

Oppression: A Conceptual Analysis

by

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Abstract

The concept of oppression has played a central role in feminist theory. But the concept itself is rarely examined. The goal of my thesis is to resituate the concept of oppression within feminist theory, in particular within criticisms of liberal theory. I argue that traditional and recently developed liberal theories are inadequate for addressing social justice because they lack a satisfactory understanding of oppression.

My analysis of oppression consists of five main parts. I argue that oppression is a state of affairs that (a) is situated in an historical context, (b) that results in diverse harms to people (c) on the basis of their membership in social groups, (d) where the harms are mediated by social institutions and structures in systemic ways, (e) which benefit members of privileged groups. This analysis highlights the great complexity of oppression. What makes my account of oppression unique is that I place the historical context at the centre of analysis, as a lens through which all other aspects must be understood.

This conception of oppression has three implications which I explore. First, my account enables me to provide responses to groups who claim to have oppressive experiences when in fact, oppression is an incorrect description of those experiences. In particular, I examine the claims of men and Whites who argue they are oppressed by policies which are aimed at the amelioration of sexism and racism.

Second, my account provides additional insight needed to properly examine moral responsibility for oppression. In stressing the structural and institutional nature of oppression, I challenge the arguments of those who claim that privileged groups as wholes cannot be held morally responsible for the oppression of others.

Finally, I argue that my concept of oppression is necessary for properly situating debates about social injustices. I look at the issue of pornography and demonstrate that contemporary liberal approaches to solving the moral and legal issues of censorship of pornography are inadequate because they fail to use an adequate conceptualization of oppression.

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Chapter 1: Introduction

During the course of American Slavery, Blacks were bought and sold as property and millions died on the journey from Africa or at the hands of slave owners and traders. During World War Two millions of Jews were killed by Nazi soldiers in concentration camps throughout Germany and other parts of Europe.¹ In Quebec, women were denied the vote in provincial elections until 1940. In November of 2004, voters in Alabama defeated a motion to remove parts of the State Constitution that required segregated schooling, despite the decision made by the United States Supreme Court fifty one years earlier that such schooling was unconstitutional.² While these examples highlight very different experiences, they are linked insofar as they are all examples of social injustice. Furthermore they are all instances of oppression. They are identifiable as oppression because of the severe moral disapprobation people have towards them, and because they are not just any social injustices. They are *significant* social injustices that demand rectification.

Within historical political theory, the notion of oppression makes one of its most notable appearances in Karl Marx and Friedrich Engel's *The Communist Manifesto*. The authors depict economic classes throughout history as fitting into one of two possible categories, that of oppressor or that of oppressed. In the opening of their work, they describe the relationship between classes as follows: "Freeman and slave, patrician and

¹Laurence Thomas, *Vessels of Evil* (Philadelphia : Temple University Press 1993).

²Manuel Roig-Franzia, "Alabama Vote Opens Old Racial Wounds School Segregation Remains a State Law as Amendment Is Defeated" *Washington Post* 28 November 2004, sec A, p. 1.

plebeian, lord and serf, guild-master and journeyman, in a word, oppressor and oppressed.”³ They understand the emergence of capitalist classes (bourgeoisie and proletariat) as also fitting within these categories, with the bourgeoisie oppressing the proletariat. They argue that “The modern bourgeois society that has sprouted from the ruins of feudal society has not done away with class antagonisms. It has but established new classes, new conditions of oppression....”⁴ Marx and Engels describe the injustices faced by the bourgeoisie as requiring immediate action because the wrongs done to the bourgeoisie by the proletariat were not simply physical but psychological in nature, namely the alienation of the workers from their labour and the product of their labour. In using the language of oppression, i.e., the terms ‘oppressed’ and ‘oppressor,’ they set a precedent that would have ramifications for political arguments in the middle and late 20th century. It was through Marxist theory that the concept of oppression entered feminist terminology as a way of understanding women’s experiences of social injustices.⁵

Feminists use the concept of oppression to depict the situation of women and other groups which encounter discrimination and subordination. Simone de Beauvoir

³ Karl Marx and Friedrich Engels, *The Communist Manifesto*, ed. David McLellan (Oxford: Oxford University Press, 1992), 3.

⁴Ibid, 3.

⁵Sonya Andermahr, Terry Lovell, and Carol Wolkowitz, ed., *A Glossary of Feminist Theory* (New York: Edward Arnold, 2000).

describes the relationship between men and women as that of oppressor and oppressed.⁶ She also uses the language of oppression to describe racial relations, for instance, when she writes: “One of the benefits that oppression confers upon the oppressor is that the most humble among them is made to feel superior; thus a ‘poor white’ in the South can console himself with the thought that he is not a ‘dirty nigger’.”⁷ Mary Ann Weathers, in examining the oppression of race and gender, observes how both forms of oppression can intersect: “*All* women suffer oppression, even white women, particularly poor white women, and especially Indian, Mexican, Puerto Rican, Oriental and Black American women whose oppression is tripled....”⁸ And Audre Lorde notes “The oppression of women is impossible to analyze in isolation.”⁹ ‘Oppression’ is used “almost universally in feminist writing to designate the conditions and experience of subordination and injustice.”¹⁰ As such, the language of oppression is deeply embedded within the terminology of many feminists’ theories and analyses.

In contemporary liberal societies, however, the notion that people are oppressed is

⁶Simone de Beauvoir, “From the Second Sex,” *Feminist Theory: A Reader* (Toronto: Mayfield Publishing Company, 2000), 148.

⁷Ibid, 149.

⁸Weathers, Mary Ann. “An Argument for Black Women’s Liberation as a Revolutionary Force.” *Feminist Theory: A Reader* (Toronto: Mayfield Publishing Company 2000), 178.

⁹Audre Lorde (1981b) 97. Quoted in Cheris Kramarae and Paula Treichler, *A Feminist Dictionary*, (London: Pandora Press, 1985), 315.

¹⁰Cheris Kramarae and Paula Treichler, *A Feminist Dictionary*, (London: Pandora Press, 1985), 314.

often met with scorn. When I ask my university classes whether women or racial groups are oppressed, the response is often surprise that such a question is even appropriate in a country that has a Charter of Rights and Freedoms. One reason for this surprise is quite likely that oppression is a concept which most associate with extreme violence, often on the part of the government. The experiences of the Jews under the Nazi regime is thus a paradigm of oppression because of the way in which the government had such a central role in the programme of violence against the Jews. But such extreme violence is often absent in contemporary liberal societies. Describing Canada as an oppressive society seems misguided when one takes the Holocaust as one's litmus test of oppression. Indeed, this is the situation facing liberal theorists dealing with issues of social injustice. As they couch injustices in terms of inequality – using terms such as 'racism' and 'sexism' – liberal theorists do not consider the nature of oppression when confronting issues of social justice. Some feminists have also moved away from looking at the oppression of groups as a starting point for social justice, and instead attempt to establish individuals rights and freedoms as a central requirement for justice.

The goal of this thesis is to re-situate the concept of oppression within feminist theory and to bring it to bear upon liberal theory. I shall argue that oppression is a concept which is vital to the understanding of issues of social justice and that political theories must incorporate the concept within their theoretical structure in order to provide solutions to the problems of sexism, racism and other forms of oppression. Having a proper understanding of oppression thus becomes vital and I will examine the common definition of 'oppression' as well as feminist analyses of the term in order to unpack the

core features of oppression. I will then argue that including oppression as a central idea within liberal discourse will have an impact on our understandings of moral responsibility, moving from an individual approach to one centered on the recognition of group responsibility for oppression. And, finally, I shall provide an example of how the concept of oppression opens up new and vital questions in liberal debates by showing that some liberal approaches to free speech have ignored pornography's role in the oppression of women.

In Chapter 2, I examine the commonly understood elements of oppression, namely, that it is an exercise of power that is unjustly perpetrated by an oppressor. This is the definition of 'oppression' provided by the *Oxford English Dictionary*, and can be taken as the customary understanding of oppression outside of feminists' analysis. I argue that it is this conception which underwrites liberal approaches to dealing with social injustices. Unfortunately, this interpretation of oppression fails to adequately cover cases of oppression that occur in countries such as Canada and the United States. It is my contention that liberal theory is not properly equipped to deal with oppression that occurs in Canada and the United States unless it has within its theory a fully developed concept of oppression.

I do not argue that liberal theory should be rejected as a result of this oversight. On the contrary, liberal theory has at its heart a commitment to the two main values which are the antithesis of oppression: equality and freedom. Oppression consists of limitations on freedom and denial of equality. Liberal theory thus holds much promise as a theoretical approach to dealing with oppression. However, in order for liberal theorists

to adequately deal with oppression, they must incorporate an understanding of the effects and mechanisms of oppression. This requires paying attention to feminist critiques of liberal theory, particularly with regard to liberal accounts of autonomy, rights, and the impact of group membership on self identity. And, as I shall argue in later chapters, this means that responses to oppression may require policies which are not 'liberal' in the traditional sense, for example, affirmative action and censorship of certain kinds of speech. Traditional liberals reject such policies as going against both equality and freedom. Yet a more detailed account of oppression would reveal that such policies are not necessarily unjust and may indeed be in keeping with liberal commitments to equality and freedom.

In order to incorporate oppression into liberal theory it is necessary to answer the following question: what does 'oppression' mean? Despite the wide-ranging use of the term in political theory there has been startlingly little philosophical analysis of what the concept means. While feminists state that women are oppressed and give examples of women's experiences to support this claim, many do not stop to examine what it means to be oppressed. If one looks at the entries under 'oppression' in the *Feminist Dictionary*¹¹ and *The Glossary of Feminist Theory*,¹² it is interesting to note that the entries do not engage with discussion of what the term means beyond a very cursory definition. The emphasis of the entries is on how feminists have used the term to describe the conditions of women (and other social groups) rather than on explicitly

¹¹Ibid (1985).

¹²Sonya Andermahr, Terry Lovell, and Carol Wolkowitz (2000).

defining the term. More importantly, analysis of the concept itself does not take up a substantial amount of space and time in the literature examining women's oppression.

The task of defining oppression, however, has not been wholly ignored by feminists. Marilyn Frye's "Oppression"¹³ and Iris Marion Young's "The Five Faces of Oppression"¹⁴ provide two foundational accounts of what 'oppression' means. Frye argues that oppression is an institutionally mediated phenomenon, which is only visible when one examines entire societal structures and the impact those structures have on entire groups, rather than simply looking at individual instances of injustice.¹⁵ Young, on the other hand, takes oppression to be an 'umbrella' term, which captures many different kinds of experiences that groups have. She breaks down those experiences into five categories: violence, powerlessness, marginalization, exploitation, and cultural imperialism. Many feminists use these accounts as their starting point in understanding what 'oppression' means. And given the insights Frye and Young provide, it is unsurprising that such accounts are taken to be the starting point for an analysis of social justice based on oppression. Ann Cudd furthers the feminist analysis of oppression by providing what she understands to be a set of necessary and sufficient conditions that

¹³Marilyn Frye, *The Politics of Reality* (Freedom, CA: The Crossing Press, 1983), 1-16.

¹⁴Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990).

¹⁵Frye, 4-5.

define oppression¹⁶ as well as examining the rational basis of oppressive choices on the part of members of oppressed groups.¹⁷ Jean Harvey is another important voice in the discourse surrounding ‘oppression.’ In her book *Civilized Oppression*, she argues that a true commitment to justice requires attention to the way relationships become distorted in oppressive contexts, affecting the oppressed’s autonomy and moral status in the moral community.¹⁸

In Chapter 3, I use the work of Frye, Young, Cudd and Harvey as the starting point for my own analysis of oppression. I argue that oppression consists of significant harms based on group membership that are mediated through societal structures and institutions and that benefit other groups. The harms of oppression are widely varied, ranging from physical harm to psychological harm, and also include the moral harm members of oppressed groups experience as they are excluded from full membership in the moral community. Fundamentally, I understand the notion of oppression to be rooted in some sort of harm, that is morally unjust, is of pressing concern, and must be addressed through a variety of social means such as through laws, policies, and education.

The unjust harms that make up oppressive experiences are inflicted due to

¹⁶Ann Cudd, “Oppression by Choice” *Journal of Social Philosophy*, 25th Anniversary Special Issue, 1994, 22-44.

¹⁷Ann Cudd, “Strikes, Housework, and the Moral Obligation to Resist,” *Journal of Social Philosophy* 29, no. 1 (1998), 20-36.

¹⁸Jean Harvey, *Civilized Oppression* (New York: Rowman and Littlefield Publishers, Inc., 1999).

membership in groups. Without the existence of groups, oppression would not occur. There is disagreement about the nature of groups amongst feminists who rely on the concept of groups for their analysis such as Cudd and Young. I argue that for the purposes of understanding oppression, positing the existence of groups is necessary, since racism, sexism, and other forms of oppression, operate through the presumption of such categories. I will suggest that it is by looking to the historical development of groups based on socially salient characteristics that we can best identify oppressed groups. This approach avoids the sorts of problems encountered by Cudd and Young and more accurately picks out what is important about group membership in oppressive contexts.

The institutional and structural nature of oppression is another aspect of my analysis. Oppression does not merely operate through individual instances of harms such as violence and degradation. Rather, it is mediated through institutions, continued by the transmission of societal values, and embedded within the very social fabric of the lives of the oppressed. In countries such as Canada and the United States, the institutional nature of oppression is not always visible. While it was overt and clearly present in the past in various incarnations such as American Slavery, the treatment of the Aboriginal Peoples during and after settlement and the historical treatment of women, in more recent times the oppression of many groups cannot be as easily seen. As Marilyn Frye argues, this invisibility is the result of our tendency to make microscopic analyses in which we view incidents of oppression on an individual level and thus fail to see the systematic and group based nature of the limitations and harms some people face. Furthermore, many

institutional harms of the sort experienced today are much less dramatic than the overt oppressive harms of the past such as lynchings of Blacks in the South. When there is blatant discrimination, people often do object to the treatment they see. When the discrimination is not obvious, the moral response that is appropriate is often lacking.

While institutions systematically limit and harm the oppressed, they also benefit those in privileged groups. Part of the nature of oppression involves the privileging of one group over another. But it must not be thought that if one group benefits, the other does not, for the latter group may benefit from the oppression of another group. The intersecting nature of group memberships means that one may occupy a position of privilege and one of oppression at the same time via different group memberships, for example black men experience oppression based on their race, but are privileged in certain respects by virtue of their gender. Understanding oppression requires an understanding of the ways in which systems of oppression affect the lives of both the oppressed and the privileged.

These elements are present to varying degrees in the analyses of Frye, Cudd, Harvey and Young. What makes my analysis different is that I understand all of these elements of oppression as requiring an additional aspect, namely a historical context. Each element of my analysis must be viewed in the context of historical processes. Institutions, cultures and values are developed over time, and only attention to the history of groups in a society will reveal the full extent of oppression that exists in the present. More importantly, the historical context also provides an important part of the explanation of why the harm of oppression is so significant. The harms which those who

are oppressed experience in the present are compounded and amplified by what I call the 'weight of history'. When racial groups, women, gays and lesbians and other oppressed groups experiences oppressive limitations this occurs with the knowledge of what has gone before. When one uses the term 'oppression' to describe the experiences of groups, one is picking out a special sort of harm which can only be understood against the historical backdrop of that society.

In Chapter 4, I identify a possible danger to the use of the concept of oppression, namely its misuse by certain theorists to describe the experiences of groups which are not oppressed. In recent years, certain theorists have attempted to argue that groups are oppressed by policies that are intended to alleviate the oppression of genuinely oppressed groups. Warren Farrell argues, for example, that men are oppressed by affirmative action policies and other social institutions, and at the same time he argues that feminists are wrong to describe women as oppressed. The appropriation of the concept of oppression also occurs in literature put forth by groups such as the Ku Kux Klan in the United States and the Canadian Heritage Alliance in Canada. The arguments of such groups rest upon an inappropriate interpretation of oppression, one which closely mirrors the Oxford English Dictionary definition and is commonly employed. An important tool to use against such arguments is to demonstrate how they rest on misguided assumptions about the nature of oppression.

In Chapter 4, I also examine objections to the concept of oppression that occur in the writings of some feminists, namely 'individualist' feminists and 'power' feminists. The resistance of these feminists towards using the concept of oppression is rooted in

their commitment to libertarian theory. What such feminists lack is a comprehensive understanding of oppression. I criticize Naomi Wolf -- the figurehead of the power feminist movement-- and Wendy McElroy -- a leader within the individualist feminist approach -- for their lack of a well developed conception of oppression. This absence leads them to policies and suggestions that ignore the oppressive experiences of women, in particular women who belong to other oppressed groups. Both mischaracterize feminists who begin their analysis with oppression and they both claim that focussing on oppression leads to a victim mentality which cannot but hurt those who experience injustice. I reject such arguments and argue that re-situating oppression within political discourse enables the oppressed to reclaim the notion of victimization without the denigrating implications that individualist and power feminists ascribe to it.

In the remaining chapters I shall deal with the implications of the conceptual analysis for moral theory and practical political debates. In Chapter 5, I examine the implications of oppression for moral responsibility. I argue that oppression affects the moral autonomy of the oppressed and privileged within oppressive contexts, and thus the moral responsibility of those involved in oppression must be tempered by an understanding of how moral autonomy can be fragmented under conditions of oppression. I also argue that an emphasis on individual responsibility which permeates liberal political discourse masks the way in which moral responsibility for oppression must be seen as institutional. Whether one attends to individuals or groups when discussing moral responsibility will have profound implications for how societies attempt to deal with oppression. I argue that it is only by examining the group-privilege of

oppression that we can properly assign moral responsibility for oppression.

In the final chapter, I bring my analysis of oppression and its implications for moral responsibility to bear on a current and long standing debate in liberal theory: the legitimate limits of free speech with regards to hate speech and pornography. This debate highlights the relevance of an oppression-based analysis for liberal theory, since much of the liberal debate surrounding free speech ignores the relevance of the group-based harms of pornography and hate speech, the covert harms which such types of speech cause, and the societal responsibility which lies upon the privileged to address the wrongs committed by such speech. I will argue that a comprehensive understanding of oppression will bring new questions that must be addressed and will offer a wide range of policies that are possible methods to address oppression. My analysis of oppression demonstrates that the harms of certain kinds of expression cannot be separated from other kinds of harms which have historically been, and still are, inflicted upon some social groups. I argue that liberal theory, with its commitment to freedom and equality, often gives primacy to freedom for some in ways which sacrifice equality for others when it comes to the issue of free speech. Incorporating oppression into liberal discourse will be a step toward a more equal balance between these two values.

Ultimately, I offer an analysis of oppression which captures the ways in which those within Canadian and American societies experience oppression and suffer harms as a result of it. This analysis draws heavily on other feminist analyses, and has implications for liberal theory. While I do not reject liberal theory, I suggest that for liberalism to deal adequately with social justice issues, liberals must acknowledge the

nature of oppression and deal with it appropriately. My analysis will not result in a simple way to resolve social injustices. Oppression is a set of complex phenomena which cannot be fixed through simple solutions. The competing demands of social groups that are oppressed, combined with the deeply held liberal commitment to freedom which at times sacrifices equality, and the distracting claims of theorists who wrongly use the concept of oppression, make finding solutions to oppression arduous. Indeed, when oppression is not clearly understood, the solutions to oppression which are put forward may simply reinforce oppressive experiences. I will argue that when one begins with a comprehensive account of what oppression means and its implications, then policies aimed at combatting oppression will be less likely to permit the continuation of oppression, and will be more likely to provide solutions that will be successful at rectifying social injustices.

Chapter 2: Oppression and Liberal Theory

As a social injustice, oppression describes a wrong which goes beyond the individually isolated injustices which may face citizens of a society. Getting mugged on the street is a violation of one's security and person. To be mugged is to have one's belongings unjustly taken away and one's physical safety threatened. But being oppressed does not just consist of violence and mistreatment. Being oppressed implies having a status that denies one's full dignity. Fundamentally, on both feminist and common understandings of oppression, to suffer oppression is to be treated as someone who is inferior to and less worthy than others in society.

The goal of this chapter is to lay out some commonly held assumptions about oppression as a preliminary step in analysing the concept. I will show that the general view of oppression is one which, while picking out important social injustices, fails to account for instances of oppression in contemporary western societies. I will begin with the *Oxford English Dictionary* (OED) definition of 'oppression' as exemplifying the common view of oppression, for it highlights the elements generally taken as comprising oppression. I will first argue that the definition provided by the OED is insufficient for understanding oppression as the basis for political arguments. This is particularly so in the context of societies committed to the tenets of liberalism, such as Canada and the United States.¹⁹

¹⁹In some societies the definition of 'oppression' given by the OED accurately describes the situation of oppressed groups. However, the context of my analysis is within current, largely liberal societies such as Canada, where oppression understood in the strong and highly visible sense provided by the OED is not as prevalent.

After giving objections to the OED definition, I will move to examine how liberal theory often understands oppression as defined by the OED. I take liberalism as the framework for my discussion insofar as the analysis I will undertake is aimed at oppression found in societies which generally subscribe to liberal principles of autonomy and equality. I will argue that liberalism must have at its core a well-developed conception of oppression, one which goes beyond the simple and straightforward analysis provided by the OED. Without such a conception, injustices will be missed and appropriate social responses will not be forthcoming within the bounds of liberal theory.

1. The Foundations of Oppression

The definition of oppression given by the OED is as follows: “the exercise of authority or power in a burdensome, harsh, or wrongful manner, unjust or cruel treatment of subjects, inferiors.”²⁰ I take this definition as my starting point because it shows the common elements in three epitomes of oppression: sexism, racism, and classism. The definition emphasizes (a) the role of power in oppression, (b) the intrinsically normative nature of the concept, (c) the notion that the enactment of oppression is an action on the part of the ‘oppressor,’ i.e., involves some sort of exercise of power on the part of the authority, and d) that ‘oppression’ is a relational term involving both oppressors and oppressed. These elements are central to understanding the nature and injustice of sexism, racism and classism. But a simplistic understanding of them obscures as much as it reveals about the nature of oppression.

