara Ahmed, perhaps the most famous practitioner – seems like only "scratching the surface."[47] Since the university will always resist changes. Therefore, the question is not what to do *if* the university resists, but how to act *when* it resists.

Diversity Work vs. Counterpublics in Neoliberal Academia

In *Living a Feminist Life*, Ahmed depicts multiple ways in which institutions resist transition. In her book, as well as in numerous articles and lectures, she emphasizes the contradictions of the position of a diversity/anti-discrimination university expert, and she argues that: "You are appointed by an institution to transform the institution. To this extent, an appointment can signify that an institution is willing to be transformed. However, as I learned from my own experiences as well as from my conversations with practitioners, being appointed to transform an institution does not necessarily mean the institution is willing to be transformed."[48]

My perspective differs from that presented by Ahmed in that I see the complaint as part of a workers struggle, embedded in current production and past struggles for recognition, as a feminist counterpublic and an activity sometimes directly opposing the neoliberal academia. However, I also disagree with the somewhat harsh critique of diversity work that was recently presented by the feminist scholar and activist, Angela Davis. In a conversation about utopias, Davis said: "I cannot stand the notion of diversity, because it means largely the effort to make the machine run more effectively with those who were previously excluded by the machine. Paraphrasing the famous quote from Audre Lorde, who wants to be assimilated into a racist institution, when the institution continues to maintain its racist structure? This is why we always have to

[44] See Mary Douglas, *How Institutions Think*.

[45] Louis Althusser, "Ideology and Ideological State Apparatuses," in Louis Althusser, *Lenin and Philosophy and Other Essays*, trans. B. Brewster (New York: Monthly Review Press, 1971).

[46] Lipton, "Gender and Precarity," p. 64.

[47] Ahmed, "Complaint as Diversity Work."

[48] Ahmed, *Living a Feminist Life*, p. 94.

be hyperconscious of our vocabularies."[49] While I agree with core elements of Davis's criticism of diversity politics, I am much more respectful towards those scholars who are involved in it, and who have sometimes proved that academia cannot be less discriminatory without public agency, including debates, protests, participation of the media, and other external agents. While I might have a different vision of how egalitarian academia can be become, the merit, efforts, and often also the price that many feminist scholars have paid to dismantle sexism and discrimination in their institutions, should be valued not only for their engagement for building a better practice, but also as direct proof of the insufficiencies of the existing system.

The diversity framework is based on the presumption – criticized in this article – that an institution can willingly change. Such assumptions have been criticized on multiple occasions, perhaps most vocally by Mary Douglas, who in her study *How Institutions Think* contests the very possibility of a self-managed, internal change of an institution, and depicts institutions as entities fundamentally deprived of an ability to transform themselves and which are actually directed towards surviving in their given form.[50] Mechanisms such as forgetting and classification allow the survival of the conservative institutional core, marginalizing and excluding the efforts to change. The tendency to think that institutions organize only the surface values and behavior of its members is for Douglas the most fundamental misunderstanding. She emphasizes, and rightly so, the depth of an institution's organizing mechanisms, proving that the values sustained by the institutions are actually fundamental. In academia, the fundamental values include hierarchy and respect for the titles and honours it bestows, and who constitutes the scholarly process and who does not. The entire university structure supports and maintains a homogeneous, hierarchical structure, maintained by means of exclusion and oppression; even the progressive scholars internalize these rules. The invisibility of inequality and of the lack of diversity does not merely constitute an outer shell of academic beliefs, it is carefully maintained at its core, thus truly working against inequality means to challenge the central part of the value system, something which almost never happens without conflict.

As regards diversity work, Ahmed claims: "This resistance is often described through the metaphor of the brick wall. Diversity work can be all the more frustrating because the frustrations are difficult to explain; diversity workers encounter obstacles that are often not visible to other staff with whom they work."[51] In her discussion of the difficulties of working with diversity, she often criticizes the psychologization of said work, affiliating

[49] See Angela Davis, Gayatri Chakravorty Spivak, and Nikita Dhawan, "Planetary Utopias," *Radical Philosophy* 2.05 (Autumn 2019), (online at: https://www.radicalphilosophy.com/article/planetary-utopias [accessed Dec. 5, 2019]).

[50] See Douglas, *How Institutions Think*.