²⁰*Oxford English Dictionary* (Oxford : Clarendon Press, 1989).

1.1 Power and Oppression

If one understands oppression to be an exercise of power, then it is quite clear how sexism, racism and classism are forms of oppression. This power can come in the form of social control of the economy and property, violence, and legal power. For example, historically, it has been men who have dominated women in most societies.²¹ Women were denied property rights and were in fact treated as property. They were forced to marry and bear children. They were denied privileges such as the right to vote. Rape within marriage was not recognized by law as a criminal offense until well into the 20th century. Employment for women was limited and poorly paid. Even now women struggle to enter certain traditionally male dominated areas, such as politics and the military, and many women find themselves unable to break through the 'glass ceiling' in the business sector.²² Certain jobs largely remain the responsibility of women, such as day-care workers, nurses, secretaries, and social workers. Those who are able to make legislative decisions regarding the lives of Canadian citizens are still largely men.²³

²¹Of course, it must be noted that historically some women have held power over some men through their positioning in privileged groups. For example, during slavery, white women held more power and authority than black men. Despite this privilege however, white women were still dominated by white men. To claim that all men have dominated all women would be mistaken, for such a claim ignores the intersections between race and gender-based oppressions.

²²This is not to be equated with the claim that women do not become CEOs of large companies or that women are not successful business people. Rather, it is to note that typically women must work harder for such positions, encounter more resistance within the work environment than their male counterparts, and ultimately are far fewer in number than men at the top of business power structures.

²³Of the 39 cabinet ministers of the 2004 Canadian federal government, 11 are women.

When it comes to racism, Whites have dominated in Canada and the US since colonization. The exercise of power over Aboriginal People in Canada occurred through numerous means.²⁴ Many colonizers waged war against Aboriginals with genocide in mind, and in the case of the Beothuk in Newfoundland they succeeded. The colonizers introduced new diseases, often deliberately, which succeeded where direct warfare failed. The mortality rate as a result of smallpox and influenza reached as high as 60% in some Aboriginal populations.²⁵ The negotiations of treaties in bad faith enabled the colonizers to establish themselves in positions of power, controlling the lives of the Aboriginal People.²⁶ Aboriginal traditions, such as the potlatch and sun-dance ceremonies, were banned.²⁷ The establishment of control did not simply occur through the laws and

²⁴I shall be using the term Aboriginal or Aboriginal People to refer to those groups in Canada (and the United States) who are understood to be the indigenous people of those countries. While there are other terms that have been used ('Indian,' 'Native,' and 'First Nations') they are not appropriate for my discussion. 'Indian' has been used by non-Aboriginals in a derogatory way, 'Native' is no longer the contemporary term used by many, and 'First Nations' tends to refer exclusively to those Aboriginals who live on, or are connected in some way to reservations.

²⁵S. Johnston, "Epidemics: The Forgotten Factor in Seventeenth Century Native Warfare in the St. Lawrence Region," *Native People, Native Land: Canadian Indians, Inuit and Metis*, ed. Bruce Cox (Ottawa, Carleton University Press, 1987) 21.

²⁶Governments would make agreements with the Aboriginal communities, only to break them soon after. See Fred Plain, "A Treatise on the Rights of the Aboriginal Peoples of the Continent of North America," *Contemporary Moral Issues*, ed. Wesley Cragg and Christine Koggel (Toronto: McGraw-Hill Ryerson Limited, 1997); See also Erasmus, George and Joe Sanders. "Canadian History: An Aboriginal Perspective," *Contemporary Moral Issues*, ed. Wesley Cragg and Christine Koggel, (Toronto: McGraw-Hill Ryerson Limited, 1997).

²⁷Arthur Ray, *I Have Lived Here Since the World Began: An Illustrated History of Canada's Native People* (Toronto: Key Porter Books, 1996).

economic dealings with Aboriginal People but was also manifested in the physical relocation of Aboriginals onto reserves. Forcible education in residential schools compounded the power of the colonizers over Aboriginal People.²⁸ Even now, many Aboriginals experience powerlessness in the face of government control over much of their lives on reserves. The history of colonization, domination and abuse has continued to have effects on Aboriginal People.

In the United States, there was a similar colonization of the Aboriginal Peoples, and in addition, the institution of slavery was a distinct form of absolute power over Blacks. And while the sense of colonization experienced by the Aboriginals was absent in the case of slavery as Blacks were not indigenous to the United States, there was certainly an experience of physical relocation as Blacks were forcibly removed from their native lands and brought to the United States.²⁹ The complete control over a group of people through law saw the power located solely in the hands of Whites. Even though the institution of slavery has fallen, the remains of the power imbalances still stand. The segregation of Blacks, for example, marks the way in which the formal power of Whites still held sway over Blacks well into the middle of the 20th century. In many states, Blacks were unable to attend the same schools, eat at the same establishments or use the same washroom facilities as Whites. While described by some Whites to be a case of

²⁸For an analysis of how the educational system put in place for Aboriginals was part of the assimilation and colonialization process, see Ray, 238-243 and Chapter five of Patricia Monture-Angus' *Thunder in My Soul: A Mohawk Woman Speaks* (Halifax: Fernwood Publishing, 1995).

²⁹See Edgar McManus, *Black Bondage in the North* (Syracuse: Syracuse University Press, 1973).

‘separate but equal’ treatment, Blacks interpreted the segregated treatment as a sign of perceived inferiority and had ample evidence that their facilities were far from ‘equal’. While legally the power of Whites is no longer explicitly dominant, the racism that pervaded the culture of the United States is still prevalent and affects institutions such as legal and educational systems.³⁰

The power of the rich over the poor is evident in the ways in which economic wealth enables one to access power. In feudal Europe, the landowners were the ones with both social and political power. Those who worked the land had no material wealth (either money or land) and lacked any political power. As Marx and Engels point out, even with the overthrow of such economic systems, the resultant systems are still oppressive for those with less income.³¹ Those who own businesses have power over workers and often dictate the hours, amount of pay, and the conditions of the work. The more wealth one has, the more power one has politically, economically, socially and legally. To be poor is to lack the ability to exercise power within social institutions. The homeless, and those living beneath the poverty line, live their lives largely at the discretion of others. To receive welfare means to live according to the dictates of those who dispense the resources. The homeless are often subjected to the power of police enforcement, which dictates where and for how long it is acceptable to ‘loiter.’ Even the middle class are subjected to government decisions which are often driven by an agenda

³⁰For an analysis of how current laws still embody racist values in the United States see Roberto M Unger, *The Critical Legal Studies Movement* (Cambridge: Harvard University Press, 1986).

³¹Marx and Engels, 1.

set by big businesses.

In sexism, racism and classism,³² the power relations that exist are part of what constitute oppressive experiences. On the common understanding of oppression, power imbalances are often manifested through the exercise of power over others. In significant ways, the 'oppressors' dictate the life of the 'oppressed' and control the oppressed's activities as well as economic and political rights. The power relation between the oppressed and the oppressors is what Thomas Wartenberg describes as a 'dyadic' notion of power. On the dyadic account of power, there is a relationship of two 'poles' where one pole is empowered, and the other is dis-empowered.³³

Responsibility for the power relation is placed squarely on those involved within the dyad. Power is thus a matter of interaction – how the two within the dyad relate in isolation. On this model, power thus consists in the ways in which people relate to one another. Talking about 'having' power in the way one 'has' a house or 'has' a hundred dollars is thus an inaccurate account of the nature of power.³⁴ Power is not something one *has*, it is something which is, or can be, exercised in the relations one has with others. To

³²I understand 'classism' as the unjust treatment of people as a result of their lower economic status.

³³It is important to note that Wartenberg's account of power is aimed specifically at analyzing individual accounts of power, not power relations between groups. While understanding individual power relations is important for my analysis of oppression, understanding the nature of group power relations is likewise vital. Wartenberg's analysis does not rely on any inherent importance of the individual, however, and thus can be applied to discussion of group power relations as well.

³⁴ Thomas. Wartenberg, "The Situated Conception of Social Power," *Social Theory and Practice*, Fall 1988, 315.

have power is thus to say one has the capacity to exercise it within one's relationships.

While Wartenberg agrees that power is a matter of relations, he rejects the dyadic notion of power, and develops a 'situated' conception of power. On this model, people are empowered only insofar as their actions are supported and reinforced by the actions of other agents, who form the backdrop or 'ground' against which the dyad relation of empowered and dis-empowered plays out.³⁵ That is, the institutional context in which the relation is placed is part of what makes up the power relation. Groups have power when institutions support their actions and groups lack power when the members of that group are thwarted in their actions.

Wartenberg uses the example of a teacher/student relationship to demonstrate how power relations are constructed by their situated nature. When a teacher grades a student, she does not command power simply by virtue of the fact that she assigns the grade.

Wartenberg argues:

the power that a teacher has as a result of grading her students is not simply interventional, that is, something that occurs as a result of actions which a teacher performs; a teacher's power over her students is structural, that is, a feature of the structure of their relationship which is constituted by the fact that the teacher evaluates the performance of her students by means of a grade.³⁶

The power a teacher wields is embedded within a structure, and this structure involves parental reactions to student failure, universities' rejections of applications and other social responses. The relationship between teacher and student involves power because

³⁵Ibid ,318-319.

³⁶Ibid, 322.

how the teacher acts towards the student will positively or negatively impact on the student's welfare through the interventions of others such as parents and registrars' offices. As Wartenberg argues, "the actions of other social agents constitutes a broad social field that both structures and conveys power between two agents who form the central dyad in a situated power relationship."³⁷

The teacher student example is individualistic in nature, but it is analogous to the relations of groups in oppressive circumstances. The institutional structures supporting one group are what enable that group to wield power over another group. It is because of societal reinforcement, both in the form of social attitudes and legal structures, that practices such as slavery in the South empowered Whites while dis-empowering blacks. Wartenberg is correct to emphasize the situated notion of power as it makes explicit the role social institutions play in empowering certain people while dis-empowering others.

However, there is another aspect of power relations which is vital for an analysis of oppression. Power is not a two person zero-sum game, where, if one person or group has it, the other has none. Wartenberg is still concerned with the positing of empowered and un-empowered agents, simply expanding the analysis to recognize the role of other agents in forming the power relation. But this conception of power does not address how the oppressed may stand in different social relations with others. Even those who are oppressed may be empowered in relation to other oppressed groups. For example, White women living in the South during slavery may have been oppressed by White men, but they were able to exercise power over those who were slaves, including black men.

³⁷Ibid, 324.

Where wealth constitutes a form of power, rich White women have some power over poor White men. Black men, who are oppressed by Whites, wield power over Black women. Oppression is not simply the exercise of authority by one person who has power, over another who has none. While the OED definition does not say that the oppressed lack power, the use of the term ‘subject’ or ‘inferior’ implies such a vision of the oppressed. Indeed, as I shall argue in Chapter 4, some feminists have resisted describing women as oppressed because it implies women are victims and lack power. But having power does not mean that one is not oppressed, and similarly, not having power does not entail that one is automatically oppressed. Power relations in oppressive contexts are complex, and as such, an analysis of oppression must take that into consideration. In Chapter 3, I will argue that examining the privilege and benefits accorded to oppressors requires attention to the complexity of these relationships.

1.2 Oppression as Injustice

The infliction of harm is a necessary condition for oppression. If one eliminates harm but still continues to use the term ‘oppression’ to describe the situation, then one simply is not using the term appropriately. But a further requirement of the harm criterion is that the harm must be unjust. The OED definition of oppression is correct when it includes the notion of injustice. For a claim of oppression to be made, it is not enough that someone suffers. People experience harm as the result of illness, often through no fault of anyone. People are harmed as a result of the weather, be it hurricanes, tornados, earthquakes, or other natural disasters. It would be a mistake to call this harm ‘oppression.’ Furthermore, people do suffer as a result of human activity in ways

that are not properly described as oppressive. Children are upset when they are denied opportunities to do what they want; adults are upset when their relationships do not turn out the way they like. Suffering is a broad term that encompasses much misery. The temptation to call all misery 'oppression' must be resisted. As Marilyn Frye puts it: "Human beings can be miserable without being oppressed."³⁸ Oppression is explicitly about unjust damage, rooted in the actions and lack of action by people, and through the limitations of societal institutions.³⁹ Oppression is analytically a normative concept, insofar as part of its definition must include the wrongful nature of the state of affairs. When one says 'oppression is unjust,' one is making an analytic statement rather than a claim which adds to our knowledge about the state of affairs being described.⁴⁰

³⁸Frye, 2.

³⁹One implication of this is that people can be oppressed through natural events when human action or inaction causes or fails to prevent the harm. For example, it might be reasonable to talk about the hurricane that hit New Orleans in 2005 as part of the oppressive experiences of the poor in that region, particularly given the ways in which city, state and federal officials failed to respond to the poverty in the region before the hurricane, and failed to respond adequately to the warnings of the hurricane and to the aftermath of the disaster. Another example might be the actions of companies in Third World countries, where deforestation and water contamination affect the lives of people in those areas. The natural disasters which occur as a result can reasonably be described as oppressive.

⁴⁰One account of oppression which denies this is Alex Zieba's in her article, "The Rhetoric of Oppression," *Journal of Social Philosophy*, Spring 1996, 140-55. Zieba argues that to say "X is oppressed by Y" is merely to talk about the kind of relationship that exists between the two groups. On her account, oppressive relationships occur when there is a relationship between the two individuals such that one of the individuals regulates and frustrates the desires of the other. She argues that people conflate claims of oppression with claims of injustice, which ultimately allows people to argue that they suffer an injustice without having to show that the power imbalance is indeed wrong. The problem with this argument is that her description of oppression as a power imbalance runs the risk of mis-characterizing relationships. The relationship between

Sexism, racism, and classism are understood as unjust with regard to women, members of minority racial groups, and the lower economic classes. The denial of equal rights to individuals in such groups is seen by most as morally wrong. To treat people equally is just, and sexism, racism and classism are opposites of that.⁴¹ For the most part, people accept racism, classism and sexism as unjust – although they may disagree about what such injustices consist of– and this is part of why they are considered to constitute forms of oppression.⁴²

1.3 Oppression and Individuals.

The third aspect of the OED definition is the notion that oppression is perpetrated by actions of individual oppressors. A significant difficulty with the OED definition is the way in which ‘exercise of authority’ can be , and often is, taken to refer solely to the actions of an agent who is involved in oppressive activities. For it is individuals who

parents and children may have a power imbalance, but this does not mean that the relationship is oppressive. Rather than requiring that people defend the claim that the oppression they face is wrong, I want to move the argument back one step. One does not have to justify the claim that the oppression is wrong on my account, rather one has to justify the claim that one is oppressed.

⁴¹One important question still remains of course: what does ‘equal’ mean? For some theorists, simply giving everyone the same right is enough (formal equality) while others demand the recognition of special rights in order to offset social inequalities resulting from either the natural lottery or societal discrimination (substantive equality). Ultimately, I think, an oppression-based analysis supports the latter, but this need not be defended at this juncture. Whatever people may think of the proper way to address sexism and racism, the fact of the matter is that when one takes equality as a moral value to be upheld, sexism and racism must be understood as fundamentally unjust.

⁴²Of course there are those who are not inclined to accept that racism, sexism, or classism are unjust, but I take it that they constitute a minority, and that their arguments do not succeed.

make decisions that affect others, exploit others and inflict violence on oppressed groups. Paulo Freire, for example, argues that “Any situation in which ‘A’ objectively exploits ‘B’ or hinders his and her pursuit of self-affirmation as a responsible person is one of oppression.”⁴³ Here, Freire does not allude to the deliberate nature of the exploitation, but elsewhere, he is clear that oppressors *choose* actions which oppress and openly recognize their dehumanizing attitudes towards the oppressed. “For the oppressors, ‘human beings’ refers only to themselves; other people are ‘things.’”⁴⁴ There is often a level of self-awareness for the oppressor on Freire’s account, and this analysis places oppression within individual relationships and in individual situations. The implications of the OED’s definition and Freire’s account – that oppression arises only from deliberate acts of individual oppressors – masks the true nature of oppression as both a group and institutional phenomenon.

Likewise, some feminists have argued that the oppression of women has been the deliberate choice of men. That is, that there is a conscious move on the part of men to dominate women.⁴⁵ Certainly, one would be hard pressed to argue that the relocation and enslavement of Blacks was not a deliberate act on the part of Whites, nor that the subjugation of the Aboriginal Peoples was not an intentional choice on the part of

⁴³Paulo Friere, *Pedagogy of the Oppressed*, trans. Myra Bergman Ramos (London: Continuum International Publishing Group, 2000), 55.

⁴⁴Ibid, 55.

⁴⁵ M.E. Hawkesworth, *Beyond Oppression: Feminists Theory and Political Strategy* (New York: Continuum, 1990) Chapter 3.

non-Aboriginal settlers and their descendants to eliminate Aboriginal culture.⁴⁶ Action against those who are homeless can also be understood in this light, as governments empower police forces to uproot and arrest those living in abandoned buildings and property lots.⁴⁷

However, many feminists have argued that oppression involves much more than the exercise of power over ‘inferiors,’ as the OED suggests. One insight feminists have provided is that oppressive actions may arise from the oppressed themselves. Women have been constrained through socialization, taught to believe that they are not capable of doing certain jobs and taking on certain roles. Women are also constrained through social institutions that are structured to devalue women’s work and abilities. What is important to note about the social conditioning of women and the structures of social institutions is that they require the involvement of women themselves. That is, women teach other women the social attitudes that were taught to them. Women participate in social institutions and help structure them around sexist values. The oppression of women is not solely the result of individual acts of men who deliberately want to oppress women, but also involves the acquiescence of women in the process. Thus, oppression does not arise merely from individual actions, but also arises from institutions and social systems. Blacks, Aboriginal Peoples and other racial minorities experience oppression through the

⁴⁶Residential schools were explicitly aimed at the elimination of Native culture through the eradication of Native children’s knowledge of their language, history and family.

⁴⁷This has happened in cities such as Toronto, Vancouver and Halifax, where the homeless who had made shelters for themselves in some fashion or another on unused property were evicted from those spaces and in some instances arrested as trespassers.

formation of education systems which ignore their history, and require them to learn sanitized versions of what has happened to their people. The poor are left out of policy decision-making which affects them. Their needs are ignored, even as politicians claim that their interests are being furthered by welfare systems that are ostensibly put into place to help. Such systems, however, often end up continuing the oppressive experiences of the poor.⁴⁸ The role of institutions such as governments, legal codes, and educational systems in oppression requires that oppression not be seen as merely the result of individual exercises of power. To do so mistakenly attributes the harms of oppression to particular actions alone, whether they be on the part of the ‘oppressor’ or ‘oppressed.’

One could respond and say that such institutions are formed by the collective activities of agents within the society. Such a reduction would reinforce the OED definition. However, in making such a move, elements of oppressive experiences will be lost. In Chapter 3, I will argue that the mere presence of institutional structures, rules, and values can be part of how groups are oppressed, even when there is no explicit action. Understanding oppression solely in terms of direct actions will overlook integral aspects of oppressive experience.

We must acknowledge the ways in which responsibility for and explanations of the mechanisms of oppression are not attributable exclusively to individuals and their choices. Responsibility is ascribable to groups and the mechanisms of oppression include the societal institutions within which people act. The OED definition of ‘oppression’ lends itself to an analysis of oppression which emphasizes the role of actions and

⁴⁸Young *Justice* 54.

overlooks the oppressive effects of the sheer existence of oppressive institutions and values. In order to understand the claims of social justice put forward by oppressed groups, the nature of oppression must be understood more holistically. Traditional liberal theory has dealt with oppression as understood in the OED sense of the term. This has meant that much of liberal theory has overlooked significant aspects of oppression.

2. Liberal Theory

Liberal theory holds much promise in setting out foundational principles to deal with injustices. At the heart of liberalism lies a commitment to promoting and protecting individual autonomy, coupled with a recognition of equality as a fundamental value. Oppression consists of the denial of both for the oppressed. Liberal theory thus seems a logical place to start as a means of addressing the injustice of oppression. Indeed, as Gerald Doopelt writes: "...the liberal creed claims to possess all of the moral, epistemological, and political resources required to expose and eliminate inter-group domination, intolerance, and injustice."⁴⁹

I think there is good reason to think that liberalism is indeed useful for solving many issues of injustice. However, it is only when liberalism's values are coupled with a comprehensive account of oppression that many social injustices will become apparent. In this section I will examine how liberalism can form the political backdrop against which issues of social justice can be settled, with the qualification that such a theoretical approach will only suffice when oppression is fully comprehended and taken into account.

⁴⁹Gerald Doopelt, "Is There a Multicultural Liberalism?" *Inquiry* 41 1998, 223.

Liberalism is a political theory, and as such it involves looking at how social relations within a state should proceed and what role the government ought to have within society. But individual liberals differ in their conception of the role of government and its interference in societal arrangements. This makes it impossible to address liberalism as a whole, as there are many variants and different liberals hold different accounts of liberal values. Andrew Kernohan notes that

liberalism is not a unified doctrine; its proponents range from Scandinavian social democrats to American libertarian capitalists. All varieties of liberalism, however, share a commitment to both the equal moral worth of persons and to the tolerance of diverse points of view on how lives should be lived.⁵⁰

Thus, despite the wide varieties of liberalism, the two core values of the theory remain the same, namely a) the commitment to individual autonomy and b) the equal worth of individuals. As central commitments, they provide a solid basis for rejecting oppressive activities and institutions. Oppression hinders personal autonomy and implies the unequal value of individuals. So as a societal injustice, oppression is something that liberals must take seriously. Yet the commitments of liberalism do not always proceed with an adequate account of what oppression involves.

First, the conception of autonomy provided by liberals is rooted heavily in traditional individualism. The general understanding of oppression as an individual based occurrence is thus a natural extension of liberal theory. As a result, liberals often ignore two things. They miss the role of group membership in personal identity, which I

⁵⁰Andrew Kernohan, *Liberalism, Equality, and Cultural Oppression* (Cambridge: Cambridge University Press, 1998) 1.

will argue is foundational for understanding oppression. They also overlook the ways in which oppression is not the result of discrete individual choices, but is often a matter of societal structures.

Second, liberal theory emphasizes rights as a means of ensuring social justice. This emphasis often leads liberal theorists to overlook the fact that oppression need not entail the infringement of a personal right as conventionally understood. Liberalism's attention to rights generally coincides with the OED definition of oppression as situated in formal denials of rights to individuals and as an exercise of power by those in authority. However, oppression can be institutionally based and not the result of a denial of equal rights in a formal sense.

And finally, many liberals understand the principles of equality and autonomy to imply a commitment to tolerance. When oppression is understood to be an improper exercise of authority over others, this means that freedom is paramount. But a commitment to tolerance may lead to the toleration of oppression when personal autonomy is understood to be separate from cultural influence.

I shall take issue with each of the three points in the following sections, ultimately arguing that – despite these problems – liberalism's core commitments are of value, and need to be understood within a context which includes a comprehensive account of oppression.

Part of the answer to the problematic presumptions posed above is to distinguish between two kinds of liberalism, which I shall call 'traditional' and 'multicultural' forms of liberalism. Traditional liberalism includes the work of thinkers such as John Rawls,

while multicultural liberalism is set out by scholars such as Will Kymlicka and Andrew Kernohan. I will argue that traditional liberalism is founded upon considerations which prevent successful understanding of and societal responses to oppression. Multicultural liberalism has a better account of autonomy's connection with group membership. A multicultural liberal approach is thus more inclined to have a framework within which a fuller understanding of oppression is possible. Consequently, oppression is more likely to be addressed within such an approach.

2.1 Autonomy, Culture and Oppression

Liberals have often been accused by feminists of holding on to an antiquated sense of self, namely the notion of the self as atomistic and 'unencumbered.' Wendy Donner nicely sums up this position when she writes:

According to this line of criticism, liberalism takes people to be competitive, egoistic, atomistic, anomic, alienated, and separate from their fellows and their social environment...According to this picture, people have to work at recognizing others' interests, in contrast with other political traditions in which people belong naturally to deep social networks.⁵¹

Traditional liberals take the individual to be the basic unit of society and are focussed on obtaining freedom and equality for individuals as citizens of states. Little attention is paid to the ways in which culture shapes individuals or the ways in which individual autonomy is constrained by the web of relationships in which people find themselves.

I take John Rawls to be an example of traditional liberalism's commitment to the

⁵¹Wendy Donner, *The Liberal Self: John Stuart Mill's Moral and Political Philosophy* (Ithaca, N.Y. : Cornell University Press, 1991), 14.

atomistic conception of the self. In his book *A Theory of Justice*, which outlines his theory of the just state, Rawls is concerned with the fair distribution of goods across individuals, not across groups. Sometimes Rawls does talk about households. For example in his discussion of the original position he refers to the parties involved as 'heads' of households.⁵² But this does little to hide the individualistic nature of Rawls' approach.

In the 'original position,' i.e., the position from which the fundamental principles of a just society are derived, the individuals are explicitly devoid of group affiliation. On Rawls' account, in order to make the rational choices required for the derivation of fundamentally just principles, one must disassociate oneself from one's cultural and group attachments. He writes the following about the original position:

It is assumed, then, that the parties do not know certain kinds of particular facts. First of all, no one knows his place in society, his class position or social status; nor does he know his fortune in the distribution of natural assets and abilities, his intelligence and strength and the like. Nor, again, does anyone know his conception of the good, the particulars of his rational plan of life, or even the special features of his psychology such as his aversion to risk or liability to optimism or pessimism...they do not know [society's] economic or political situation, or the level of civilization and culture it has been able to achieve. The persons in the original position have no information as to what generation they belong.⁵³

In other words, one knows neither the characteristics one has nor the group affiliations which make up one's cultural attachments. Note that Rawls is referring to the choices of

⁵²John Rawls, *A Theory of Justice* (Oxford: Clarendon Press, 1972), 128.

⁵³*Ibid*, 137.

individuals. Even if those individuals are representative of households, the emphasis is on individuals. Furthermore, Rawls conceives of individuals as “not taking an interest in one another’s interests,”⁵⁴ thus reinforcing the notion of the atomistic, unattached individuals. On his account, justice as fairness requires understanding individuals as mutually disinterested. Rawls is not interested in justice for groups, for the proper subject of justice is the individual as the bearer of rights.

Feminists have been quick to point out that such conceptions are at odds with the ways in which people actually do understand themselves in relation to communities, particularly those in oppressed groups.⁵⁵ Justice requires attending not only to individual relations but relations of groups as well. We are embedded within relations as a result of our group memberships and these can have both positive and negative influences in our lives and on the choices that we make. The relations we are in affect the development of our goals and the desires on which our choices are based.

It must be noted that Rawls does acknowledge the role of others in the formation of our values and our conception of the good. In “Justice as Fairness” he argues that we have loyalties to other people and groups that are relevant to the conception of our good life. “These attachments and loyalties give rise to affections and devotions, and therefore the flourishing of the persons and associations who are the objects of these sentiments is

⁵⁴Ibid, 13.

⁵⁵Susan Okin, *Justice, Gender and the Family* (New York: Basic Books, 1989), Chapter 5.

also part of our conception of the good.”⁵⁶ But this acknowledgement is followed by the qualification that such considerations are a personal matter, not a political one. Our attachments only serve to inform our conception of the good and do not have an impact on how justice ought to be understood.

It seems, however, that when it comes to societies which involve oppression, justice requires attending to the ways in which groups, as groups and not just collections of individuals, fare on the set-up of various societal institutions. And multicultural liberal theorists such as Will Kymlicka seem to agree with this sentiment.⁵⁷ The basic claim of Kymlicka in his book *Multicultural Citizenship* is that minority rights must be respected on the basis of respect for the autonomy of the individual, given that one's self-identify, goals and values are bound up with one's community.⁵⁸ This moves the personal attachments and affiliations noted by Rawls from the realm of the strictly personal to also include the realm of the political.

⁵⁶John Rawls, “Justice as Fairness: Political not Metaphysical.” *Philosophy of Public Affairs* vol. 4, no. 3, 1985. 233-234.

⁵⁷It must be noted that Kymlicka argues that the feminist critiques of the liberal self – as atomistic and unencumbered – are highly overdrawn and that such criticisms misconstrue the nature of the self which is really at the heart of a viable liberal theory. While liberals are individualists, he argues, this does not mean that they ignore or deny the role of community, group membership and relationships in the formation of our values, desires and ends. This response, however, seems to miss Rawls’ point that such affiliations are personal, not political, in nature. Ultimately, Kymlicka is correct that liberalism can accommodate a nuanced account of self, but this is lacking in Rawls’ account of justice. See Will Kymlicka, “Liberal Individualism and Liberal Neutrality” *Ethics* 99. July 1989: 883-905.

⁵⁸Will Kymlicka, *Multicultural Citizenship* (Oxford: Clarendon Press, 1995), especially Chapter 5.

Kymlicka lays out a liberal defence of minority rights, effectively demonstrating how such rights can be justified within a liberal framework. His theory of liberalism retains an individualistic approach, yet does so with an understanding of the role of culture and group identity. He wants to incorporate notions of group rights and cultural membership within a theory that has traditionally seen such things as antithetical to the core of liberalism, namely, individual autonomy. Personal freedom is at the core of liberal theory, and it is easy to see why this takes such a priority. People need the space to choose their life plans, think critically about their goals and values. This requires having the freedom to change their plans. And this is perfectly in keeping with the recognition that the choices people make are necessarily situated within a culture.⁵⁹ One's culture also affects one's sense of self, which is important for the development of the capacity of autonomy. Therefore, Kymlicka concludes, if one is situated within a minority culture that is threatened by a dominant group, then one's ability to act and choose one's life will be affected. Thus, to promote autonomy and freedom for individuals within multicultural societies, institutional protections must be put into place for social groups which face unjust discrimination or domination.⁶⁰

For example, Aboriginal Peoples are affected by the decisions of government that are detrimental to their traditions. On Kymlicka's account, as individuals they will not be able to pursue the way of life they see as best for themselves when the government prevents them from acting on their beliefs through its legislation concerning hunting

⁵⁹Kymlicka, *Multicultural*, 82-84.

⁶⁰Ibid, Chapter 6.

rights and land claims. In order to preserve their autonomy – to pursue their notion of the good as individuals – special rights in the form of land claims and self government must be granted to the individuals in the groups.

While the rights are given to minority groups, such rights are aimed at protecting the autonomy of members of the group. Kymlicka calls minority rights 'group differentiated' rights, rather than collective rights, because while the rights may be given to groups, they are often exercised by individuals.⁶¹ For example, while aboriginals as a group may be granted special hunting rights, such rights are exercised by individuals not collectives. In this sense, Kymlicka remains committed to an individualism that understands the individual to be central to social justice.

Kymlicka's goal is to demonstrate that for liberals to respect autonomy and liberty, allowances must be made for certain types of cultural group membership. Attention to groups can become meaningful for liberalism when one does not see them as an affront to the individualistic stance presupposed as being basic to liberalism but rather recognizes them as vital to the role that our social selves play in the exercise of autonomy. The multicultural account of liberalism provides a framework within which we can make sense of oppression because – as I will argue in Chapter 3 – oppressive relations cannot be seen as simply individual relationships, but necessarily involve group relations.

2.2 Rights and Oppression

Kymlicka notes that “the defining feature of liberalism is that it ascribes certain

⁶¹Ibid, 45.

fundamental freedoms to each individual.”⁶² These freedoms take the form of political rights such as the right to free speech, the right to assemble, and the right to engage in religious beliefs and practices. Fundamentally, these rights are aimed at protecting the freedom of the individual to conceive and develop his or her life plan and act on it with relatively little interference by the government or other individuals within society.

One problem with an exclusive emphasis on individual rights is that it may overlook the way in which groups, not just isolated individuals, may be disadvantaged in a society where oppression is present. Providing special rights on the basis of group membership is one way to recognize that how society treats groups affects the lives of individuals within those groups. Multicultural liberalism provides for special rights on the part of various cultural groups. Rights are not just individually based, but are also allocated on the basis of group membership, for example, as in the previously mentioned case of Native rights.

Kymlicka has a very specific sense of culture in mind when talking about multiculturalism. He is not referring to the loose sense of culture such as that claimed by the Deaf Community or gays and lesbians. Rather, he is talking about culture arising out of national and ethnic differences.⁶³ As a result, he sets apart two very different kinds of justice claims. On the one hand are claims by national and ethnic groups which he seeks to accommodate by incorporating minority rights into liberalism. On the other hand are the claims of what he calls ‘social movements,’ ‘associations’ or ‘social groups’ such as

⁶²Ibid, 80.

⁶³Ibid, 14-20.

women, gays and lesbians and the disabled.⁶⁴ While he admits that the latter groups have been oppressed, he allows that his account is aimed largely at the former and he offers little to support the notion of group rights for the latter. Indeed, it would seem as though he relies on the traditional liberal approach in which formal equality will enable such ‘non-cultural’ groups to demand justice for their members.

Kymlicka’s emphasis on cultures and national minorities means that his attention is focussed narrowly on three kinds of rights: the right to group representation, the right to self-government, and polyethnic rights. These encompass the sorts of external protections that he feels qualified minority cultures are entitled to; they also go some way to address issues of justice with regards to the oppression of these groups.

Group representation rights are meant to enable groups that have been systemically disadvantaged to have a voice. Providing groups with a right to representation means that they are provided with a guaranteed presence within political decisions that affect their lives. Demands for such rights often involve ensuring participation in political processes such as making sure women are elected to represent women’s interests or demands for proportional representation. Kymlicka holds such rights to be temporary, however, when they are grounded on claims of oppression. Insofar as the goal of society should be to remove the oppressive barriers people face, when society is successful in doing so then the need for such representation dissipates. Kymlicka is sceptical about how successful such rights could be, however. Ensuring proportional representation is, in practice, quite complicated given that groups are not

⁶⁴Ibid, 18-19.

homogenous (for example, the disabled constitute a widely diverse group of people), it is difficult to establish how groups numerically should be represented in governments (for example, does a black woman represent women or blacks or both?) and people who are elected to represent the interests of a particular groups are not necessarily going to held accountable by the groups they represent (for example, if a woman representative supports pro-choice laws and there are women who support her, is she representing the interests of women?).⁶⁵ Kymlicka argues that these questions make it difficult to establish any clear guidelines for group representation.

The right of self government is a much more permanent kind of right. Kymlicka argues that a group which has been subordinated as the result of the colonialization of their country can reestablish their political and social traditions through demands of self-government. Such a right should only be given to national minorities that have an established historical claim for their self-determination such as Aboriginal Peoples or French Canadians. Self-government is a permanent right because it is not a response to the same sort of oppression that results in a demand for representation rights. Rather, the rights are grounded on the notion that certain cultural groups, namely certain national groups, pre-existed the creation of the current state. It is through the colonization by others that such groups have lost their status and as a result the group has a pre-existing claim to be self-governing.

Polyethnic rights, on the other hand, are those that aim to ensure that cultural minorities are able to express and practice their cultural traditions (language and religion,

⁶⁵Ibid, 144-149.

for example) without discrimination in larger societal institutions.⁶⁶ These cultural groups need not be colonized, but rather can be groups that have immigrated and find themselves disadvantaged by laws which validate the dominant cultural groups. The sort of polyethnic rights Kymlicka has in mind often take the form of exemptions to present laws. He uses the examples of Sikh men who ask for exemptions from dress code requirements, Jewish business owners asking for exemptions from laws requiring businesses to close on Sunday, and Muslims asking for exemptions from school dress codes in order for their girls to wear the chador.⁶⁷

While Kymlicka's focus is specifically on cultural groups, he does not completely ignore other oppressed groups such as women, gays and lesbians, and the disabled. He writes: "an adequate theory of the rights of cultural minorities must...be compatible with the just demands of disadvantaged social groups..."⁶⁸ In other words, liberal theory must be able to respond to the justice claims of all disadvantaged groups, whether they are cultural groups or not. It is quite likely that Kymlicka's account would allow for the protection of gays and lesbians against violence and would require providing them with the right to marry. He would agree that women should not be treated as inferiors and he would surely advocate for laws prohibiting sexual discrimination against women, and increased access to buildings for the disabled (as would most liberal theorists). Such liberal responses, however, would be based on the rights of citizenship to which all are

⁶⁶Ibid, 26-33.

⁶⁷Ibid, 31

⁶⁸Ibid, 19.

entitled, not 'special' rights based on groups membership. The traditional and multicultural liberal approaches take the notion of individual rights as central, both in explanations of why people are oppressed (through the denial of equal rights) and how societies should respond (through the enforcement of equal rights). This means that even the multicultural liberal turns to an individual rights-based discourse to ensure that the oppression of non-national cultural groups is dealt with. In this sense, aside from the recognition of the importance of group membership for one's sense of self, multicultural liberalism differs very little from traditional liberalism

Where oppression is not based on a denial of legal rights, however, it becomes less clear how a rights based perspective of both the problem and solution will help. Indeed, a rights based perspective may hinder the search for solutions when the kind of oppression faced by certain groups is subtle. One mistake that is made by liberal theorists is to assume that being free to make choices, or having a right to govern one's own life however one might choose, means that one is not oppressed. This understanding is rooted in an understanding of oppression as individualistic and as a direct exercise of power. I shall now turn to my final criticism of liberal theory to show how this can have problematic repercussions in dealing with group rights and oppressive cultures.

2.3 Toleration and Oppression

There is a worry on the part of some theorists that the endorsement of cultural minority rights within liberal theory is a danger to the emancipation of the oppressed, particularly women, within cultural minorities. In her essay "Is Multiculturalism Bad for Women?" Susan Moller Okin observes that the ways in which women are oppressed

within patriarchal cultures are not merely a matter of the infringement of civil liberties. She points to the myriad of ways in which appeals to rights in the name of preserving culture have been used to oppress and harm women. Her examples include the justification of kidnapping, rape, murder, and clitoridectomy in the context of liberal society through appeals to the cultural traditions of minority groups.⁶⁹

Okin takes issue with Kymlicka's defence of multicultural rights because she sees his development of minority rights as insensitive to the ways in which women can be oppressed without their civil rights being violated.

Though they may not impose their beliefs or practices on others, and though they may appear to respect the basic civil and political liberties of women and girls, many cultures do not, especially in the private sphere, treat them with anything like the same concern and respect with which men and boys are treated, or allow them to enjoy the same freedoms.⁷⁰

Okin's point is that legal rights, either individual-based or minority group-based, will not ensure that women are not oppressed within illiberal minority cultures. Other groups, such as gays and lesbians may similarly find themselves in minority cultural groups which oppress them, not through the infringement of any civil liberties, but through stigmatization and the sustaining of homophobic values. And where protection is given to minority traditions, this may be taken as a tacit endorsement of the oppression of certain groups within those minorities on the part of liberal societies.

⁶⁹Okin, 18-19.

⁷⁰Ibid, 21.

Kymlicka's response to such criticism is that any liberal account of minority rights should be understood as an account of inter-group rights, rather than intra-group rights (and depends very much on his restricted concept of what constitutes the type of group that is eligible for group rights). That is, the rights he sees as ones which are justified for minority cultures are those that relate to the external relations between minority and majority cultures in order to address the possible domination by the majority.

The sort of rights which his multiculturalism does not endorse is the kind of right a religious or ethnic minority may demand that would allow them to restrict members of their own culture in various ways, for example claiming the right to refuse women legal status or education. A culture cannot demand that the government force members to comply with cultural traditions. Kymlicka argues: "If we wish to defend individual freedom of conscience, and not just group tolerance, we must reject the communitarian idea that people's ends are fixed and beyond rational revision. We must endorse the traditional liberal belief in personal autonomy."⁷¹ Thus, he allows for the right to exit, where members of cultural groups are free to leave their culture should they so desire, ensuring that groups cannot use the law to force their members to remain within the group.

With the emphasis on inter-group rights and the provision of a right to exit oppressive cultures, Kymlicka establishes that cultural groups cannot call on the state to enforce their traditions which restrict the freedom of its members. For instance, a patriarchal culture in a multicultural liberal state cannot demand that the state require the

⁷¹Kymlicka, *Multicultural*, 163.

culture's women to be subservient by law. But, on the other hand, the state cannot require that the culture change its traditions, provided that women have the right of exit in the culture and that their civil liberties are not infringed. Where individuals collectively choose to live in illiberal conditions, liberals have little justification for interfering provided that individual members of the community have a real opportunity to leave, i.e., a right of exit.⁷²

However, Kymlicka's reliance on the lack of formal internal restrictions on members of cultural groups and the right to exit fails to address the ways in which internal restrictions often do not need to be formally enforced by rights, but rather are informally enforced by the general cultural context, impacting on one's autonomy and freedom. While it may be true theoretically that individuals have the capacity to choose their ends and goals, when it comes to contexts of oppression, that capacity is often severely reduced for those suffering oppression.⁷³ Reliance on a right to exit for those who wish to forgo illiberal – and often patriarchal – cultures neglects the ways in which those suffering oppression may not be able to take the necessary steps to remove themselves from the culture. Furthermore, such an approach ignores the fact that the individuals who are oppressed may not want or need to give up all of their cultural affiliations. For example, they may still want to continue using their language, or practising certain religious traditions (they may not have had an opportunity to learn

⁷²Ibid, 35-44.

⁵⁶ Eds. Catriona McKenzie and Natalie Stoljar, "Autonomy Refigured." *Relational Autonomy: Feminists Perspectives on Autonomy, Agency, and the Social Self*. (Oxford: Oxford University Press, 2000), 3-31.

another language and have little choice but to continue within their linguistic community). Wanting to be free from culturally oppressive values and activities does not necessarily coincide with the desire to reject an entire culture.

Kymlicka rightly points out that “it is not easy or enjoyable to revise one's deepest ends, but it is possible, and sometimes a regrettable necessity.”⁷⁴ But this fails to do justice to conditions of autonomy under oppression. First, when the beliefs are ingrained so deeply that they are normalized, and the culture in which one is embedded does not offer alternate visions of the good life, revising one's beliefs is a theoretical possibility, to be sure, but revision of one's beliefs can be so costly that many women may find it incredibly difficult to do in the face of the harm that may be visited upon them for trying to doing so. Where education is absent, the possibility of change may not even occur to those who are deeply ingrained within a culture. Second, even when one has revised one's conception of the good life, acting on that revision in the context of oppressive cultures may be impossible. Many women may find themselves having conflicting visions of the good life. A vision of women as equals could present itself to many women within patriarchal societies as one in complete opposition to the vision they have of themselves as care providers. As a result, for many women, both visions cannot be realized. They are unable to act on their visions of the good life, because society's structures prevent them from acting upon them.⁷⁵ And third, given that many oppressive practices do not engage in the obvious infringement of legal rights, Kymlicka's

⁷⁴Kymlicka, *Multicultural*, 91.