[51] Ahmed, *On Being Included*, p. 51.

her own perspective with the struggles for recognition. Yet, since Ahmed only seldom references the history of prior struggles, it seems easy to overlook her connection to a wider spectrum of struggles.

I believe that the main difference between "diversity work" as Sara Ahmed depicts it, and the framework of feminist counterpublic, which I will build on here following the general argument of Nancy Fraser, is that the perspective of counterpublics criticizes and opposes the rules and normative framework of the institution, thus contradicting its main premises. In the theory and practice of the complaint, as presented by the phenomenological perspective of Ahmed, the detachment of complaint and also diversity politics from the larger framework of labour rights and production makes change seem not only difficult, but perhaps entirely impossible. The feminist counterpublic is a notion defined by Nancy Fraser in her essay "Rethinking the Public Sphere," in which she criticizes the notion of the public sphere offered by Jürgen Habermas in the 1960s and offers a vision of a plethora of publics, in which the feminist one is discussed in more detail.[52] Fraser argues there that the main role of the feminist counterpublic is to offer a twofold opposition: first, to the abuses of the specific power structures already in place; and, second, to the presumptions organizing the gender inequality, such as that which strictly divides the public from the private and strictly limits women to the private domain, presumptions that Habermas's theory, as well as the majority of political theories, are built upon. The feminist counterpublics can be many, this is another aspect of Fraser's reconfiguration of the public sphere; they can even be conflicted, as feminism is. However, what unites these sometimes opposed struggles is their preoccupation with women's rights, even though they understand them differently and choose different strategies to achieve their goals. Fraser rightly emphasizes what I understand as the transversal character of the feminist counterpublic, as some of them are grassroots and some – formalized, or even institutionalized – work with the state, and some against it, and so on. This diversity within the concept of the feminist counterpublic is important for the argument concerning the complaint – as it becomes a counterpublic, the process can have multiple, sometimes contradicting forms. I believe that the opposed perspectives of Davis and Ahmed on the diversity framework constitute very good examples of the heterogeneity of the feminist counterpublics. They also show how the complaint can be politicized. The further cases depicted in my article, as well as different perspectives on the complaint, constitute other options. All of them, however, can be seen as different parts of one process – that of emancipatory feminist politics.

In their book *Public Sphere and Experience*, Alexander Kluge and Oskar Negt claim that workers have a very different experience of the common, of deliberation, decision making, and other key issues of the public sphere, than the bourgeoisie, and that this

[52] See Fraser, "Rethinking the Public Sphere."

different approach should be expressed in theories of the public sphere. In their book, first published in 1972 in West Germany, they could not discuss the topics of precarity and neoliberal economy, because both were still in their *statu nascendi,* at least in Western Europe (as Isabel Lorey rightly argues, precarity had been a status widely known to those who did not constitute "the subject of Europe"[53]). They also did not speak of women or reproductive labour, for which they apologized in their next book, published in 1980.[54] However, their concept of counter- public spheres, rooted in the experience of production, and thus different from the alienated, bourgeois public sphere, serves as a great inspiration to those theorists who speak about the feminist counterpublic (Nancy Fraser), queer and Black counterpublics (Michael Warner), or other forms of the making of the public, which combine the critical perspective towards the ruling authorities with opposition to the cultural and political norms organizing societies.[55] Kluge and Negt discuss the liberal theories of the public sphere, including Habermas's, as an "ideology of the public sphere," as it imposes a specific experience of the public, one that is characteristic for the bourgeoisie, as the general experience of the public. Such a critique should also perhaps be made in the context of academia, where the masculine experience, as well as that of other hegemonic groups (that is, white, bourgeois, straight, and so on), still constitutes the norm. The university is most certainly free of sexism or racism in the experience of white men from privileged classes and ethnic groups; women and other discriminated groups, however, have a very different experience, as the research concerning students quoted above has already shown.