⁷⁵I will discuss this at greater length in Chapter 4.

multicultural liberalism does not provide protection for those who experience oppression within illiberal cultures. Ultimately, establishing minority rights still leaves open the question of how to deal appropriately with oppressive cultures and how far toleration should be endorsed.

2.4 Liberal Theory in Practice

There are still options available to the multicultural liberal. Kymlicka himself notes that – in addition to ensuring that designated minorities have the same formal rights as the majority – “we must also examine the structure of institutions (e.g. the language, calendar, and uniforms that they use), and the content of schooling and media....”⁷⁶ for unjust arrangements. However, when it comes to looking at exactly what responses are appropriate in the face of oppressive cultural and societal institutions, Kymlicka does not provide an answer. Should freedom of expression be restricted where such expression might unduly affect members of an oppressed group? What is an appropriate response to injustices within minority cultures’ schools and media?

It is not enough to examine how considerations of culture and oppression fit into the theoretical framework of liberalism. Certainly this is part of the job, and Kymlicka does a commendable one in incorporating talk of groups and culture within liberal values. However, another part of addressing injustice requires that one look to how the framework that incorporates talk of groups dictates practical societal responses in the ‘real world.’ Oppression is not just a problem for isolated minority ethnic groups. It is a

⁷⁶Will Kymlicka, “Liberal Complacencies,” *Is Multiculturalism Bad for Women?* ed. Joshua Cohen, Matthew Howard, and Martha Nussbaum. (Princeton: Princeton University Press, 1999), 33.

pervasive problem within the majority culture in Canada and the United States. Women are not a minority, yet are oppressed, and not only within certain ethnic groups.

Focussing our attention on the problems of tolerating minority groups ignores how the dominant culture is reft with sexism, racism and intolerance. Thus, I am most interested in the ability of liberal theory to pragmatically deal with the issues of injustice facing Canadian society, that is, the ability of liberal theory to deal with oppression on the practical level where that oppression is rooted deep within the majority culture.

When it comes to the concrete responses societies choose to take in confronting the sort of oppression present in multicultural liberal societies, Andrew Kernohan – another theorist committed to multicultural liberalism – understands there to be three possible liberal responses to the problem of how liberals should react to the recognition that many cultures perpetuate oppression through the assimilation of false beliefs (for example that women are inferior or naturally required to bear all caring responsibilities). All of the responses are premised on the acknowledgement that liberalism is committed to equality and autonomy. First, one could adopt a *laissez-faire* attitude towards oppressive cultures. Kernohan identifies this as the approach of Kymlicka and liberals such as Rawls and Ronald Dworkin.⁷⁷ On the *laissez-faire* approach it is expected that the cultures which promote oppressive attitudes will eventually fade away, as people choose to adopt cultural attitudes and values which enable them to live fuller lives. The state remains neutral with regard to all personal moral evaluations and people should be free to pick and choose amongst those personal evaluations as they see fit. Here, of

⁷⁷Kernohan , 91.

fundamental guidance to the policies governments should enact is the principle of tolerance.

Kernohan rightly notes that this is an inappropriate understanding of the nature of culture.⁷⁸ He challenges the use of the market place metaphor to describe our choices regarding culture by using his own metaphor, that of a maze. Cultures function more like mazes than as ranges of option to choose from. They funnel us through our decisions, while maintaining the illusion that we are freely choosing our path.⁷⁹ The notion of autonomy and how it functions within oppression is incomplete in the *laissez-faire* response if we understand ourselves as being positioned within a marketplace of cultural values and beliefs.

The other two strategies which a liberal can employ when trying to respond to oppression are those of censorship and advocacy. These are rooted in the commitment of liberal society to ensure people are able to form accurate beliefs and act autonomously with regard to those beliefs. But they also recognize that there are some moral evaluations which cannot be left to personal choice, namely the equal worth of all persons. This is a moral evaluation that is required according to liberalism, and if a culture is embedded with false beliefs about the moral worth of certain individuals (women, homosexuals, the disabled, and so on), then the state can have an interest in acting against these false beliefs. What differs in these two strategies is the nature of state action.

⁷⁸Ibid, 92.

⁷⁹Ibid, 92.

The censorship strategy involves the dominant liberal culture using coercive means to promote equality. This could take the form of forbidding cultures to teach oppressive attitudes in schools that are maintained by cultural communities, or it could involve outright censorship of racist, sexist, and homophobic comments. Kernohan favours the advocacy strategy, believing it to be more effective and ‘less onerous.’⁸⁰ Advocacy, on the other hand, requires the state to “participate actively in public forums on behalf of equality.”⁸¹ This could take the form of educational programmes or the use of the media to promote the equal moral worth of all.

Kernohan argues that the advocacy model is better suited to deal with oppressive attitudes because censorship is more likely to cause resentment. “Even the most insensitive brutes can see the harm his fists do, but getting him to see how his wolf whistles help sustain a sexist environment will be a hopeless task.”⁸² On Kernohan’s view, the advocacy strategy does not target any particular behaviour, and this will make it much more appealing to citizens within liberal societies. As such, this is the strategy he thinks will be the most successful, as resistance to it will be minimal. Advocacy strategies attempt to convince those who promote sexist or racist views that they are wrong, and seek to educate people within illiberal cultures about the equal moral worth of all citizens.⁸³ Such an approach is well in keeping with liberal commitments to free

⁸⁰Ibid, 92.

⁸¹Ibid 96.

⁸²Ibid, 104.

⁸³Ibid, 97.

speech and is aimed at increasing the autonomy of all, while clearly advocating the equal moral worth of all. Kernohan thus incorporates consideration of oppression within the framework *and* political strategies of liberalism

It is not clear, however, that remedies such as Kernohan's are enough. If trying to convince an 'insensitive brute' that his wolf whistles perpetuate sexism is pointless, then it is unclear how an advocacy strategy will do any better in demonstrating to him that his behaviour, and more importantly his beliefs, need altering. A clearer understanding of a) oppression itself and b) our moral evaluations in light of oppression, will provide the basis for arguing that 'illiberal' approaches to social policy may indeed be warranted within some social contexts. That is, the censorship strategy, when it comes to issues of free speech, may sometimes be justified.⁸⁴

Liberalism has the proper framework for dealing with oppression in its commitment to autonomy and equal moral worth. But when a comprehensive account of oppression is included, the presupposition in favour of the typical rights guaranteed in more or less liberal societies is not as evident. In the following chapters I will provide what I see to be the account of oppression required by liberal theory, examine the implications of this account on our moral evaluations of oppressive activities, and finally I shall examine the practical application of liberal principles within oppressive contexts in light of the analysis I provide. In particular, I will examine how it is that pornography within sexist societies require that liberalism forgo its common unconditional

⁸⁴Kernohan does admit that if the advocacy strategies fail, censorship strategies can also be employed, but he is committed to first pursuing advocacy as a means of ensuring justice. See Kernohan, 91.

commitment to free speech in pursuit of its core commitments to autonomy and the equal moral worth of all. Ultimately, I argue multicultural liberalism is mistaken in its tendency to defend unqualified traditional rights – in particular free speech – within its theoretical framework. A comprehensive understanding of oppression must inform the sorts of rights and freedoms which are compatible with social justice for groups. Explicit attention must be given to recognizing patterns of oppression and developing just ways of addressing widely accepted patterns of oppressive behaviours.

Chapter 3: A Feminist Analysis of Oppression

As Kenneth Clatterbough observes, feminists largely agree that oppression is “social, systemic, and aimed at identifiable groups.”⁸⁵ There are four main feminist analyses of ‘oppression’ that share these common elements, namely those of Marilyn Frye, Iris Young, Ann Cudd and Jean Harvey. These four accounts are similar in many respects, yet contain differences based on the goals, motivations and political commitments of the respective writers. In this chapter I shall review these feminist analyses and I shall present an expanded definition of ‘oppression.’

It will quickly be apparent that I rely heavily on these analyses for the basis of my own definition of ‘oppression.’ I shall argue that oppression is a state of affairs that results in unjust harm that is done to people, individually or as a group, on the basis of social groups, that benefits another social group (or groups), that is perpetuated and rooted in institutions and societal structures, and that is located within a historical context. I take these conditions to be necessary and jointly sufficient when it comes to identifying oppressed groups, with the understanding that these conditions must be very broadly understood.

These definitional conditions closely mirror the accounts of oppression provided by the four feminist theorists, particularly Cudd. However, I will argue that each analysis of the theorists discussed is incomplete. Their analyses are not sufficiently developed in certain areas, and they do not explicitly consider the importance of historical context. I

⁸⁵Kenneth Clatterbaugh, “Are Men Oppressed?” *Rethinking Masculinity: Philosophical Explorations in Light of Feminism*, ed. Larry May, Robert Strikwerda and Patrik Hopkins (Lanham, Md. : Littlefield Adams Quality Paperbacks, 1992), 286-7.

will call the importance of the historical context the ‘historical weight’ of oppression, which manifests in the historical grounding required for the formation of oppressive institutions and cultures. All other aspects of the concept of oppression must be seen through the lens of the weight of history to be fully comprehended as part of oppressive experience. Oppression as a phenomenon can only be fully explained when the weight of history is taken into account. Without understanding the history of a group’s oppression, the current harms and current oppressive institutions will neither be fully grasped as oppressive nor dealt with in an adequate way by theories of social justice.⁸⁶ I will begin with the weight of history as it is through this lens that all other aspects of the definition must be understood.

1. The Weight of History and Oppression

Wendy McElroy writes “that men have oppressed women in the past says nothing necessary about whether they will oppress them in the future.”⁸⁷ McElroy expects feminists to operate in a historical vacuum where the institutions and choices of the oppressed are made without any appeal to what has gone before. This is a dangerous

⁸⁶Like Harvey, I am concerned with the kinds of oppression facing those in modern liberal societies such as Canada and the United States. I take as my main object of analysis the experiences of those who, despite the formal commitments to equality and freedom in the laws and policies of governments, still find themselves encountering limitation and harm in their lives as a result of their group membership. While my analysis may prove to be applicable within other societal contexts, such as tyrannical societies where freedom and equality are not presumed political principles, my argument is not aimed at such contexts.

⁸⁷Wendy McElroy, “Introduction.” *Liberty for Women: Freedom and Feminism in the Twenty-First Century*, ed. Wendy McElroy (Chicago: Ivan R. Dee Publisher, 2002), 18.

mistake. History does play a significant role in how groups are and will be oppressed.

While it is certainly not necessary that women will be oppressed in the future, as long as the institutions – created within explicitly sexist historical contexts – survive, the oppression of women under these conditions is probable. I believe the omission of an explicitly historical criterion for an analysis of oppression to be important. The omission partly decontextualizes the barriers and harms which are systematic now and places them outside of historical processes.

Frye argues that “if one wants to determine whether a particular suffering, harm or limitation is part of someone’s being oppressed, one has to look at it *in context*.” [her emphasis]⁸⁸ This is undeniable, given that the proper analysis of oppression is one which emphasizes oppression’s structural nature. To see a group as oppressed requires looking at the myriad ways in which the barriers they face affect their entire lives.⁸⁹ But Frye’s insistence on the contextualization of barriers is aimed at exploring the current social conditions and institutions which make up society. I think that this is necessary, but not sufficient. Attention must also be paid to the historical context, that is, the ‘weight’ of history. The historical context affects how all other elements of oppression must be understood, and is a core element to an adequate analysis of oppression.

I am not implying that feminists have ignored history when it comes to oppressed groups. Far from it. Many feminists have rigorously examined the history of women’s

⁸⁸Frye, 10.

⁸⁹I will develop this idea more fully in the section dealing with the institutional nature of oppression.

oppression and the oppression of other groups. But attention to the historical contexts of the harms which these groups face *now* is not an aspect explored by any of the feminists who analyse the concept of oppression in great detail.

In *Thunder in My Soul: A Mohawk Woman Speaks*, Patricia Monture-Angus writes of her experiences as a woman, and as Mohawk and how history plays a central role in the conceptualization of her oppression. She points out that “the impact of colonialization on the present day experience of Aboriginal Peoples cannot be minimized.”⁹⁰ The construction of reserves as ‘Indian land’ and the forcible removal of children to residential schools, for example, are part of the historical context which shapes the oppression of Aboriginals today. To ignore that history is to decontextualize the harms which have been done to the Aboriginal Peoples and keeps us from understanding how these harms are perpetuated by norms and institutions that exist as a result of historical developments.

When one understands the ‘weight of history’ one recognizes that the societal conditions in which the oppressed currently live are a result of historical processes. Societal institutions, language, cultural traditions and values do not simply spring up overnight as fully formed and accepted. They are created over time, evolving and changing as technology and geographies change. Even where there are radical shifts in values over relatively short periods of time, the beliefs and attitudes within a society are affected by those beliefs that came before, either in the continuation of some aspects of

⁹⁰Patricia Monture-Angus, *Thunder in My Soul: A Mohawk Woman Speaks*. (Halifax: Fernwood Publishing, 1995), 179.

past beliefs, or in the radical response to and rejection of those beliefs.

The values and attitudes of the past are transmitted through cultures which persist over time. Because the societal institutions originate from within a specific historical context, to understand the values and attitudes transmitted within those institutions requires attention to history. For example, the Canadian economy and its root in English conceptions of property completely ignore and extinguish Aboriginal attitudes towards land. The fundamental economic relationships which form the basis of the financial community systematically exclude an entire culture's traditions because of the historical roots of that system.⁹¹ Monture-Angus describes her experience of this erasure of culture in her Property Law class:

It was no more than six or seven years ago at the most that I took this course and we talked about property for nearly a full year and never once mentioned "Indians"! I was so shocked I could not say and did not say a word about the total disappearance of First Nations...The entire system of property law in this country is built on a great lie – that colonial myth. "Columbus discovered America and claimed it for the Europeans!" None of my colleagues in law school saw we were surrounded by that colonial myth or that the property law system they all supported was built on a great lie which disappeared all of my people.⁹²

Looking at the current situation of oppressed groups, in a slice of time which portrays their lives as instant snap shots, obscures oppression as a dynamic, historical

⁹¹Such theorists include John Locke whose influential conception of land and land ownership developed within an entirely different cultural relationship between people and land. See John Locke, "Second Treatise of Government." *Classics of Moral and Political Theory*, ed. Michael L. Morgan, Second Edition (Indianapolis: Hackett Publishing Company, 1992) 739-815.

⁹²Monture-Angus, 81.

process. Because oppression is structural, it involves the history of those structures. To evaluate the present lives of Aboriginal Peoples by simply looking at their economic and social status *now*, disregards the unfolding of their oppression through the erasure of their cultural political systems. This history affects how they are oppressed now and affects both the understanding of that oppression and the development of proper responses to it.

Ultimately, understanding oppression as historically situated means looking at how the groups that face harms and limitations today were treated in the past. A group is oppressed when the historical mistreatment of that group sets precedents regarding their future mistreatment. The causes of oppression are rooted within the social structures and social norms that develop over time. This is not to say that the experiences of oppressed groups in the past and present will be identical. A disabled women today will have a radically different set of experiences than a disabled woman a hundred, or even fifty, years ago. But the experiences will still be those of limitation and various kinds of oppressive harms. Similarly, women may not be denied the vote in 2006, but they are still under-represented in Parliament and still experience sexist attitudes which manifest in different, less overt ways. The similarity between the two time periods is the persistence of attitudes and values which permeate the societal institutions either explicitly (as is often the case of historically situated oppression) or implicitly (as is most often the case in present day North America).

The weight of history need not be a long extended one. Some groups will have a long and complex history of oppression. The oppression of women is one which has long historical roots. Immigration or settlement is one way in which groups can experience

oppression where before there was none. For example, settlement by Europeans resulted in new experiences of oppression for Aboriginals. Other groups will have more recent experiences of oppression, where groups have immigrated within the last century or where new identities are forged through social processes, for example, Asians in Canada.

One might argue that my demand for a historical contextualization of oppression ignores forms of oppression which quite literally form overnight. However, I would argue that such instances are often fuelled by cultural beliefs and biases which themselves have deep historical roots. Furthermore, I am interested in analysing oppression within societies such as Canada and the United States where such civil upheavals are unlikely, at least in my estimation. Groups may be treated unjustly and this injustice may occur rapidly, but this does not necessitate oppression as not all injustice is properly called ‘oppression.’

In order for a group to be oppressed, the mechanisms for the oppression of the group must have time to become structural and systematic. These mechanisms may be the result of oppressive attitudes towards other groups. For example, racist attitudes towards newly immigrated groups may be mediated by the mechanism and attitudes towards ethnic or racial groups that already exist within a society. Similarly, when new diseases and disabilities are discovered, for example AIDS/HIV, attitudes towards health and disability are already entrenched that may enable the oppression of newly identified groups. Thus, when the oppression of a group is not based in a deep history, the group oppression occurs through mechanisms of oppression, such as attitudes and values, that are rooted in the historical development of societal institutions which have oppressed

similarly situated groups.

The identification of specific historical contexts within a society is a necessity when analysing the other elements of oppression. The historical context affects how one understands the harms the oppressed experience, how one should understand groups, how groups benefit from the harms, and how institutions are involved in creating oppression. Without a historical context, any analysis will fail to capture a complete understanding of oppression. I now turn to examine the remaining elements of oppression, showing how my analysis differs slightly from the four feminist analyses of oppression because of my emphasis on history.

2. Oppression as Harm

My analysis of oppression has at its core an emphasis on unjustified harm. In Chapter 2, I argued that oppression is inherently unjust; when one suffers oppression one does not need to make any other argumentative moves to prove one is unjustly harmed. All four theorists I examine support this claim. On all of their accounts, the harms of oppression fundamentally unjust. This is an important point, for it is possible that there are those who experience harms where such harms are justified.⁹³ For example, when it comes to paying my taxes, how much I pay is determined by how much I make. One could say that I am harmed by the requirement that I pay a certain percentage of my income to the government insofar as it means I have less to spend on myself. However it would be incorrect to argue that this is an unjust harm simply because it is a limitation

⁹³I take up this line of argument again in Chapter 4 when discussing affirmative action.

based on my group membership. It must be shown that the harm imposed is unjustified.⁹⁴ When it comes to unjustified harms, the concept of oppression itself implies that the actions and structures which cause the oppression should – as a matter of justice – be halted or altered.⁹⁵

I take harm as the central aspect of oppression because all other elements of my analysis refer to the harms caused to people based on their group memberships or to groups themselves. Understanding the nature of oppressive harms is important because the kinds of harms experienced by the oppressed are widely varied and are not always seen to be harms. Some have argued that there can be no unified conception of oppression because of the widely varied kinds of harm experienced by different oppressed groups.⁹⁶ For example, women face sexism, which harms them in different ways than Blacks are harmed by racism which again differs from the harms caused to gays and lesbians by heterosexism. This is an approach I will reject. A unified concept of oppression is possible when one realizes that the harms of oppression are complex and manifest in various ways. In this section I will first examine how the historical context affects how one understands such harms and then I shall move on to describe the different categories of harms which are present in oppressive contexts.

⁹⁴It must also be noted that if it could be shown that the taxes I was paying were unjustly set, for example were disproportionately large, then it would still not prove that I was being oppressed by such rules. This point will be brought up when I discuss the systematic and historical nature of oppression.

⁹⁵New (2001).

⁹⁶Roberts, Lani. "One Oppression or Many?" *Philosophy in the Contemporary World*, vol. 14, no 1&2, 1997 41-47.

2.1 Harm and the Weight of History

The psychological weight that history lends to the recognition of limitation and subjugation for those who become conscious of the limitations they currently face. Once one realizes that many of the limitations one faces today are products of the past, and that people who were members of the same social group faced similar experiences, then the historical instances of oppression of the sort one faces are brought to bear on the feelings of oppression one experiences. Monture-Angus writes: "Oppression is a central concept that assists me in organizing the little bit of knowledge I have earned."⁹⁷ At the heart of the analysis of her experience of oppressive harms is a sense of history.

Focussing on *a moment in time* or incidents of violence, abuse or racism, counting them – disguises the utter totality of the experience of violence in Aboriginal women's lives.⁹⁸ [my emphasis]

The experience of oppression is not explicable solely in terms of the *here* and *now*. To fully understand the ramifications of oppressive experiences of harm, the *there* and *then* must also be incorporated, when the geography and time have changed. The psychological impact of this past is not something that is merely the result of oppressive experiences, but is involved in the very understanding of those experiences as oppressive.

It is important to note that I am not endorsing a psychological account of oppression where one is oppressed only when one recognizes it, or one is only harmed when one has a complete understanding of the history of oppression one's group has had.

⁹⁷Ibid, 47.

⁹⁸Ibid, 171.

Rather, I am pointing out that there are many who do recognize that they are oppressed, and their feelings and experiences of oppression are informed by the weight of history. They may experience harm in situations where it is not apparent to others that harm is present because others lack such knowledge.

When I consider the limitations placed upon me as a woman and as a lesbian, I am ever conscious of the ways in which lesbians and straight women in the past have faced harm as a result of their gender and sexual orientation. I am ‘burdened’ with this knowledge of history as it informs the way I understand, interpret and respond to the behaviour and beliefs of those in the present. When a group is oppressed, the weight of history can serve to remind members of the group that limitations have been placed upon members of that group throughout history and reinforces those limitations through psychological and emotional harm.

bell hooks appeals to the necessity of understanding history when she tells of a personal encounter she had with a group of White friends in a dessert shop. In the shop are rows of realistically formed chocolate breasts. Her friends find them amusing and “burst into laughter.”⁹⁹ hooks, however, has a very different reaction. She sees these portrayal of “edible tits” within a historical context, one in which Whites were nursed at the breasts of Black ‘mammies.’ She does not find the chocolate breasts amusing. Her explanation for why her White colleagues find them amusing is based on how their historical context is one in which they “do not see this representation of chocolate breasts

⁹⁹bell hooks, “Selling Hot Pussy: Representations of Black Female Sexuality in the Cultural Marketplace,” *The Politics of Women’s Bodies: Sexuality, Appearance and Behaviour*, ed. Rose Weitz (New York: Oxford University Press, 2003), 122.

as a sign of displaced longing for a racist past when the bodies of black women were a commodity, available to anyone white who could pay the price.”¹⁰⁰ She writes “I look at these dark breasts and think about the representation of black female bodies in popular culture. Seeing them, I think about the connection between contemporary representations and the types of images popularized from slavery on.”¹⁰¹ Absent of any historical context, chocolate breasts can be amusing. But placed within an historical context, they can take on significant, and oppressive, meaning for Black women.

This example can also demonstrate how it is wrong to ignore the historical context of White women’s oppression. If the breasts were made from white chocolate, for example, I do not think that their existence would become unproblematic. The historical context of women’s bodies as belonging to men who sold them into marriage, or of women’s bodies available for male physical pleasure, changes one’s understanding of how one should respond to such things. That the White colleagues would laugh at them indicates that they may lack acknowledgement of this historical context.

This provides part of an explanation why those who are not oppressed, and even those within oppressed groups, often cannot understand why certain experiences are harmful. For those who lack the knowledge of the history of oppression groups face, grasping why an experience is oppressive can be difficult. Charles Lawrence, in his essay “If He Hollers Let Him Go” argues that those who are not Black cannot appreciate the emotional harm done by hate speech because they do not have the history of racism

¹⁰⁰Ibid, 122.

¹⁰¹Ibid, 122-123.

which backs incidents of hate speech.¹⁰² The historical contexts lends epistemological power to the oppressed who are aware of their history because they are able to recognize and respond to oppressive experiences in ways which are not open to those who are not placed within the same or similar kinds of experiences.

The historical context goes some way in explaining the added psychological burden placed on those who are oppressed and why they respond the way they do in oppressive contexts. Lawrence Blum argues that racism is clearly unjust, but what often goes unnoticed is that the moral wrong of racial oppression is tied intimately with the historical roots of racism.¹⁰³ In other words, to fully appreciate the wrong of racism in the United States, it must be put in its historical context. Blum asks the reader to compare two cases of an individual being insulted. The first person is scorned for having bad taste. The second person is scorned for being Black. The harms of racism go beyond the harms of being insulted for what seems to be similarly irrelevant grounds. Both are based on a loose sense of groups (those who are Black versus those who have Bad Taste). The harm of racism, however, is significant because of its location in

the direct context of, for example, segregation, apartheid or slavery. Because no historical systems have degraded whole groups of people because they were thought to have bad taste, scorning someone on these grounds, while certainly wrong, does not carry that historically-weighted

¹⁰²Lawrence III, Charles. "If He Hollers Let Him Go: Regulating Racist Speech on Campus. *Duke Law Journal* 431, 1990, 431-480.

¹⁰³Lawrence Blum, *I'm Not a Racist, But...: The Moral Quandary of Race* (Ithaca, NY: Cornell University Press, 2002)

moral opprobrium.¹⁰⁴

For Blum, the historical legacy which accompanies racism is an important aspect of understanding how it is that harms against certain racial groups carry more moral condemnation. The memory of oppression in the lives of Blacks or Jews affects how members of these groups will comprehend and respond to contemporary oppressive structures. The historical context thus informs how one perceives experiences and affects how such experiences are psychologically processed.

2.2 Varied Oppressive Harms

It is clear that racism, sexism, and the other kinds of oppression either collectively or individually cannot be reduced to one particular kind of harm or mechanism. But this need not preclude the possibility of a unified account of oppression. This is because, as Iris Marion Young's account stresses, 'oppression' is an umbrella concept which captures within it the wide variety of harms which groups face. On my account, what provides unity in the face of diversity is the recognition that all the oppressed groups fundamentally share some sort of harm. What precisely that harm is will differ, from person to person within a group and from oppressed group to oppressed group. But the concept of oppression does not require that the harms be the same.

Oppressive harms are wide ranging, complex, and no group's or individual's experience of harm will be the same as another's. Young provides a very solid foundation for the categorization of the kinds of harmful experiences that the oppressed have. She argues that there are five 'faces' of oppression and they "function as criteria

¹⁰⁴Ibid, 27.

for determining whether individuals and groups are oppressed, rather than as a full theory of oppression....The presence of any of these five conditions is sufficient for calling a group oppressed.”¹⁰⁵

Her first criterion is violence. Young is very particular about how we understand violence as oppressive. She argues that violence when seen as individual acts is horrible and unjust, but that individual acts of violence alone cannot be understood as oppressive. Rather than focussing on the individual acts as the source of oppression, we must look to the larger societal framework which ignores, supports, and/or fails to adequately penalize violence directed at members of oppressed groups.

Her second ‘face’ of oppression is exploitation; it focuses on the transfer of energy from one group to another which leads to unequal distributions in resources. She argues that:

As a group, however, women undergo specific forms of gender exploitation in which their energies and power are expended, often unnoticed and unacknowledged, usually to benefit men by releasing them for more important and creative work, enhancing their status or the environment around them, or providing them with sexual or emotional service.¹⁰⁶

This analysis is quite in keeping with Marxist feminist analysis of women’s oppression as rooted in the forms of work which women do particularly within the home.¹⁰⁷

¹⁰⁵Iris Marion Young, *Justice and the Politics of Difference* (Princeton: Princeton University Press, 1990), 64.

¹⁰⁶Ibid, 51.

¹⁰⁷See Alison Jaggar, “Political Philosophies of Women’s Liberation.” *Feminism and Philosophy*, ed. Mary Vetterling Bragg, Frederick Elliston and Jane English.

Her third aspect of oppressive experience, powerlessness, she locates specifically within the workplace. She defines being powerless negatively, explaining what the conditions of power are and that powerlessness is the absence of these conditions. The three conditions of power are education, autonomy, and respect. Professionals have all three for the most part, she argues, and non-professionals do not. Professional jobs require highly educated people, who often are able to determine the conditions under which they work, and as a result, are able to demand respect in public life. Those who are oppressed lack this power to command others' respect.

Marginalization is experienced when groups find themselves unable to find work, which leaves them deprived of material goods as basic as housing and food, thus becoming dependent on others, either charity or the state, to survive. In positing marginalization as her fourth face of oppression, Young focuses on how racism, sexism, and ageism affect the material conditions of racial minorities, women, and the elderly. Marginalization is thus rooted in the ways in which resources are often distributed along gender, age, ethnic, and racial lines.

Finally, cultural imperialism forms the last face of oppression. Cultural imperialism is the universalization and normalization of practices and values of the dominant culture of the society.¹⁰⁸ The result of this domination, she argues is twofold. On the one hand, members of the oppressed groups become invisible and ignored; their lives, traditions and values are treated as empty concepts in the wider social culture. On

(Totowa, NJ: Littlefield, Adams and Co., 1977).

¹⁰⁸Young, 59.

the other hand, they find themselves defined and denoted as ‘Other’ – in other words, dissociated and separate from the norms and standards of society – whenever they are rendered visible by the dominant group. Young argues that cultural imperialism results in the imposition of the dominant culture on a minority culture. She claims that the injustice of cultural imperialism is “that the oppressed group’s own experience and interpretation of social life finds little expression that touches dominant culture, while that same culture imposes on the oppressed groups its experience and interpretation of social life.”¹⁰⁹

Young’s taxonomy is useful for understanding the kinds of harms which are oppressive, and I see the five faces of oppression as providing the basis for an analysis of oppressive harms. While I think Young has done an admirable job in identifying key categories of harm, I think that understanding the harms of oppression through slightly different categories is necessary. I will break the categories of harm into five interconnected kinds: physical (both violent and non-violent), economic, cultural, moral and psychological harms.¹¹⁰ These include some of the ‘five faces’ of oppression Young provides, but also build on her analysis to admit an even wider variety of harms.

2.3 Physical Harm

The notion of oppressive physical harm includes both violent and non-violent physical harm. I think Young is correct to understand violence as both the physical harm,

¹⁰⁹Young, 60.

¹¹⁰I do not claim that harms must be easily sorted into these categories. As it will be seen, some harms may fit into more than one.

threat of physical harm and the response – or lack thereof – on the part of society. But it also seems apparent that the kinds of physical harms that occur to the oppressed include non-violent forms of physical injury, and how society has responded or failed to respond to those injuries. We should also look at the impact of discriminatory medical practices when examining the physical harm the oppressed experiences. Feminists have identified ways in which health care has ignored the health needs of women and minority groups.¹¹¹ HIV/AIDS has had a high impact on the gay/lesbian community. The social attitude that it is a 'gay' disease stigmatized those with HIV/AIDS, resulting in loss of housing, jobs and medical support. The categorization of HIV/AIDS as something which primarily happens to gay men has also overshadowed the statistics showing that the demographics of the disease are weighted towards the poor, non-White communities and resulted in

¹¹¹For an analysis of the oppressive nature of medicine, see Susan Sherwin *No Longer Patient*, (Philadelphia : Temple University Press, 1992); Rose Weitz, "A History of Women's Bodies." *The Politics of Women's Bodies: Sexuality, Appearance and Behaviour*, ed. Rose Weitz (New York: Oxford University Press, 2003), 3-11; Judith Lorber, "Believing is seeing: Biology and Ideology," *The Politics of Women's Bodies: Sexuality, Appearance and Behaviour*, ed. Rose Weitz (New York: Oxford University Press, 2003), 12-24; Catherine Riessman, "Women and Medicalization: A New Perspective," *The Politics of Women's Bodies: Sexuality, Appearance and Behaviour*, ed. Rose Weitz (New York: Oxford University Press, 2003), 46-64. For an analysis of feminism's varied responses to research in menopause, see Judith A. Houck, "'What Do These Women Want?' Feminist Responses to Feminine Forever, 1963-1980." *Bulletin of the History of Medicine*, vol. 77, no. 1, 2003, 103-132. Verbrugge provides a historical examination of the distinct forms of physical exercise for men and women in the period of the early 1900's that paralleled the sexual science of the times, ultimately resulting in decreased health for women. Martha H. Verbrugge, "Recreating the Body: Women's Physical Education and the Science of Sex Differences in America, 1900-1940" *Bulletin of the History of Medicine*, vol. 71, no. 2, 1997, 273-304.

lack of attention to the impact of the disease on these communities.¹¹² Other physical disadvantages and harms can be traced to oppressed social groups. There are extremely high suicide rates among gay and lesbian teenagers.¹¹³ Rates of eating disorders among teenage girls have risen dramatically and attitudes towards body image are more likely to be linked with contemplation of suicide.¹¹⁴ Health problems with silicone breast implants and other plastic surgery procedures, forced sterilization of the mentally disabled, and denial of abortion to women, are all ways in which the societal attitudes towards groups have impacted on the physical health of members of those groups. Thus, the physical harms the oppressed experience include more than the physical violence perpetrated against them and the lack of societal response. It includes self-inflicted violence and the neglect of the physical well-being of those who belong to various oppressed social groups.

2.4 Economic Harm

The economic harms that the oppressed face also come in a variety of forms and degrees, depending on the social group and status of the individuals within those social

¹¹²Tom Warner, *Never Going Back: A History of Queer Activism in Canada*. (Toronto: University of Toronto Press, 2002), 161-162.

¹¹³Being gay has been shown to be an important predictor for male suicide in runaway youths. See MB Leslie *et al.*, "Sex-specific predictors of suicidality among runaway youth," *Journal of Clinical Child and Adolescent Psychology*, vol. 31, no. 1, 2002, 27-40.

¹¹⁴Beth Younger, "Pleasure, Pain and the Power of Being Thin: Female Sexuality in Young Adult Literature," *NWSA Journal*, vol. 15, no.2, 2003, 47. Younger also provides an intriguing look at how the portrayal of body image in Young Adult books sends sexist messages to young women regarding sexuality, power and positive/negative sexual relations.

groups. Extreme economic harm includes poverty and material deprivation. In Canada, this can be seen in the lives of many of the Aboriginal Peoples. Many live on reserves in conditions which are far worse than most ghettos within larger cities: they reside in substandard housing where facilities such as water services and power are not guaranteed. The lack of material resources which are needed for a decent standard of living is one way in which oppression is manifested.

Material economic harm also includes the wage gap that women in Canada continue to experience as they earn 71.3% of what men do for full year, full time work.¹¹⁵ Women and minorities still make up the majority of part-time workers, a category that lacks benefits and job security. Economic harm can also befall members of the gay and lesbian community if they are 'outed' at their jobs, particularly in the US where many states still refuse to institute legislation prohibiting discrimination based on sexual orientation. Financial benefits, for example tax breaks, which are given to heterosexual couples are denied gay and lesbian couples when marriage is only recognized between opposite genders. When it comes to the harms of oppression, economic material harms are ones which are often pointed to as signs of discrimination, as they are most easily quantifiable, and thus provide 'hard' evidence of unjust harms.

One of Cudd's conditions for oppression is that of harm, and she grounds her concept of harm explicitly in material harm. She recognizes the impact of psychological harm, but she ties such harm back to the ways in which those psychological harms allow

¹¹⁵Statistics Canada "Average earnings by sex and work pattern"
<<http://www.statcan.ca/english/Pgdb/labor01b.htm>> July 5, 2004.

the dominant group to continue to oppress the vulnerable, i.e., keep them materially deprived. She claims that “oppression is primarily an economic phenomenon with material causes and material consequences, generating a vicious cycle for its victims that is nearly inescapable.”¹¹⁶ For example, women are psychologically harmed by socialization which encourages them to enter only certain types of work. This harm, though, translates into economic harm as the jobs they are encouraged to do are low-paying. It is only the material harms which interest Cudd, unlike Young, Frye and me. Our accounts more concretely recognize the other kinds of harms as of concern when it comes to oppression.

2.5 Cultural Harm

Beyond the material harms on which Cudd focussed and the physical harms Young names, there is the more subtle problem of cultural harm that forms a significant part of the way in which groups are unjustly limited by oppression. Young’s analysis of cultural imperialism is a helpful starting point for understanding this kind of harm. Dominant groups inflict oppressive harms when they attempt to assimilate other groups, or when they simply ignore cultural differences.

In his essay “The Politics of Recognition,” Charles Taylor argues that our identity is formed in part by the recognition or *mis*recognition of others.¹¹⁷ The nature of the

¹¹⁶Ann Cudd, “Psychological Explanations of Oppression,” *Introduction to Multiculturalism*, ed. Cynthia Willett (Blackwell Publishers, 1998), 188.

¹¹⁷Charles Taylor, “The Politics of Recognition” *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann (Princeton: Princeton University Press, 1994), 25.

interactions can result in either positive or negative conceptions of the self, which in turn impacts on our psychological and social development. He notes that “nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted and reduced mode of being.”¹¹⁸ In other words, our sense of self is not developed in a vacuum, and having a positive sense of self is one of the goods which enables people to live meaningful and enriched lives. If recognition fails, then our sense of self can become fragmented or warped.¹¹⁹ Cultural imperialism is the primary means by which people fail to recognize members of oppressed groups, recognize them in wrong ways, or deliberately try to eliminate their culture.

Failure of recognition can be unintended or deliberate. For example, a school curriculum could be constructed which omits Black history or Aboriginal history. This construction could come from ignorance, insofar as the texts and teachers may not consciously have decided to omit that material. Or it could be from a deliberate choice to exclude such material as unimportant or uninteresting, discounting the interest Black or Aboriginal students might have in learning their histories, or the importance of White

¹¹⁸Ibid, 25.

¹¹⁹For further explorations of the politics of recognition see Susan Wolf “Comment.” *Multiculturalism: Examining the Politics of Recognition*. Ed. Amy Gutmann (Princeton: Princeton University Press, 1994); Michael Walzer, “Comment.” *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann (Princeton: Princeton University Press, 1994), 99-104; Jürgen Habermas, “Struggles for Recognition in the Democratic Constitutional State,” *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann (Princeton: Princeton University Press, 1994), 107-148; and Anthony Appiah, “Identity, Authenticity, Survival: Multicultural Societies and Social Reproduction,” *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann (Princeton: Princeton University Press, 1994), 149-164.

students learning about the injustices forced on such groups in the past. In either case, Black and Aboriginal students in such a school are taught a history which has no resonance with their culture and past, and this lack of recognition has an impact on how their sense of self develops. The message is sent that their history is irrelevant, or less important, not worthy of being taught. The lack of visibility of minorities as central players in media programming – from movies to news programmes – is also one way in which cultural imperialism enables the lack of recognition of groups. But failure to recognize is not the only way in which cultural imperialism operates. The distorted depiction or recognition of others also impacts negatively on oppressed groups. This can occur, for example, in the media when minority groups are portrayed in stereotyped characters,¹²⁰ or when reporters exclusively focus on negative news in oppressed communities.

The annihilation of a culture is the most extreme form of cultural imperialism, and encompasses the kinds of cultural imperialism mentioned above, insofar as lack of recognition and distorted recognition can unintentionally lead to assimilation.¹²¹

¹²⁰For analysis of the way in which women and minorities are portrayed in mainstream media, both entertainment and in news, see Leslie B Inniss and Joe R. Feagin, "The Cosby Show: The View from the Black Middle Class," *Journal of Black Studies*, vol. 25, no. 6, 1995, 692-711; Mary Ann Kacerguis and Gerald R Adams, "Implications of Sex Typed Child Rearing Practices, Toys, and Mass Media Materials in Restricting Occupational Choices of Women (in Education)," *The Family Coordinator*, vol. 28, no. 31, 1979. 369-375.

¹²¹Jeremy Waldron, for example, argues that we have no duty to protect cultures from assimilation, as people should be free to reject their culture and accept the dominant culture's traditions and values. If everyone chooses to 'opt out' of their traditional culture, then there is no compelling reason to protect it's existence. What this ignores, however, is how the recognition of the minority culture can be distorted or absent,

Annihilation also includes deliberate attempts to assimilate cultural groups into the dominant one(s). Assimilation eradicates a culture, by having members of that culture adopt the language, values and traditions of the dominant culture. This can be as subtle as the lack of recognition of other cultural groups, or as blatant as forbidding other groups to practice their traditions or language. Residential schools in Canada, for example, punished Aboriginal students for not speaking English.

In some ways, however, the concept of 'cultural' imperialism is misleading, as not all groups are properly described as being cultural in the sense that Kymlicka uses to describe culture, for example having shared languages, traditions and customs. Indeed groups can be cross cultural, insofar as their members can be from different cultural backgrounds. Even if a group does not have a 'culture', it can still undergo the sort of harm which occurs to groups which are explicitly cultural in nature. For example, women and the disabled do not seem properly characterized as being 'cultures', yet they can suffer from the same sort of 'imperialism' as cultural groups do when they are stereotyped or made invisible within the dominant forms of media.¹²² When women are

resulting in hardship in the formation and maintenance of a strong sense of identity. In the face of cultural imperialism, assimilation can be one way to make one's life more bearable, forgoing the damage inflicted on one's self for an identity which is accepted and reinforced by societal norms. But the choice to assimilate is not as 'free' as Waldron would make it out to be. He ignores the social conditions in which that choice is made and why such assimilation can be morally pernicious. Jeremy Waldron, "The Cosmopolitan Alternative," *The Rights of Minority Cultures*, ed. Will Kymlicka, (New York: Oxford University Press, 1995), 93-122.

¹²²I am not claiming that the disabled and women cannot feel a sense of solidarity and unity in their experiences. However, this is quite different than the traditional sense of 'culture'. There are two options available to us. Either these groups are cultures and we must expand our sense of the concept 'culture', or we recognize that these groups are

portrayed and characterized in stereotypical fashion, or when the disabled are excluded from public life, this constitutes a sort of ‘cultural’ imperialism in the sense that Young develops. The disabled are often characterized and defined by those who are *not* disabled, rendering their experiences and values invisible in social life. As Susan Wendell puts it

Canadian and United States culture rarely include people with disabilities in their depictions of ordinary daily life, and they exclude the struggles, thoughts, and feelings of people with disabilities from any shared cultural understanding of human experience. This tends to make people with disabilities feel invisible (except when they are made hypervisible in their symbolic roles as heroes or tragic victims).¹²³

True to Young’s analysis, such groups are either non-existent in the public life or – when they actually are present – are portrayed as caricatures. Thus, even if a group does not have what can be labelled ‘traditional culture,’ they can suffer harm from cultural imperialism.

2.6 Moral Harm

The fourth category of oppressive harm is moral harm, and it is here that Jean Harvey makes a significant contribution to my analysis of oppression. Harvey argues that to oppress a group is to deny certain members of the moral community their status. She begins from a very different starting point, than Frye, Young or Cudd, claiming that

not recognized or their recognition is distorted. I take the second route. Ultimately, the outcome is the same, where the sense of self is harmed by the kind of recognition the groups is given.

¹²³Susan Wendell, *The Rejected Body*, (New York: Routledge, 1996), 65.

oppression is rooted in morally disrupted relationships. The sorts of harms which were identified by Young and Cudd, such as lack of representation and power, and material deprivation, are not the harms in which Harvey is most interested. The basic 'wrong' which occurs in 'civilized oppression' is what Harvey calls 'moral subordination.'

When moral subordination occurs, rights and obligations are not met for some members of the moral community.¹²⁴ Harvey defines the moral community as including "moral agents and moral patients: roughly those capable of being under moral obligation, and those to whom obligations can be owed."¹²⁵ Thus, those who can be agents of right and wrong are clearly included. But also, on her account, those who can be victims of moral wrongdoing are included within the moral community. This would include children and even possibly animals and the environment, as among those who do not necessarily act as moral agents but yet to whom moral obligations are owed. Where civilized oppression occurs, the harm which is experienced is a moral harm because oppressive relationships "block the exercise of certain basic moral rights and obligations that attach to membership in the moral community."¹²⁶

For Harvey, moral subordination can take two forms, because what is involved in one's moral status are, first, certain rights and obligations and, second, one's moral empowerment. Thus, if one's rights are denied (gays and lesbians to marry, for example)

¹²⁴ Jean Harvey, *Civilized Oppression*, (New York: Rowman and Littlefield Publishers, Inc., 1999), 104.