There is a problem with egalitarianism: we do not really know it, especially not in academia. Equality never appears ready-made, there are always failures, rehearsals, and try-outs. On the path towards learning how to fail better, the research in complaint and diversity work should not be fought, rejected, or abandoned. It should be included in the painful history of transforming the university, a lesson on separation and solidarity, an effort to emancipate the struggles from supposedly dated strategies and methods. However, as is often the case, the efforts to practice diversity, equality, and solidarity require a diversified, socially and culturally interconnected perspective, where heterogeneity allows not only for a sufficient complexity of the description of experience, but also offers tools to undermine and transform it. Both the emancipatory practice and procedures need time. I would even argue that they need rehearsals, they need to be tried out and reshaped just like theatre productions need such repetitive rehearsals. In this sense, an emancipated academia will unfortunately not rise up out of nowhere, it will be built by those who dared to spend the time, energy, and effort to apply it, most of the time failing, as recent examples have shown, but still contributing to the general

[53] Isabel Lorey, *States of Insecurity* (London: Verso, 2015).

[54] See Alexander Kluge and Oskar Negt, *History and Obstinacy,* trans. R. Langton, et al. (New York: Zone Books, 2014).

[55] See Michael Warner, *Publics and Counterpublics* (New York: Zone Books, 2005).

knowledge and practice of equality.[56] The practice of counterpublics, enforcing the public dimensions of complaints, giving them the much needed media and solidarity support, often by means of social media, can be a way out of the complaint's impasse. Emancipated academia needs to be practiced, even if sometimes it fails, otherwise it will merely remain theory.

In Marx's *Capital* only a short chapter is dedicated to co-operation amongst exploited workers.[57] The *Communist Manifesto* provides a definition of proletarians as those who "have nothing to lose but their chains." The combination of those two descriptions of the oppressed constitute perhaps the most used references in post-operaist Marxism, leading to the sharp depiction of the precariat as the "dangerous class" for its sense of empowerment coming from the experience of weakness.[58] This dialectics of weakness and power, composed of an individual sense of failure and a common prospect of victory, is exactly the motif driving the majority of successful complaints. There is desperation, impossibility, and failure on the one hand, and a general vision of justice, equality, "perhaps not for me, but for the future workers/ generations/ students" that fuels our claims. It is a powerful drive even in situations where all seems lost. The firing of Hito Steyerl, a brilliant artist and professor at the Art Academy in Berlin was followed by a student strike, which led to her being reinstated. My firing and a colleague's firing in 2012 at the University of Cracow led not only to students demanding our re-hiring, but also their formulating a harsh critique of the department's policy and transformation of its program according to the neoliberal mode. Students declared that if their demands were ignored, they would go on strike. The rector accepted all the demands – including that of keeping me in the department and the continuation of critical cultural theory program – except for the re-hiring of our colleague. The diversity frameworks do not include such elements as petitions, strikes, protests, or public debates, and perhaps this can explain their lesser effectivity in changing the situation of the complainants as well as women and other discriminated groups within academia.

Making a Complaint Public – #metoo and the Social Media

Today, in the time of social media, there are in-between spaces that cross several divides regulating the relations between individuals, their workplaces, the media, and the general public. These include the main social media portals in which, on one hand, multiple algorithmic as well as corporate-influenced patterns come into play, making it hard to see in them "a genuine public sphere" and yet, on the other hand, making of

[56] In the argument about rehearsal, my work is indebted and inspired by a short but very interesting essay, see Sybille Peters, "On Being Many," in Florian Malzacher, ed., *Truth is Concrete* (Berlin: Sternberg Press, 2016).

[57] See Karl Marx, *Capital: A Critique of Political Economy,* vol. 1 (Pacific Publishing Studio, 2010), chapter 13.

[58] See Guy Standing, *The Precariat: The New Dangerous Class* (London: Bloomsbury, 2011).

them perfect platforms for announcing information to large groups without necessarily making it obvious that some sensitive information was shared. This is most probably the reason why campaigns such as #metoo have been so successful of late.[59] For a press article, journalists would have to ask precise questions concerning the who, where, when, and how of the alleged harassment or assault. However, in the #metoo action women were free to just say "me too," and this already meant we had some experience with harassment or assault. Some of us added more detailed accounts: everyone, however, could freely decide how detailed their announcements would be. On the one hand anybody can lie, but on the other what happened in the social media globally during the #metoo campaign roughly confirmed the data collected in social surveys in many countries: that women are exposed to violence of various kinds and degrees and that half of us or more experience it at least once in our lifetime.[60]

The discussion of whether the internet can become the complainant's ally is, I believe, deeply connected to the question of whether the social media can be an element of the public sphere, thus connecting us to the main question of this article, which is whether and how a complaint can become or initiate the (feminist) counterpublics. Although several scholars are severely critical of equating the internet with the public sphere, and rightly so, there is perhaps less discussion of the specifics of the internet's participation in the public.[61] I believe these propositions are different – if not outright opposed to each other – and it is important to see the difference. Nobody would likely defend the argument that the internet simply replaced all other forms and elements of the public sphere. Even if it mimics them, it only does so to a certain extent, never fully replacing them, and it needs to be stressed that some elements of the classical, 20th century public sphere remain powerful, such as television or printed media, even if they now also appear on-line. The edited versions of the news, and the moderated discussion formats, are still fundamentally important.

In response to Jodi Dean's strong and inspiring formula that "the Net is not a public sphere," I would like to propose a different perspective, which – to my understanding – allows better situating the problems of the internet as an element of the public sphere understood in its classical, liberal formulation, with neoliberal elements added. I would rather argue that "the Net is a *neoliberal* public sphere," and prove it by showing that it

[59] The #metoo campaign was started by an African-American feminist activist, Tarana Burke, as early as 2006. She supported the publication of information about harassment as well as a solidarity network among those who had survived it. In 2017, the actress Alyssa Milano published a tweet using the hashtag #metoo, which went viral as a way for women globally to express their experiences of harassment.

[60] See EU Agency for Fundamental Rights, "Report: Violence against women: Survey information," 2014 (online at: https://fra.europa.eu/en/data-and-maps/violence-against-women-survey/survey-information [accessed July 18, 2020]).

[61] Perhaps the most interesting text on the topic is the article by Jodi Dean, "Why the Net is not a Public Sphere," *Constellations* 10 (2003), no. 1, pp. 95–112.

simply amplifies the inequalities and exclusions already present in the liberal model of the public. In most cases, the "public" created on-line is still separated from the private, and the assumptions – gendered, racialized, and class-wise exclusive – regulate not only access to the internet and the equipment necessary to use it, but also net literacy, fluency in using the online spaces and resources, as well as the level of safety on-line. The problematic relations of the public sphere and the internet require far more analysis; however, it was necessary to introduce those very general problems to discuss the specific use of the internet in the context of complaint and counterpublics.

The #metoo campaigns could be, I believe, seen as a part of the feminist counterpublics, its very visible demonstration. It could also be seen, and indeed it was, as a political demand to respect women, to grant us better support in avoiding violence as well as in finding ways out of such traumatic experiences. For many women, the #metoo was a moment of international solidarity and created the feeling of safety, thus allowing more courage and strength. For many men the #metoo was the first time when they could actually see how much violence has been done to women, how transversal this violence is, and how it does not depend exclusively on geography, class, or other factors. Many men also began to analyze and discuss gender violence, which they would not have done without such actions. Regardless of how critical we are – and I am very critical – about the capitalist organization of the internet, the value extraction and dispossession of labour and power online, it has to be stressed that the political consequences of the #metoo campaign for countless women, and also for some men, were tremendous.

In her essay collected in the 2017 volume *Where Freedom Starts: Sex, Power, Violence, #Metoo,* Tithi Bhattacharya rightly emphasizes that the #metoo campaign has first and foremost revealed the abuse still present in workplaces.[62] She claims that the first commissions that collected complaints were set up in workplaces as a result of union actions. It is thus important to see harassment and discrimination cases as being things whose resolution can be mediated by or even pushed through by the unions. Bhattacharya emphasizes the power of social media to gather women's voices together while discussing the tweet of actress Alyssa Milano, who on October 15, 2017 asked women to comment if they'd experienced sexual harassment. Some 40,000 comments appeared overnight, growing to 64,000 comments over the course of the next 24 hours. The feminist blackprotest was the largest event ever on the "Polish internet," gathering some 250,000 hits and altogether some 5 million mentions, comments, and other reactions in the course of September 2016.[63] The opportunities offered by social

[62] Tithi Bhattacharya, "Socializing Security, Unionizing Work. #Metoo as Our Moment to Explore Possibility," in Verso Books (ed.), *Where Freedom Starts: Sex, Power, Violence, #Metoo. A Verso Report* (London: Verso, 2017). Here and elsewhere I refer to the e-book version.