¹²⁵ *Ibid*, 101.

¹²⁶ *Ibid*, 2.

then one's moral status is lessened. If one lacks moral empowerment then one is not able to enter into the moral community with the requisite moral status and as a result one is morally subordinated. The harm of oppression is the way in which it allows those with privilege to enter into relations on their own terms, subordinating others physically, psychologically, and more importantly for Harvey, morally. When the obligations of others to members of oppressed groups fail to be met, what has occurred is the lessening of the status of – or removal altogether – of the oppressed in the moral community.¹²⁷ Not only has the harm been material or psychological, but it goes deeper by affecting the status of an individual as a member of the moral community. The oppressed are perceived as not deserving fair treatment as moral agents and can even be perceived as not being moral agents at all. For example, historical laws which forbid women to testify against their husbands is one way of morally subordinating women.¹²⁸ Their moral responsibility to testify to wrongdoings was removed and this can be attributed in part to an attitude that women are not able to act as independent moral beings with responsibilities and obligations to others when it came to moral issues arising from their relationship with their husbands.

¹²⁷Ibid, 104.

¹²⁸While this formally has been reciprocal in nature (men are also not required to testify against their wives) this has historically functioned as a means to control women. Historically, women were seen as belonging to their husbands. As Sherry Colb points out “Originally, the spousal privilege reflected the view that a married woman was not an entirely separate person from her husband. In marriage, the man and the woman became ‘one,’ and that one was the man.” Sherry Colb, “Helping Battered Women Without Holding Them In Contempt.” <<http://writ.findlaw.com/colb/20020925.html>> September 25, 2002.

Moral subordination can also involve reducing a person's moral empowerment. The harm of oppression in this sense is the way in which it allows those with privilege to enter into relations on their own terms. The oppressed are morally constrained in their choices and activities, hemmed in by oppressive institutions. The double-bind of oppression thus creates moral harm in the form of a constraint on the oppressed's ability to act as moral agents. For example, Cudd's analysis of women's frequent decisions to remain at home because it is financially disadvantageous for most women to seek employment rather than her husband, despite the recognition that such a choice perpetuates oppression, illustrates one way in which moral agency can be encumbered when it comes to oppressed groups.¹²⁹

Identifying moral harm as one of the experienced harms of oppression is important, as it is a harm that might go unnoticed because it is not quantifiable. It is not reducible to material harms. It is a distinct way in which members of oppressed groups are seen to be inferior or sub-human, not just physically and culturally, but morally. The harm which comes about through the morally unsound relationships which are present in oppressive contexts cannot be seen through the five faces of oppression Young posits, nor in the reduction of harm to material harms that Cudd encourages. Including moral harm is thus an important addition to the kinds of harm which the oppressed face.

2.7 Psychological Harm

The final category of harm I posit is psychological. It is important to note that

¹²⁹I will discuss the notion of the oppressed's moral agency in more detail in Chapter 4 when discussing the impact of a proper understanding of oppression on our understanding of moral responsibility for oppression.

psychological harm is often not separable from the other kinds of harms. The psychological harms which the oppressed experience often result from the culmination of other kinds of harms. It is these experiences, combined with the weight of history which result in the psychological harm. It is also the case that the psychological effects of oppression result in some of the other kinds of harms. For example, cultural imperialism can result in a loss of self identity and self respect. On the other hand, this loss of self respect can result in physical harm that results from depression, such as increased suicide rates. An understanding of the harm that constitutes oppression requires an emphasis of these kinds of harms, which Cudd's analysis fails to provide.

Interestingly enough, the psychological harm experienced by members of oppressed groups is one area in which analyses are quite detailed. Psychologists have been interested in charting the impact of oppressive experiences on psychological health and have noted many of the ways in which oppression seems to lead to depression, low self esteem, and the internalized hatred of self and other members of the oppressed group.¹³⁰ Women as a group are more often diagnosed with depression than men, and gays and lesbians have higher incidents of depression, particularly as teenagers. This is not unexpected when one considers the effects of violence and economic and cultural harms. The absence of one's culture from public life and the attempts at assimilation on the part of dominant groups can result in a loss of self identify. Suzanne Phar notes how oppression can result in what she calls 'horizontal oppression' or the internalization of

¹³⁰See Fred Hanna *et al.*, "The Power of Perception: Toward a Model of Cultural Oppression and Liberation." *Journal of Counselling and Development*, Fall 2000, 430-441.

hatred towards the group to which one belongs. “We see people destroying their own neighbourhoods, displaying violence and crime towards their own kind...internalized oppression leads people to be reluctant to associate with others in their group.”¹³¹

Violence within Black communities, racialized gang violence, the self hatred that many gays and lesbians experience, and the rampant substance abuse within aboriginal communities are all symptomatic of the psychological effects oppressive harms these groups face and add to that oppression in distinct ways.

The cumulative effect of facing physical, economic and cultural harm as a result of one’s group membership will have a negative effect on one’s mental health. Thus, the link between the other oppressive harms and psychological harm is quite strong. Kenneth Clatterbaugh argues, for example, that dehumanization is at the core of oppression.

While I disagree with his conception of oppression as simply “the dehumanization of an identifiable target human group,”¹³² he is right to point out that oppression can have a dehumanizing or degrading effect on the very being of oppressed peoples that will manifest in both material and psychological ways. There is also a strong connection between the psychological experiences of oppressed groups and the weight of history which they experience. Part of what makes oppression so psychologically burdensome is the knowledge that it has been pervasive in the past and is still happening today. The mechanisms and experiences might shift, but the effect of oppression remains the same,

¹³¹Suzanne Pharr, *Homophobia: A Weapon of Sexism*, (Berkeley, CA: Cardon Press, 1997), 61.

¹³²Clatterbaugh, 295.

harm in many different forms.

All of the preceding categories of harm are ways in which oppressed peoples experience harms. And it is these kinds of harms which lead to and reinforce oppression. An individual of an oppressed group may not experience all of these harms, and indeed may be fortunate to avoid most of them. However, for a group to be oppressed, members of that group will collectively experience a large range of these harms, although not necessarily in the same way. Individuals who are gay or lesbian may experience physical harm in very different ways. A person who was subject to gay-bashing has a radically different experience from a gay or lesbian youth who attempts suicide. Yet both instances are united under the notion of physical harm.

Many members of an oppressed group will experience the harms of oppression directly, though some lucky members may personally escape physical, material, moral or psychological harms. Nonetheless, their identity and experiences will be partly constituted by being members of an oppressed social group that is at risk of all these harms. Oppression is not a psychological concept such that feeling oppressed is what counts.

3 Oppression and Groups

Throughout the preceding discussion of harm, the notion of 'group' is prevalent, in particular the notion of 'group membership.' This requires some explication as it is not just any group that can suffer oppression, and furthermore, attention to groups allows for the possibility that groups as wholes are harmed by oppression as opposed to the traditional liberal approach of looking only to individuals as the focus of harm. In this

section I will first clarify what I mean when I use the term ‘group’ and then I shall discuss how oppression is not targeted at individuals but instead is based on social groups and individuals’ membership in those groups.

3.1 The Nature of Groups

The nature of social groups of the sort involved in oppressive relationships (e.g., those defined by gender, race, sexual orientation) is a much contested matter. There is wide disagreement about their legal, moral and even ontological status. Some discussions of groups take place within the context of ascertaining whether groups can have rights for the purposes of determining the legal liability of groups such as corporations.¹³³ Lon Fuller, for example, argues that groups are ‘legal fictions’ which are created because of their similarity to the ‘unity’ of a person.¹³⁴ Within multicultural liberalism, groups enter into the picture as the context within which individuals make choices about their lives.¹³⁵ Groups are seen on such accounts as consisting of aggregates of individuals. Any moral status is granted to the individuals that make up the groups, not the groups themselves.

To understand oppression, however, requires that we move beyond conceiving of groups as simple aggregates of people. Social groups, within oppressive contexts, play a

¹³³See Larry May, *The Morality of Groups: Collective Responsibility, Group-Based Harm, and Corporate Rights* (Notre Dame: Notre Dame Press, 1987); Lon Fuller, *Legal Fictions* (Stanford, CA: Stanford University Press), 1967; H.D. Lewis, “Collective Responsibility.” *Collective Responsibility*, ed. Larry May *et al.* (Maryland: Rowman and Littlefield Publishers Inc., 1991), 17-33.

¹³⁴May, 11.

¹³⁵Kymlicka, *Multicultural*, Chapters 2 and 5.

significant role. While Frye talks in terms of categories, Young in terms of social groups, and Cudd in terms of voluntary and non-voluntary groups, they share the commitment that oppression can only be understood by virtue of the existence of groups. And it is from this presumption (justified or not) of categories that oppression arises. Without groups, oppression would not exist, because oppression is based on the categorization of people based on certain real or perceived characteristics, values, traditions and experiences.

On Frye's account, oppression is a matter of limitation, and this limitation is based on the categorization of individuals into groups. She writes:

When you question why you are being blocked....the answer has not to do with individual talent or merit, handicap or failure; it has to do with your membership in some category understood as "natural" or "physical" category. The inhabitant of the "cage" is not an individual, but a group, all those of a certain category. *If an individual is oppressed, it is in virtue of being a member of a group or category of people that is systematically reduced, molded or immobilized.*¹³⁶ [my emphasis]

Thus, while it may very well be that some men are oppressed, they are not oppressed as men (so Frye argues) but rather because they belong to other categories.¹³⁷ Frye does not elaborate on what she means by category or group, but she refers to women and Blacks as examples of groups which are oppressed. She does briefly discuss why some have resisted understanding 'women' as a category of oppressed people, noting that dispersal of women and the presence of women throughout other social categories has made it

¹³⁶Frye, 7-8.

¹³⁷Ibid, 12-13.

difficult to understand women as a unified group. For Frye, what makes ‘women’ a category of oppressed people is that women – regardless of race, class, ethnicity, sexual orientation, and all of the other social categories – are systematically treated in ways that reflect and perpetuate sexist attitudes. Ultimately, she describes women as occupying a ‘ghetto’ with respect to men by virtue of their function, namely, the way women’s work, regardless of class, is aimed at service and caring.¹³⁸ As an early analysis of oppression, Frye’s work begins to get at one of the core aspects of oppression, its group nature. But her account lacks significant analysis of what constitutes groups more generally.

Young’s work begins to fill the void in Frye’s work. Young is more precise than Frye in her account of what constitutes a social group. On her view, social groups are neither aggregates, understood as arbitrary collections (all the people with blue eyes standing on the corner of the street), nor associations, understood as groups formally organized by rules or laws (The Rotary Club). For Young, social groups, unlike aggregates or associations, deeply influence our sense of identity. On her account, the social groups to which we belong have a profound influence on our sense of identity and cannot simply be left behind. Our sense of identity is not homogenous, but is fragmented, created by the numerous group memberships that we have. While memberships in associations can affect us deeply, Young argues that this is not comparable to the effect which social groups have on us. She claims that “a person joins an association, and even if membership in it fundamentally affects one’s life, one does not take that membership to define one’s very identity, in the way, for example, being Navaho

¹³⁸Ibid, 9-10.

might.”¹³⁹ For Young, our personal identities are created by our group memberships, not by our associations.

When describing social groups, Young relies on the notion of ‘thrownness.’ This term refers to how we can find ourselves belonging to groups. According to Young, we do not initially chose to belong to certain social groups, rather we find ourselves already belonging to them, even if we were not aware of it before. It is important to note that she does not believe that the ‘givenness’ of group identity means that one cannot leave or enter groups, or that the group identity is given in a way which always prevents change.¹⁴⁰ People who have found themselves to be members of a group can sometimes even change the sense of identity which that group membership brings. For oppressed social groups, reclaiming an identity as their own rather than as one defined by others is often a mode of resisting oppressive experiences.¹⁴¹

According to Young, there is also shared experience of some sort amongst the members that helps unite and bring them together as a group. There is no requirement on her account that all members of the group share the exact same experiences. Rather, there will be overlap between various kinds of experiences that change over time. For

¹³⁹Young, *Justice*, 46.

¹⁴⁰Some group memberships, however, do seem to remain fixed. For example, once one had grown old, one cannot simply move outside of one’s age group and ‘become’ young again.

¹⁴¹This often takes place within language, for example, gays and lesbians using the words ‘queer,’ ‘fag,’ and ‘dyke,’ or the Black community claiming ‘nigger’ as positive, identity-affirming concepts within their communities rather than the ways in which heterosexuals or Whites have used these terms to denigrate and oppress.

example, some women will share the experiences of childbirth, others will find common experiences through sexism, others through marriage, and others through rape, just to name a few, but not all women will share all of these same experiences. Thus, Young's account of groups is anti-essentialist in nature, and allows for ever changing group natures but even more importantly, allows for the widely diverse nature of people's experiences within those groups.¹⁴²

Anne Cudd's analysis of oppression, on the other hand, relies on a distinction between voluntary and non-voluntary groups. In her essay "Non-voluntary Social Groups," Cudd identifies a social group as a group which shares something 'socially significant.'¹⁴³ On her account, what is 'socially significant' will vary depending on whether the groups are voluntary or non-voluntary. Voluntary social groups are formed as the result of shared commitments. This would cover groups such as Christians, Buddhists and other religious groups where people voluntarily agree to enter into the social group, agreeing to abide by the norms and values of the group.

Non-voluntary social groups are groups of individuals who share similar social constraints – constraints which are created and sustained by others, either inside or outside of the group. Race becomes the basis of non-voluntary social groups when, for example, individuals who are Black are treated differently and face constraints on the basis of the colour of their skin. Gender is the basis an non-voluntary group, when men

¹⁴²This point will be important in my own analysis as widely diverse experiences mean that the harm experienced by the oppressed is also widely diverse.

¹⁴³Cudd "Non-Voluntary Social Groups," Unpublished Manuscript, 4.

are faced with the expectation that they are to be strong and unemotional. On her account, these social constraints affect the actions one considers and the choices one makes in clear and predictable ways.¹⁴⁴ For Cudd, non-voluntary social groups are largely defined by the ways in which people inside or outside of the group treat and interact with members who are perceived as belonging to that group. One is assigned membership by others through the relationships one encounters as a result of being 'labelled.' This is the case for membership in both dominant and oppressed groups.

In some ways, Cudd's distinction between non-voluntary and voluntary is similar to Young's separation between social groups and associations. And Cudd's analysis of non-voluntary groups is similar to Young's use of the notion of 'throwness.' But unlike Young, Cudd emphasizes the role of the 'Other' or 'Outsider' in the formation of certain social groups. Cudd and Young also differ slightly in their understanding of the ability or inability of groups to change. Cudd argues that:

The members of non-voluntary social groups share social constraints consequent on their membership. They need not intend to share the social constraints, but they are (without drastic intervention) inescapable; other agents and the social structures agents put in place constrain groups members because of their membership in these social groups.¹⁴⁵

Her account thus emphasizes the constraining aspect of non-voluntary social groups, whereas Young emphasizes the fluidity of groups, even those which seem rigid. Cudd's analysis seems to more accurately reflect the way in which social conditions play a large

¹⁴⁴Ibid, 9.

¹⁴⁵Ibid, 15.

role in determining the sorts of groups to which we end up belonging. It is important to note that she does not claim we cannot escape the constraints, but rather that such escape requires extreme measures as constraints reward and punish for compliance and resistance respectively.

As analyses of groups, both Cudd and Young provide a useful starting point, but there are difficulties with their accounts, in particular Young's. Young's account of social groups and oppression is lacking because she uses the concept of a 'social' group to automatically exclude certain kinds of groups from being capable of making claims of oppression, namely associations.¹⁴⁶ Associations, such as clubs and political parties, are voluntary and involve people actively coming together to form them, unlike social groups which have the sense of 'thrownness' which Young describes. When it comes to associations, Young argues that the individual is prior to the association and "the person's identity and sense of self are usually regarded as prior to and relatively independent of association and membership."¹⁴⁷ For Young, social groups involve the reverse, where individuals are constructed in large part as a result of their group membership. Group membership is partly constitutive of what gives the members a sense of identity.

Her approach works for the groups which she wants to *include* in her analysis of oppression. Yet given that religion and culture are at times intimately connected, she has

¹⁴⁶Young is not arguing that associations are not groups. Rather, her claim is that they are not *social* groups. And it is social groups which are able to claim to be oppressed. It is social groups which are at stake in issues of social justice.

¹⁴⁷Young, *Justice*, 45.

not adequately provided the means to distinguish between the groups that she does want to include, and those she does not. Some cultures overlap to such a degree that where the culture (in terms of language and traditions and so on) end and where religion begins (in terms of values and beliefs) is virtually indistinguishable, for example Islam as a culture and Islam as a faith. Furthermore, there are other categories through which we can gain a sense of identity. People gain identity through their nationality (Canadian and American identities are often sources of pride) and their roles (mother, teacher, or priest, for example).

Religious groups also provide problems for Cudd's distinction between voluntary and non-voluntary groups. If one is raised within a religious group, then one could understand such group membership to be non-voluntary in significant ways. It does not seem to me that sharing commitments entails that one is voluntarily doing so or that it is easy to forgo one's membership in such groups. Furthermore the sense of group identity which might arise from membership in a group based on shared commitments might resemble non-voluntary groups when the treatment by others is oppressive. For example, the treatment of communists in America during the McCarthy Era, illustrates that it was the 'Other' (those who were engaged in the exposure of supposed communists) who had a significant role in determining who fit into the group 'communist' (those who were inclined towards socialism, those who wanted political and social change in the United States and so on). Many who were accused were not even current or active members in the Communist Party. Yet being 'tagged' as communist, they were affected by such accusations as a result of how they were perceived and treated by others.

My account of groups is similar to Cudd's insofar as I rely on her discussion of 'socially significant' characteristics. Unlike Cudd, however, I do not think an account of social groups needs to dwell on the voluntary or non-voluntary nature of the groups one is examining. To exist as a social group within oppressive contexts simply requires that a feature be selected as socially significant and that the social norms and institutions become structured around such features. Take the establishment of men and women as different social groups as an example. It is merely contingent in some sense, that gender was chosen as a socially significant feature of individuals. The choosing of such features can be explained by the division of labour that seems 'natural' due to child bearing and rearing and the physical differences such division entails. These features become entrenched as socially significant when societal institutions and values become the mechanisms through which the categorization of people into male and female occur.

From the moment a baby is born – and with the advent of ultrasounds, even before it is born – the baby is classified as male or female.¹⁴⁸ This categorization often results in differing treatment. Young girls are socialized to play differently than boys. Young women and men experience sexual expectations in different ways based on gender. Women are 'sluts' if they are sexually active, 'frigid' if they are not. Men are 'virile' and 'powerful' if they are sexually active, 'weak' and 'impotent' if they are not. Throughout their lives, men and women are treated differently, have different

¹⁴⁸Indeed this drive for the categorization of people as male or female has raised issues with babies who are born with enlarged or diminished genitalia, where doctors feel the need to decide whether to surgically alter the genitalia in order to 'properly' classify the baby.

expectations placed upon them, and through social institutions, experience their lives quite differently. Thus, while clearly not a culture, the classes of men and women do form categories through which their members' experiences of social relations differ.¹⁴⁹ And these differences have resulted from the selection of gender as something which is socially significant.

When it comes to the creation of social groups, people are categorized into groups through historical processes which make certain aspects of their physical, mental or cultural lives relevant to the way they are treated. Social groups are thus in some sense generated by historical processes. In different societies different characteristics become relevant for identifying oppressed groups. One's religion becomes an extremely relevant feature of one's life in Northern Ireland when it comes to identifying oppressed groups, whereas race is a dominant feature to be examined in North America. This can be seen as a result of the historical differences in these two different regions. Gender seems to extend across the globe as a socially significant feature of most cultures. Ultimately, attention to the historical development of groups provides insight into how the group has been constructed and treated within societal institutions.

There are a number of benefits to understanding groups in this way. First, it takes into account that there will always be those who straddle the margins between groups. Some Blacks have fair skin, some whites have dark skin. Some disabled people are able to 'pass' as able bodied. Some bisexuals ally themselves with neither heterosexuals nor

¹⁴⁹For a comparison of women as a group to cultural groups, see Marilyn, Freidman and Larry May, "Harming Women as a Group." *Social Theory and Practice* vol 11, 1985, 207-231.

homosexuals. Even with gender, transsexuals and intersexuals can make firm gender categories ambiguous.¹⁵⁰ This can be explained on my account by the inability of others to pin down the socially significant feature. Thus, categories are often fluid, dynamic and changing at the boundaries. In the end, this means that social groups must be understood loosely. It is not likely that we could create a set of necessary and sufficient conditions to define group membership, nor necessary that we do so. Groups will constantly shift and change, and new groups are created as social relations change over time as the result of new features being selected as socially significant.

Second, social groups must be understood to involve many different kinds of groups. It is not logically impossible for political parties to be oppressed. One need only look to governments where majority parties have created institutions and laws which prevent serious political dissent and any semblance of democratic procedures. To be a member of certain political parties and affiliations in some countries is to be threatened with unemployment, imprisonment or even death.¹⁵¹ The same could apply to certain religious groups, where membership is voluntary.¹⁵² If a society begins systematically

¹⁵⁰And it may very well be that people who exist at the margins of groups encounter even more oppression as they defy the conventional wisdom that requires people fit into the categorical dualisms which are seen to exist, for example, men versus women, Blacks versus whites, and so on. Thus they may find themselves encountering hostilities from groups on either side who see their behaviour or characteristics as challenging those very dualisms.