[63] The feminist #blackprotest in Poland is described here: Ewa Majewska, "When Polish Women Revolted," *Jacobin*, March 3, 2018 (online at: https://www.jacobinmag.com/2018/03/poland-black-protests-womens-strike-abortion-pis [accessed Dec. 9, 2019]).

media, despite their deep involvement in unclear political and economic corporate agendas, consist in the formation of a common platform for spreading information (not necessarily genuine debate, however!) and generating a sense of empowerment and connection, and solidarity with others who share in similar conditions. It also allows – as I explained above – the possibility of sharing information about abuse, giving the complainant the opportunity to speak up and obtain support while perhaps also warning others about the dangers. Everyone who ever went through harassment or a discrimination case understands how important it is not to be silent about the experience of abuse for too long.

Summary: The Complaint as Counterpublics in Times of "Gender Wars"

The politics of complaint and its transformation into a counterpublic, possibly also an effective one, requires taking some steps beyond the phenomenology of the complaint, as in Ahmed's approach, and requires as well some investment in critique, as well as claims for recognition and equality that surpass the recognition of materiality, embodiment, togetherness, and exploitation, as in the theories of Rogowska-Stangret or Judith Butler. The current times are sometimes described as "feminist" and, because women are more present and visible within academia and the universities and have decided to challenge discrimination in their declarations and institutional mechanisms, such an impression might seem plausible. However, the recent campaigns such as #metoo and the critiques of the precarization of universities, combined with the critiques of the impossibility of handling cases of harassment in academia by Sara Ahmed as well as other scholars, create a very different image of the situation of women in today's academia. The problem of discrimination and sexual harassment should be seen in the wider spectrum of a far more general opposition to women's rights and feminism, sometimes depicted as "gender wars" or "war on gender," which is an international phenomenon.

As the research of Elżbieta Korolczuk, Agnieszka Graff, and other scholars has shown, the conservative "war on gender" happens in several countries in Europe, West and East, South and North; their research covers such countries as France and Spain, as well as Poland and Slovakia.[64] This conservative "war on gender" consists of undermining women's rights and feminism and placing opposite them a fully phantasmatic hybrid of "gender ideology," which is composed of, sometimes quite wild, stereotypes about feminists and academic, activist, and political individuals or groups. As fantastic and surreal as the conservative construct of "gender ideology" is, it has very practical consequences, consisting among others, in contesting, sometimes publicly, feminist and queer studies scholars, undermining their work and credentials, as well as in targeting

[64] See Agnieszka Graff and Elżbieta Korolczuk, "Gender as 'Ebola from Brussels': The Anticolonial Frame and the Rise of Illiberal Populism," *Signs: Journal of Women in Culture and Society* 43 (2018), no. 4, pp. 797–821.

anti-discriminatory policies, laws, and institutions. Such backlash obviously influences universities and members of minoritarian groups or those who are involved in equality politics, who do feel threatened and are exposed to even more attacks than in the past. The universities should therefore apply their due diligence in the processes of justice, otherwise the diversity works will remain a myth.

Graff and Korolczuk write: "We argue that despite its focus on issues of morality, antigenderism is in fact a political movement, which results from and responds to the economic crisis of 2008. The crisis revealed the weakness not only of the neoliberal economic model but also of liberal democracy as a space for processes of inclusion, equality, and freedom. Antigender mobilization is part of this process: antigenderists claim to represent true civil society, which aims to replace bureaucratized and alienated elites and their foreign-funded nongovernmental organizations (NGOs) and supranational institutions."[65] This criticism is particularly important because it does not separate the issues of gender and feminism from the rest of the social sphere, instead it discusses them as being an important element of the neoliberal, precarizing society, thus allowing some transversal analysis, which helps us to understand how such supposedly unconnected phenomena as precarization and the new conservatism can be explained as not only linked but also as influencing each other. The deep links of conservatism and the free market have been explained in some analyses of neoliberalism, see for instance the work of David Harvey or Lisa Duggan.[66] Some analyses of precarity[67] could be made to focus more on gender, as well as on class or ethnicity bias, which can make a difference in the degree of harshness one experiences in being precarized. Cases of discrimination and harassment in academia should be seen as embedded in a wider spectrum of precarizing academia, and thus opened to procedures more sensitive to the vulnerability of some groups of scholars and students, as well as to the need of protecting those already underprivileged groups from exposure to further discrimination. The #metoo campaign has revealed a deep lack of due diligence in handling cases of harassment and discrimination at universities and in other institutions, forcing them to enact reforms, as noted by MacKinnon and Bhattacharya, among other feminist authors. In the specific context of academia these changes did not bring about sufficient change, as most of the problems with complaints, discussed in the article, remain

[65] Graff and Korolczuk, "Gender as 'Ebola from Brussels,'" p. 799.