¹⁵¹Take for example supporters of capitalism in Maoist China, or communists in the McCarthy era.

¹⁵²The treatment of Tibetan monks under China's rule is example of how religious affiliation can be the basis of oppression.

harming and limiting members of a certain religious community, then to say that their group is a matter of voluntary association and thus *not* a matter of oppression is to ignore the role which religion, and in the former case, politics can play in the lives of individuals. Furthermore, it is to ignore the way in which belonging to such a group can become a socially relevant feature and the basis for oppression. While White supremacists, as an ideological group may not be currently oppressed, I do not take it as an impossibility that they could be oppressed under vastly different societal conditions, where racist ideology becomes a socially significant feature in the structure of society and the way in which people are harmed systematically.¹⁵³

Third, this account places an important emphasis on the historical context of oppression. Identifying groups that are oppressed becomes easier when one recognizes that selection of socially significant features is embedded within historical processes. For example, being black remains a socially significant feature in the United States as a result of a history of slavery, segregation and racism. Without such a history, it is likely that race would not be socially significant. Furthermore, it is vital to recognize that groups change over time, particularly cultural groups. Attitudes and values change and shift, what constitutes social groups fluctuates based on what is considered socially significant at the time, making it difficult, if not impossible, to construct of a set of necessary conditions to define many social groups.

¹⁵³For example, if they were constantly under threat of violence, or if they were systematically refused positions of employment because of their beliefs, or even if they were systematically denied all freedom of speech, then perhaps an argument could be made for their oppression.

Fourth, this account allows for the recognition that group membership is overlapping. That is, people can experience different kinds of oppression and privilege when they have more than one of the socially significant features.¹⁵⁴ I do not identify solely as a woman, and indeed, there are times when my identification as lesbian is more significant to me (or to others) than my identification as a woman because being a lesbian may be more socially significant at certain times. My being White is socially significant when it comes to the privilege I experience as a result of my race. These group memberships are what help constitute my experience as an individual and cannot be separated. Black women, for example, face racism and sexism, and one cannot simply separate these two experiences of oppression from one another.¹⁵⁵ As Patricia Monture-Angus writes when speaking of her experience of oppression:

I am not just woman. I am a Mohawk woman. It is not solely my gender through which I first experience the world, it is my culture (and/or race) that precedes my gender. Actually if I am the object of some form of discrimination, it is very difficult for me to separate what happens to me because of my gender and what happens to me because of my race and culture. My world is not experienced in a linear and compartmentalized way....To

¹⁵⁴Of course, this is not unique to this account. Neither Young nor Cudd deny the possibility of intersecting group memberships.

¹⁵⁵Black feminist writers have detailed the intersection of race and gender (and in some cases class) at great length. See Patricia Hill-Collins, *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment* (London: Unwin Hyman Ltd, 1990); Mary Childers and bell hooks, "A Conversation about Race and Class" *Conflicts in Feminism*, eds. Marianne Hirsch & Evelyn Fox Keller (New York: Routledge, 1990), 60-81; Pauli Murray, "The Liberation of Black Women," *Feminist Theory: A Reader*, (Toronto: Mayfield Publishing Company 2000), 185-194; Combahee River Collective, "A Black Feminist Statement." *Feminist Theory: A Reader* (Toronto: Mayfield Publishing Company 2000), 272-277.

artificially separate my gender from my race and culture
forces me to deny the way I experience the world.¹⁵⁶

Monture-Angus and other Aboriginal women face oppression because in Canadian society, being a woman and being a member of an Aboriginal community are socially significant features. The intersection of groups complicates the understandings of the mechanisms, harms, and experiences of oppression as a group phenomenon but this merely reflects the complex nature of groups and oppression.

3.2 Individual and Group Based Harm

The need for clarity when it comes to establishing social groups is necessary because the harms of oppression are group-based. Oppression is not aimed at individuals who happen to find themselves together but is targeted towards individuals who have a socially significant characteristic that picks them out as belonging to a group of the sort that can be treated harmfully in society.

Oppressive social attitudes do not pick out individuals, but rather apply across entire groups. When people are sexist or racist, they do not have beliefs which only target certain women or certain people within racial groups. Rather those beliefs encompass entire groups. The individual harms that result from such beliefs are based on one's membership in the group towards which the beliefs are oriented.

When one member in a group is harmed by oppressive attitudes and beliefs, all members of the group can be harmed. Take for example, oppressive laws such as laws which did not allow women to press charges of rape against their husbands. While the

¹⁵⁶Monture-Angus, 178-179.

individual women who were raped by their husbands were harmed by such laws, all women as a whole were harmed insofar as the presence of such a law determines the moral status of women as being less than that of men in general. Such laws supported a culture of violence against women that ultimately made all women more vulnerable to attack and physical harm.

Furthermore, attention to social groups provides the means for recognizing the systemic nature of the limitations and barriers members of a group face when oppressed. If emphasis is placed on the individual harms then such attention may overshadow the way in which harms occur across groups.¹⁵⁷ For example, consciousness-raising groups in the 1960's and 1970's allowed women to realize that the harms they faced were not just their own, but were occurring to other women.

But there is also a sense in which the harm to groups are not merely aggregate harms, where one totals the harms of individuals who belong to the group. Reducing oppression to individual harm in this way fails to account for the ways in which some of the harms of oppression are not reducible to individual harms alone, but can also be discussed in terms of group harm. In such instances, a focus on individual harms may serve to undermine attention to the damage to the community as a whole.

One example of this sort of group harm is cultural imperialism, particularly cultural annihilation. The harms of cultural annihilation cannot be reduced to individual harms. Cultural assimilation and genocide as oppressive harms are not attached solely to individuals, but are traumas to the group that suffers them, as I argued in Section 2. In

¹⁵⁷I discuss this in more detail in Section 4.

such cases, groups as wholes have interests which can be harmed. The destruction of a culture is wrong not merely because of the impact this has on individual members, but rather because something of value, beyond the collection of individuals, is also lost.

Liberals may object that one should only be concerned about such things insofar as individuals care about culture. And certainly, one's social group can be important to the individuals within it as the context in which their self identities are formed and that the context can be damaged, in some instances beyond repair, thus harming the individuals.¹⁵⁸ In response, I appeal to work being done within environmental ethics, in particular the arguments of Holmes Rolston III for the protection of species. Rolston III argues that a focus on individuals is mistaken when dealing with species because it is not individual animals that we are trying to protect, rather we are trying to protect a form of life that, while instantiated in individuals, is of value as a form in and of itself.¹⁵⁹ He calls the extinction of species 'superkilling' because not only are the individuals within the species killed, but so is the form of the species itself.¹⁶⁰ An analogous argument can be made with regard to the harms of cultural imperialism and genocide. When a group is annihilated culturally, a form of life is lost which can be impossible to regain. Physically annihilating a social group is more than the tragedy of the loss of human life, but can also

¹⁵⁸For example, the cases of groups which have been 'successfully' assimilated or destroyed.

¹⁵⁹Holmes Rolston III, "Why Species Matter," *The Environmental Ethics and Policy Book: Philosophy, Ecology, Economics*, ed. Donald VanDeVeer and Christine Pierce (Toronto: Thomson Wadsworth, 2003), 476-484.

¹⁶⁰*Ibid*, 478.

be the loss of a genetic history and future which cannot be regained in the case of racial and ethnic genocide. In other words, social groups are important morally, not just because the individuals within the groups matter morally, but because the social group as a whole can have a value which is not the mere aggregate of the value of the individuals.

4. Oppression as Structural and Institutional

Fundamental to the concept of oppression is its systemic and institutional nature. This is a shared commitment of Frye, Young, Cudd, and Harvey. All of their analyses of oppression share a common commitment to the notion that oppression is systemic, that is, embedded within societal institutions, cultural traditions and values. Such structures and institutions can be formal, such as education systems set up by the government, segregation laws, or the structure of the workplace. Or they can be informal such as norms of sexuality, child rearing and popular culture, which often go unnoticed, unstated and unquestioned. I shall be focussing on the account of Frye and Cudd, as they provide particularly insightful discussions of how oppression is systemic.

Frye uses the analogy of a bird cage – where each bar on the cage represents one aspect of the experiences that shape the lives of those who are oppressed – to represent how oppression is structural and only visible from a macro point of view. Individually, each bar on the cage is unthreatening and poses no harm or restraint, but collectively they confine. Frye writes: "There is no physical property of any one wire, nothing that the closest scrutiny could discover, that will reveal how a bird could be inhibited or harmed by it, except in the most accidental way."¹⁶¹ It is only together as a whole that the bars

¹⁶¹Frye, 4-5.

function to restrain the occupant of the cage. And it is only by looking at the whole that the imprisonment can be readily seen. At the micro level, the containment is not evident.

Frye argues persuasively that the cage analogy provides an explanation as to why oppression is so difficult to see. For example, if someone is refused a job because he is gay, then this can be passed off as an aberration on the part of the person hiring. 'He (or she) is simply a bigot,' could be the response. When the images of families that are ever-present in the media show only heterosexuals, then this can be explained as the control of the media by the dominant sexuality, namely heterosexuals. This of course, it could be argued in turn, is the natural function of the media in the free market. The refusal of a government to allow same sex marriages can be seen as the simple expression of a religious preference by individual voters, or even the minister in charge of the legislation. At each stage of the examination of limitation, snapshots of the oppressed's life can be removed from context and seen in isolation. It is only when brought together that the 'reality' begins to sink in. The birdcage analogy is useful because it demonstrates the institutional and pervasive nature of oppression. It also demonstrates how systemic domination can be passed off as aberrations, faults of the oppressed, or simple coincidences.

Cudd is interested in demonstrating how, in some instances, the choices of the oppressed to engage in activities which are oppressive to themselves, are indeed rational choices on the part of the oppressed by virtue of the institutional structures within which those choices are made. That is, a choice which is rational and allegedly 'freely' made

can be coerced within certain kinds of institutions.¹⁶²

Her example is that of the workforce, where its structure reinforces oppression for women by making it rational for women to chose to stay at home (rather than their husbands) as that maximizes the benefit for households. But this in turn serves to reinforce sexist attitudes towards women and work, as well as furthering the gender wage gap.¹⁶³ As a result of social institutions then, the oppressed become trapped in a cycle where the institutions that harm them form the backdrop against which their choices are made, and those choices are set up in such a way that the rational option for the oppressed is to choose the path which continues to further the negative impact the institutions have on the oppressed.

There are three points that are important when it comes to the structural nature of oppressive experience. First oppression is not always a matter of simple individual choices, but rather can involve whole societal structures, such as language, legal, political and educational institutions, and cultural values. Second, following from the first, the structural complexity of oppression explains how it can be that the power used to oppress can be dispersed across institutions and groups, rather than centrally located in a single easily identifiable group; thus the mechanisms of oppression can be difficult to identify.¹⁶⁴ And third, but closely related to the first two, is the idea that the oppressed

¹⁶²Cudd, "Oppression" 22-44. Her interest is largely in the unjust economic framework within which women must make choices. See also Cudd, "Strikes," 20-36.

¹⁶³Cudd, "Strikes," 34.

¹⁶⁴This is not always the case. Some mechanisms of oppression are easily identifiable: examples of blatant oppression include the experiences of Blacks under

often end up participating in their own oppression because of their participation and socialization within oppressive institutions.

When oppression is understood to be structural, the mechanisms of oppression are revealed to be embedded within institutions.¹⁶⁵ Certain groups find themselves harmed by the support of cultural traditions. For example women in some cultures are held to be inferior or subordinate to men, and lesbians and gays are vilified within the value structures of many cultures and religious institutions. The media is also often the mechanism of oppression through the stereotypical portrayal of dominant and disadvantaged groups. Educational institutions reinforce values and reproduce oppressive attitudes through the curriculum and available knowledge sources. Economic systems enable the powerful to retain that power through the influence of economics in political and social life. Legal systems reflect cultural traditions and values which can be oppressive. Less formal institutions such as the fashion industry and architecture styles can be mechanisms of oppression. The fashions available to women and men reflect dominant views about the role and function of men and women. Architectural styles affect how people are able to interact with their environment, and when the dominant group is able-bodied, even the basic structures of buildings can be mechanisms of

Apartheid and American Slavery, the treatment of Jews in the Holocaust, and the experiences of Afghan women under the rule of the Taliban.

¹⁶⁵I understand the term ‘institution’ here to be very broad. Thus it does not merely refer to formal structures and rules (such as universities or governments) but also includes economic and legal structures, as well as value systems, cultural systems, languages, art, and ‘the media’ (the television, music, and film industries, for example).

oppression for the disabled.¹⁶⁶

Oppression cannot be reduced to any one mechanism, but rather consists of the myriad of ways in which groups are limited. In his analysis of the structural nature of oppression, I. Ira Goldenberg notes that “oppression cannot occur in the absence of structures which continually reaffirm the essential social expendability of certain people.”¹⁶⁷ Thus, a group that is oppressed will face institutions that oppress in many areas of their lives, from the houses and neighbourhoods that are available to them, to the kinds of education and work that they manage to obtain. Thus, schools, work spaces, laws, economic arrangements, and even the social structure of the family all play a role in determining how much growth and freedom individuals – as members of social groups – are able to exercise. Oppression is structural insofar as it permeates the daily institutions within which the oppressed must operate. While it may be that no single structure is aimed explicitly at oppressing, many can act together to form interlocking mechanisms of oppression.¹⁶⁸

¹⁶⁶Take for example buildings in which fire alarms are only heard, not seen. The Deaf community is put at a disadvantage in such cases. While some newer buildings are being built with the disabled in mind when it comes to external access, there are many ways in which disabled individuals may find it difficult to navigate within such structures. Once inside buildings, access to interior spaces may be limited. Narrow doorways, and only having outside entrances equipped for wheelchair access are examples of the barriers facing those in wheelchairs within outwardly accessible buildings.

¹⁶⁷Goldenberg, Ira. *Oppression and Social Intervention* (Chicago: Nelson hall, 1978), 9.

¹⁶⁸While formal exclusion from societal institutions is largely no longer the experience of most social groups (such as segregated schooling and the explicit denial of a place in the workforce to women), there are still some groups which remain explicitly

As Peter Middleton explains, “it is meaningless to talk of an individual’s intention to act oppressively because oppression is a systemic determination...of individual behaviours.”¹⁶⁹ While I think it *is* possible to talk of deliberate individual behaviour as oppression, particularly when considering those who deliberately try to harm those in various social groups (e.g., gay bashing, wife abuse), a complete understanding of oppression also recognizes how much of oppressive experience is mediated not through deliberate exercise of power over others, but through the actions of many within societal institutions which are not individually intentionally oppressive

One of the results of the systematic nature of oppression is that the oppressed can become actors in their own oppression without consciously recognizing their behaviour as oppressive. This can happen in different ways. Societal structures can constrain the choices of the oppressed so that even if the oppressed recognize the ways in which their choices further their own oppression, it makes rational sense to make choices that are oppressive. Again, Cudd’s analysis of coercion demonstrates that because the oppressed must operate within societal structures, their choices can also reinforce and perpetuate their own oppression.¹⁷⁰ ‘Freedom of choice’ for the oppressed only exists within unfair structures, which means the options for the oppressed involve those which further their oppression.

and deliberately segregated from societal institutions – most notably the denial of access on the part of gays and lesbians to the institution of family.

¹⁶⁹ Peter Middleton, “Socialism, Feminism and Men,” *Radical Philosophy*, vol. 53, 1989, 12.

¹⁷⁰ See Cudd, “Oppression,” 22-44.

The oppressed can also become what Sandra Bartky calls “psychologically oppressed” in ways which advance their own oppression. For women, psychological oppression occurs when women are trained in ways which discipline their bodies and minds to be submissive and vulnerable, internalizing the attitudes and values which dehumanize and depersonalize women.¹⁷¹ Her argument is that women internalize traditions and values which oppress them, so much so that they willingly participate in practices which harm them. Thus, the psychological harms which are experienced by the oppressed may be created not merely by the actions of others, but by the actions of those who are harmed

The oppressed internalize attitudes towards themselves and other like them, which in turn creates behaviours that partly cause and reinforce their own oppression. This can result in what Frye calls the ‘double-bind’ of oppression. This is the experience of the oppressed as being ‘damned if you do, damned if you don’t.’ The double bind is distinctive of oppression because one is harmed through limitations both when one concedes to oppressive forces and when one resists.¹⁷² The options one has as a result of the barriers and limitations are two: concede and suffer, or resist and suffer. She uses the

¹⁷¹Sandra Bartky, *Femininity and Domination: Studies in the Phenomenology of Oppression* (Routledge, New York: 1990), especially Chapters 2 and 3.

¹⁷²Of course there may be double binds which have nothing to do with oppressive experiences, such as being torn between two supervisors who are asking a subordinate to perform contradictory tasks. While the subordinate may be in a double-bind, there is nothing about this double-bind which suggests oppression. When it comes to the double bind of oppression, Frye merely shows that the structures and values which permeate oppressive societies require that the oppressed are persistently experiencing such conflict. Non-oppressive double binds may be much more transient and result from structures not properly identified as oppressive.

example of women who are told sexual inactivity *and* sexual activity are both inappropriate. Women who are heterosexually active are whores or sluts, while women who are heterosexually inactive are frigid, abnormal, or lesbian.¹⁷³ The oppressed can willingly participate in their own oppression, as they seek to avoid the punishment of resistance, but Frye notes that they only do so by causing themselves harm.

The same goes for other groups who internalize negative attitudes towards the group they belong to.¹⁷⁴ Suzanne Pharr notes that “the messages that society gives lesbians and gay men are that we are sick, immoral, destroyers of the family, abnormal, deviant, immature, etc. It is very, very difficult to grow up in the midst of this constant bombardment without internalizing any of them as true.”¹⁷⁵ And when these values are internalized, they not only result in higher incidents of depression and suicide, but also in behaviour which damages others within the gay and lesbian community. For example, there are ‘former’ gay and lesbian individuals who have been ‘saved’ by religious and psychological therapists who claim that given the right counselling gays and lesbians can become ‘normal’ heterosexuals and live fulfilling lives. Those who have been ‘converted’ and act as spokespersons for these scientific and religious communities help oppress the gay and lesbian community by giving credence to the idea that sexual orientation is simply a matter of choice, which ultimately reinforces the oppression of the

¹⁷³Frye, 3.

¹⁷⁴Bartky’s analysis is largely geared towards women, although she does mention the condition of black men occasionally. See Bartky, *Femininity*, Chapter 2.

¹⁷⁵Pharr, 69.

gay and lesbian community. The choices faced are to resist social pressure and experience ostracism, or concede and face the erasure of one's identity.

The institutional nature of oppression thus masks oppression. There is often no clear 'oppressor' group, and some of the oppressed are often complacent in their own oppression. This can make it difficult to identify oppressed groups because of traditional understandings of oppression in terms of overt and explicit acts on the part of identifiable agents whose exercise of authority is deliberately meant to exclude and limit members of certain groups. Recognizing the institutional nature of oppression is necessary if one wants to talk meaningfully of the mechanisms of oppression.

5. Oppression, Benefits and Privilege

Sometimes, as Frye points out, limitations to our freedom or harms are imposed for our own good, for example, traffic laws and taxes. These barriers are imposed so that we ultimately experience more freedom – the ability to move from one part of a city to another or to access health care and education – and they are imposed on everyone, regardless of group membership. For Frye, oppressive barriers are erected for the benefit of some, even if this benefit is masked by apparent limitation. She uses the example of a racial ghetto:

...[T]he existence of the ghetto, of racial segregation, does deprive the white person of knowledge and harm her/his character by nurturing unwarranted feelings of superiority. But this does not make the white person in this situation a member of an oppressed race or a person oppressed because of her/his race. One must look at the barrier. It limits the activities and access of those on both sides of it (though to differing degrees). But it is a product of the intention, planning and action of whites for the benefit of

whites, to secure and maintain privileges that are available to whites generally as members of the dominant and privileged group.¹⁷⁶

The benefit can be psychological, for example, the perceived superiority of the privileged group, monetary, as evidenced by the barriers to employment and ‘glass ceilings’ which oppressed groups face, or even physical, in terms of better health care or increased physical safety. The point which Frye correctly makes, is that the barriers do not exist simply to harm the oppressed group; they are in place to put the dominant group in a privileged position which reinforces their power over the oppressed.

Thus benefit to some group becomes a third criterion of oppression which Cudd discusses: the requirement that someone (or more accurately, another group) benefits, or at least believes that they do, from the treatment of the targeted group. This is closely linked with her understanding of how involuntary groups are formed through systems of rewards and punishment. Here she shares with Frye an understanding of how systemic barriers provide benefits to the dominant and harm to the oppressed. Cudd argues that “where there is oppression there is a group who suffers and a group who benefits.”¹⁷⁷ Cudd’s analysis of the harm of oppression emphasizes material harms. She understands social rewards as largely a zero-sum game, where if one group is denied certain benefits, they are distributed to another group.¹⁷⁸ For example, when Blacks are denied certain jobs and high pay, Whites are the ones who benefit from such a distribution.

¹⁷⁶Frye, 12.

¹⁷⁷Cudd, “Oppression,” 25

¹⁷⁸Cudd, “Oppression,” 26.

I have deliberately avoided using the term 'oppressor' to describe the group which is placed in opposition to an oppressed group. The definition of 'oppressor' is 'one who oppresses,' but as the scope of those who oppress a group can include both those who commit intended and unintended acts on the part of members of the privileged group as well as the intended and unintended acts on the part of members of the oppressed group, I am reluctant to use this term to exclusively describe the group which benefits from the oppression of a group. People within oppressed groups can act in oppressive ways, towards themselves and others, both in their own group and outside of it.