[66] David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005) and Lisa Duggan, *The Twilight of Equality? Neoliberalism, Cultural Politics and the Attack on Democracy* (Boston: Beacon Press, 2004).

[67] In the works of Guy Standing or the first part of the "Empire" series of Michael Hardt and Antonio Negri, the commodification of affective labour was discussed, but in a very reductive way. In their later work however these authors started to analyze the gender inequalities much more carefully. See Guy Standing, *The Precariat*; see also Michael Hardt and Antonio Negri, *Empire* (Cambridge: Harvard University Press, 2000).

unsolved. Perhaps an option for such change – as I argued here – would be to re-connect the struggle against discrimination and harassment with labour struggles, thus making the complaint not just a matter between the complainant and the university administration, but bringing a third party – the union – into the proceedings. Another element of the complainant's struggle that can be made easier is making it necessary to publicly announce the suspicion of abuse, and thus the media can also become partners in such cases; however, this is obviously limited by the claims of universities to their good names, as well as by the rights of those accused. While I respect the right to due process, I also think that announcing a danger or suspicion of abuse is very different from making a premature judgement, and I therefore think there are ways of discussing the risky practices or suspicions of abuse without harming the suspected party or the university. In cases where universities do not provide due diligence, the impact of media on the cases can become very positive.

As I argued above, a complaint can become a worker's strategy to make known oppression and express resistance – a weak resistance of those discriminated, abused, and racialized, because they most often file complaints. A complaint can be caused by exploitation, mobbing, and other forms of labour-connected abuse. I believe we need to see it as a necessary element of anti-neoliberal resistance and as a form of counter-public, leading to discussion, opposition, and sometimes also demonstrations, strikes, and other, more visible forms of protest. It should not be separated out and reduced solely to sexism understood as being "merely cultural," and thus disconnected from workers' rights, union responsibilities, and so on. It should also not be separated out as an abstract "experience," removed from its labour context and the history of struggles and rights it is connected with.

A complaint allows to us exit the mainly reflexive field of shared vulnerabilities and transform the practice of solidarity into a practice of actively demanding change. It is therefore a practice pushing the recognition of shared respons-ability, depicted by Rogowska-Stangret, Haraway, Stangers, and other authors, towards interaction with the potentially oppressive structures of academia.[68] I believe that only after a recognition of the togetherness within academia might we see positive resolutions of the complaint; however, such solidarity and co-existence are not sufficient conditions for the satisfactory handling of complaints, although they might prove necessary to keep the complainant in a bearable state.

In this article, I undermined the neoliberal logic of organizing the complaint, demanding a revival of solidarity networks, including shared vulnerability, public debates, protest, and strikes as the effective modes to change academia. I criticize neoliberal university and neoliberal procedures of justice, which often lead to further victimiza-

[68] See Malou Juelskjær and Monika Rogowska-Stangret, "A Pace of Our Own? Becoming Through Speeds and Slows – Investigating Living Through Temporal Ontologies of the University," *Feminist Encounters: A Journal of Critical Studies in Culture and Politics* 1 (2017), no. 1, pp. 1–7.

tion and blame of those already oppressed. The complaint may offer a solution to many problems within academia and beyond – such as capitalist production – if dealt with by a larger group of participants than merely the complainant and university administration. Obviously, in order to become such a tool of transformation, the complaint cannot only be an element of diversity work, it has to become a critical disruption of the university's *status quo*, possibly leading to solidarity actions, forming a counterpublic of those disenchanted by the neoliberal knowledge production, sexism, racism, feudalism, or work conditions more generally. As such, it cannot be seen as the sole purpose, but as one of the necessary means to proceed in the struggle for a genuinely egalitarian academia, and society.