The difficulty with using the term 'privileged' to describe those in groups that benefit from other's oppression is that 'privilege' has been understood in ways which imply entitlement. In her article "White Privilege and Male Privilege" Peggy MacIntosh notes this problematic use of 'privilege.' She argues that "the word 'privilege' now seems misleading. Its connotations are too positive to fit the conditions and behaviours which "privilege systems" produce. We usually think of privilege as being a favoured state, whether earned, or conferred by birth or luck."¹⁷⁹ And her concern is valid one. To have a privilege can refer to having earned special treatment. For example, a child who has the privilege of driving his or her parent's car has often earned that privilege through establishing that they are careful drivers and are worthy of trust. When it comes to oppression, the privileges which are given to those who benefit from oppression are unearned. It is vital not to cloud the nature of the benefits obtained from oppression. The

¹⁷⁹ Peggy McIntosh, "White Privilege and Male Privilege: A Personal Account of Coming to See Correspondences Through Work in Women's Studies." *Working Paper No. 189* (Wellesley: Wellesley College Center for Research On Women, 1988).

slide from a conception of privilege as unearned benefits to a conception of privilege as earned benefits can obscure how certain groups unjustly benefit from the oppression of others. With this in mind, however, I shall refer to those groups that benefit from oppression as ‘privileged,’ where the term explicitly refers to unearned benefits which are based on group membership.

Young does not explicitly describe the notion of benefit when she analyses oppression and this is a drawback to her analysis. However, one can extrapolate the presence of benefits within contexts of oppression from her analysis. Those who are not oppressed do not experience violence in the same way or to the same degree, are situated in positions of power, are *not* marginalised, have their culture reinforced, and cannot experience exploitation since exploitation directly involves the dominant group benefiting from the oppressed. Thus, on the basis of their group membership, the privileged experience life in a way which is often inaccessible to the oppressed. The limits which face the oppressed do not usually exist for the privileged groups.

In “Privilege: Expanding on Marilyn Frye’s ‘Oppression.’” Alison Bailey makes a useful distinction between positive and negative privilege. She distinguishes between privilege understood as simply the lack of barriers which a group might face and privilege understood as additional perks of group membership. For example, she notes that a man is likely to feel free to walk about at night. This is a negative privilege insofar as it grants him simply a freedom which women do not have. But gender in this instance can also bestow a positive privilege if that man walks with a woman and understands himself to be in a protector role. Being a protector is an additional benefit to having the freedom to

move unhindered by fear.¹⁸⁰ The absence of limitations is a benefit, as are the material psychological benefits which come from realizing that one is in a position of power or privilege over others.

Feelings of superiority cannot be underestimated as a benefit of an oppressive system. One current struggle for equality which exemplifies the importance of recognizing the psychological benefit of oppressive structures is that of gay and lesbian communities' struggle for same sex marriage in the United States. This case illustrates how retaining privilege does not need to depend on strictly material benefits, and how Cudd's analysis of oppression as a material phenomenon that is a zero-sum game is inadequate. When it comes to objections to same-sex marriage often the arguments take the following path: we must oppose same sex marriage because to allow it is to begin the destruction of society as we know it. The denial of marriage to gays and lesbians, for example, is often couched in the language of avoiding harm to heterosexuality and heterosexual society. Thus, the argument goes, if gays and lesbians are allowed to marry, then the traditional family will founder, and society will be sent on a course towards inevitable destruction.¹⁸¹ But closer analysis shows that this is not realistically the benefit which is being maintained by excluding gays and lesbians from marriage. There

¹⁸⁰Bailey Alison "Privilege: Expanding on Marilyn Frye's 'Oppression'," *Journal of Social Philosophy*, vol 29, no 3, 1998, 115-117.

¹⁸¹While this may seem like hyperbole on my part, this is the actual argument of many in favour of the traditional family and the denial of any recognition of gay and lesbian unions. Michael Pakaluk argues that allowing gays rights and protection against discrimination will result in harm to society. Michael. Pakaluk, "Homosexuality and the Common Good." *Do the Right Thing: Readings in Applied Ethics and Social Philosophy*, ed. Francis Beckwith (Toronto: Thomson Wadsworth, 2002)

is little evidence that allowing same sex marriage will harm society. Allowing gays and lesbians to marry will not deprive heterosexuals of the monetary benefits of marriage such as tax benefits. Allowing same sex marriage will not stop heterosexuals from becoming married. But allowing same sex marriages *will* be a step in eliminating the belief that only heterosexuals deserve to have social recognition for their intimate relations. What is being maintained by the exclusion of gays and lesbian from marriage is the belief on the part of many heterosexuals that gays and lesbians are lesser, and that heterosexuals are superior, either as heterosexuals or as people who have certain religious beliefs. This feeling of superiority, of being a privileged class, is what is ultimately being preserved.

An analysis of the benefits of oppression is complicated because the limitations put in place by the privileged group often serve to harm them. For example, men are harmed by the ways in which society requires them to be masculine, where this is understood to require men to separate from their emotions and feelings, denying them the full range of human experience.¹⁸² But such an analysis requires a deeper understanding of the structural nature of oppression, as noted in the previous section. What makes one group oppressed, and another privileged, when both face the same kind of limitation, for example, gender conditioning, is the surrounding institutional structures of society and historical context. Thus, the range of human experiences and opportunities men do have as a result of masculinity are ones which generally benefit them because of the ways in which societies have historically valued masculine traits over those women are exhorted

¹⁸²See Frye, Chapter 5. I will discuss this in more detail in Chapter 4.

to have. Men have historically benefited from the limitations they place on women, and even from the limitations placed on themselves by virtue of the oppressive values they maintain, and such benefit continues in the present.

There are two ways in which including the notion of a beneficiary group within an analysis of 'oppression' complicates things. First, people can belong both to oppressed and privileged groups, which makes sorting out the benefits and limitations difficult. This is one more respect in which oppression is complex. As I have noted, group membership is not a matter of being identified with one group. An individual can find herself belonging to many different groups, and experiencing both the privilege of some and harm associated with others. Black feminists have noted that the experiences of Black women are radically different than those of White women because of the ways in which sexism and racism intersect in their lived experience. Thus, White women may be oppressed as a result of their gender, but they inevitably experience privilege as part of their membership in the dominant racial group. A gay man may experience the privilege of gender, but also faces oppression as a result of being gay. Any analysis of oppression and the power relations between the oppressed and the privileged must take such intersections into account. Looking at the distribution of benefit and power amongst groups must thus take into account the ways in which group memberships intersect.¹⁸³

The second way in which looking to benefits can make oppression analysis complex is the way in which the oppressed can benefit in spite their oppressed status. I

¹⁸³I will examine this more closely in Chapter 4, as I take issue with arguments by certain masculine theorists who claim that men are oppressed by social conditioning.

use the term 'benefit' loosely, as the some of benefits referred to in this context are more or less the lack of sanctions which are placed upon individuals who comply with oppressive values and attitudes. For example, in 'passing' as heterosexual, many gays and lesbians avoid sanctions by others. By successfully masking a disability, one can avoid the stigmatization that often follows the discovery of a disability. They are able to avoid the negative repercussions, but at a cost that can manifest in loss of personal identity, pride and psychological health. There are, however, people who benefit in the truest sense while belonging to oppressed groups. Some female strippers and porn stars, make large amounts of money. Some Blacks are very successful within the music industry. In contemporary western society, being oppressed does not necessarily mean that one is completely constrained from being successful.

Theorists such as William Farrell point out the ways in which women have benefited from the socialization of men and women to their respective roles. Women have gained a source of financial resources through having a working husband, child support payments, alimony, and the expectations that men pay for meals on dates and that men are the 'bread winners.'¹⁸⁴ This conceptualization of masculinity has thus, benefited women. For example, women also benefit from the protection by men, as 'bodyguards' and through the military. But this 'benefit' has also come at a cost, namely the denial to women of an equal place in the work force, the understanding of women as the 'weaker' sex, and the exclusion of women from the military. While Farrell emphasizes the

¹⁸⁴See Warren Farrell, *The Myth of Male Power* (New York: Berkley Books, 1993).

benefits, he ignores the social costs both material and psychological, for women.

Understanding the benefits of oppression to the privileged group is necessary for an analysis of oppression, but being able to distinguish between the benefits of living within oppressive norms and the benefits of being a member of a privileged group, is also necessary. This means that simply showing that a group benefits from a practice or tradition is not enough when trying to establish that the group is not oppressed, just as showing that a group is limited in some way does not itself demonstrate oppression. Some oppressive practices benefit oppressed groups when they 'play along' but end up harming them when it comes to broader understandings of harm (such as the psychological effects of such activities) and also result in harm when the group, or members of the group, resist those practices and are punished for such resistance.¹⁸⁵

6. Conclusion

I have argued that oppression is a state of affairs (a) set in a historical context that results in (b) harm to (c) social groups or individuals within them (d) mediated by societal institutions (e) which benefit privileged social groups. Unique to my account is my emphasis on the necessity of interpreting harms, groups, societal institutions and benefits through history. To understand oppression requires paying attention to the ways in which oppressive attitudes and values do not simply exist in the present but are transmitted through history via cultural and societal structures.

¹⁸⁵There are ways in which being privileged can exact a cost in oppressive contexts, particularly when it comes to moral evaluations and judgements. For example, I may feel extreme guilt as a White woman when faced with racism, and this can have paralysing effects on my ability to take effective action to resist racial oppression. I take up this argument in Chapter 4.

This account draws heavily on the analyses provided by other feminist theorists, but consolidates, expands and diverges from each. I have expanded the range of harms that both Young and Cudd identify. I argue that social groups must be understood to be based on socially significant features that are contextually dependent since I believe the openness of this account more accurately represents the range of possible kinds of groups that can be oppressed. I have also placed emphasis on the historical nature of oppression, which none of the analyses to date have emphasized.

There are a number of benefits to this account, which I shall develop in the following chapters. First, it enables me to provide a solid response to those who claim to be oppressed, but who are not. Establishing which groups are oppressed and which are not is vital for any theorist who is interested in addressing issues of social justice. Second, it will affect how we understand societal and individual responsibility and agency when it comes to oppressive practices, which in turn will have an impact on how one understands issues of social justice. And ultimately, I will argue that liberalism is not able to address social policy issues within Canada and the United States without such a conception.

Chapter 4: The Uses and Misuses of Oppression

With the analysis of oppression provided in Chapter 3, I now turn to look at some contemporary uses and critiques of claims of oppression. For while the concept of oppression is used often in political discourse, more recently the use of it has occurred in ways which harm those who are in actuality oppressed. In particular, I am concerned with a) the wrongful claims of oppression on the part of privileged groups, particularly men and Whites, and b) the movement away from an oppression-based analysis on the part of certain, increasingly popular, feminist theorists.

In both instances, I will argue that underlying the arguments is an inadequate understanding of the concept of oppression. This inadequacy forms the basis of wrongful oppression claims, which is problematic, since such claims undermine policies directed at bettering the lives of truly oppressed groups. The rejection of talk of oppression on the part of some feminists is likewise founded upon misconceptions about the nature of oppression. Two particular movements within feminism – power and individualist feminism, defined in section 3– have wrongly advocated a move away from a discourse recognizing oppression as a fundamental aspect of women's, and other social groups', claims for equality. I shall argue that the motives for moving away from such a discourse are situated within an incorrect understanding of oppression, and that the various elements of this misunderstanding end up informing the theory and pragmatic strategies for which power feminism and individualist feminism argue.

2. Unjustified Claims of Oppression

Not all claims of oppression are justified, and it is imperative that unjustified claims are shown to be mistaken because of the emotive and normative responses which oppression claims raise. Using oppression as part of an argument for injustice can be used as a way to garner sympathy for a group, and it can be used as a *prima facie* argument for social change to improve the status of the social group in question. For if a group is indeed oppressed, then a normative argument for the change in the circumstances of the group is in place, as oppression must be recognized as a fundamentally unjust state of affairs. In recent years, certain movements amongst men and Whites have claimed the concept of oppression as a way to describe their experiences and as a means of undermining policies aimed at social justice for truly oppressed groups, policies such as affirmative action for women and racial minority groups.¹⁸⁶ I will argue that men (and in a similar vein, Whites) are not oppressed as a group, although I do concede that some men may be oppressed as men.

I will respond to these claims in three ways. First, I will argue that in some instances the treatment of the individuals or group in question may be unjust, but that this in itself does not justify adopting the language of oppression. Second, I argue that the intersection of group memberships requires drawing a distinction between saying that all men are oppressed as a group, and saying that some men are oppressed as men. There is a

¹⁸⁶Some have argued that religious groups are oppressed as society becomes more liberal. The erosion of the power of religion in politics has been deemed 'the velvet oppression' by Blain Benson, a civil-rights lawyer. See Denyse O'Leary, "A Velvet Oppression," *Christianity Today*, vol. 45, no. 5, 2001, 75-78. I will be focussing, however, on the arguments of those who claim men and Whites are oppressed as groups.

significant difference between these two claims. Third, I will demonstrate that in some cases – notably affirmative action – the disadvantage experienced by a group may actually be justified, which renders the oppression claims moot since the basis of oppression is explicitly unjustified harm.

2.1 Men, Whites and Oppression

In an interview with Susan Faludi, Warren Farrell argues that “[m]en are hurting more than women – that is, men are, in many ways, actually more powerless than women now....The women’s movement has turned out not to be a movement for equality but a movement for women’s maximization of opportunities.¹⁸⁷ And in his book, *The Myth of Male Power*, Farrell argues that the notion that men are more powerful than women is a ‘myth’ that women in the feminist movement have disseminated in their arguments for women’s oppression.¹⁸⁸

Farrell gives numerous examples in support of his claim that when one really looks at how society ends up treating men, men come out on the short end of the stick. Farrell claims that: more men are killed in battle than women, and are thus seen as ‘disposable’; women have longer life spans than men, almost 14 years more than black men; more men commit suicide as they start to feel the pressure of having to live up to societal standards for men; more men are victims of violent crimes than women; women who are heads of households have more net worth than men who are heads of households;

¹⁸⁷Susan Faludi, *Backlash: The Unspoken War Against American Women* (New York: Double Day, 1991), 300.

¹⁸⁸Farrell, *The Myth of Male Power* (New York: Berkley Books, 1993).

women have much more control over the consumer industries than men; men are obliged to protect women, sometimes at great risk to themselves; men pay for women's food and entertainment on dates; and men accumulate more responsibilities and are expected to shoulder more burdens economically than women.¹⁸⁹

Farrell also makes use of the concept of oppression, which for me is of most interest and concern. For example, he writes:

Women are the only minority group that is a majority, the only group that calls itself "oppressed" that is able to control who is elected to every office in virtually every community in the country.... Women are the only "oppressed" group to share the same parents as the "oppressor"; to be born into the middle class and upper class as frequently as the "oppressor"....¹⁹⁰

It is clear from his usage, that women, on his account, are *not* oppressed, and that men are *not* oppressors.¹⁹¹ Indeed, in Chapter 3 of his book – in a section titled "Did Men Oppress Women?" – he proceeds to argue that women in the past, not just the present, had more power despite the lack of ownership of property or official voice in governments. He writes that "[w]omen...were both equal to property and more equal to men – and therefore, 'on a pedestal'."¹⁹² For example, he argues that women in Islamic countries are not oppressed by the requirement that they remain fully covered to the eyes

¹⁸⁹Ibid, 27-41.

¹⁹⁰Ibid, 40.

¹⁹¹It is interesting to note that some of his claims are mistaken. Gays and lesbians share the same parents as their heterosexual siblings, and are born into the same economic classes.

¹⁹²Farrell, 93.

of men until marriage. He claims that because they hold the power of sex over men the dress codes are not oppressive. Until men vow to provide for them, sex is withheld. Thus, he argues, women were historically the ones with power, while men fought on battle fields and died protecting their country, and of course, women.¹⁹³ Ultimately, Farrell argues that men and women have made themselves ‘slaves’ to each other in different ways, and thus neither is able to call themselves *the* oppressed sex. His arguments regarding the disempowerment of men have echoed within men’s movements which do claim that men are oppressed, and many draw on the sorts of analysis which Farrell provides.

In their position statement, the group Men Against Racism and Sexism (MARS) claim that men are oppressed in five ways. First, men are characterized as naturally violent. They note that men who are not masculine in this way are often called ‘sissy’ or ‘girl.’ Second, they claim that violence against men is not treated as seriously as violence against women. Third, men are expected to tolerate pain and ignore certain emotions, unlike women who are recognized as being emotional. Fourth, men are not allowed to seek close relationships or reassurance, as these are indication that they are weak and this is often followed by being “put down for being like a woman.”¹⁹⁴ Finally, men are seen as “inherently compulsive in their sexuality”¹⁹⁵ and thus cannot help their reactions in sexual

¹⁹³Ibid, 67-101.

¹⁹⁴Ibid, 67-101.

¹⁹⁵Ibid, 67-101.

situations.¹⁹⁶

The MARS statement begins with a statement of their understanding of oppression as “the systematic mistreatment of one group of people by another group of people or by society as a whole; with institutional power as a means of asserting that mistreatment.”¹⁹⁷ The recognition of oppression as systematic and institutional as well as group based is of particular interest, as these are crucial aspects of oppression as I note in Chapter 3. However the definition provided by MARS ignores other significant features of oppression, namely attention to the historical context in which unjust harm occurs, and to the nature of the unjust harm experienced. This means that any interpretation of the disadvantages of men that occurs through their understanding of oppression will come to incorrect assumptions about what constitutes oppression and thus to incorrect conclusions about who is oppressed.

Within more academic circles, claims of the oppression of men can also be found.¹⁹⁸ In her article, “Oppressed and Oppressor: The Systematic Mistreatment of Me,n, Carline New also makes the argument that men are oppressed through socialization. Like MARS, New begins with the concept of oppression, understanding that for men to be oppressed, they must fit the criteria of oppression. According to New, if we

¹⁹⁶MARS (Men Against Racism and Sexism), “Male Oppression,”
< http://research.umbc.edu/~korenman/wmst/Male_oppression.html, July 2004.

¹⁹⁷Ibid.

¹⁹⁸By ‘academic’ I refer to arguments aimed at academic audiences, rather than sources found in popular media. Farrell’s work is published for a general audience, as are the websites published by groups such as MARS.

understand oppression to be the systematic mistreatment of members of a group in comparison to other groups, justified by some characteristic of the group, whether real or imagined, then men can be seen as oppressed.¹⁹⁹ New writes “the oppression of men is not only disciplinary or psychological. It also involves material effects of men’s positioning, which we only fail to see as oppressive because of a lack of obvious agent or beneficiary.”²⁰⁰ Thus, men are oppressed through work, insofar as they are overworked and given the dirtiest, most dangerous and exhausting jobs.²⁰¹ Her argument parallels that of Farrell and MARS. She too argues that men are oppressed through their role in the military, where men are sent out to fight. This treatment is not recognized as *mistreatment* however, because of the social conditioning which presumes men are violent and aggressive.²⁰² She also points out how the justice system mistreats men within the prison and health care systems, through greater punishments and sexual abuse in prisons and the lack of attention to medical issues such as depression in men.²⁰³ The ways in which men suffer harms *qua* men is seen by New as clear evidence that they are oppressed.

Claims of oppression have been raised by men – and Whites – when it comes to

¹⁹⁹Caroline New, “Oppressed and Oppressor: The Systematic Mistreatment of Men,” *Sociology* 35, no. 3 (2001), 731.

²⁰⁰*Ibid*, 741.

²⁰¹*Ibid*, 742.

²⁰²*Ibid*, 742.

²⁰³*Ibid*, 743.

the institutionalization of policies which have favoured women and members of minority racial groups over white males. Paul Johnson, after being passed over for a job in favour of a woman, wrote an open letter to 'White Males of America' rallying men to rise up and protest their oppression in the face of women entering the workplace.²⁰⁴ In an article entitled "The Oppression of Men," Rod Van Mechelen argues that with women's liberation came the oppression of men because of the sorts of strategies enacted to help women. He writes:

many men feel things have gone too far. That women now get unfair advantages to make up for the way things used to be: Affirmative action, unofficial quotas, judging women by lower standards than the ones we use to judge men. This is a problem. How do you justify un-oppressing one group by oppressing another? Because the latter formerly oppressed the former? Because men have oppressed women for a billion years, and to oppress men for a generation or two to make up for it is a small price to pay? This makes no sense.²⁰⁵

This position strikes a chord with many who feel unfairly treated by such policies.

Affirmative action policies are often resented because they are seen as discriminating against men and Whites as a group, thus oppressing them.²⁰⁶

²⁰⁴Example provided by Faludi, 393.

²⁰⁵Rod Van Mechelen, "The Oppression of Men,"
< <http://www.backlash.com/book /oppress.html>>, June 2004.

²⁰⁶I will use the concept 'Affirmative Action' in the broadest sense possible, to include hiring practices which explicitly hire women and racial minorities over men and Whites or which have special recruitment policies encouraging women to apply for positions, to policies aimed at bettering the material conditions of oppressed groups (special funding to women's groups and Native groups, for example), as well as those aimed at increasing the visibility of oppressed groups in society (such as media policies aimed at increasing the representation of visible minorities in media programming).

A fairly convincing argument can be constructed that the limitations of affirmative action policies harm white males, *qua* whites and *qua* males, and are thus oppressive to them as such policies constitute reverse racism and/or sexism . Because affirmative action policies are based on group-membership, offering benefits to one group at the expense of another, the charge of reverse discrimination seems, on the face of it, to support the claim that men and Whites are oppressed by such policies. To be passed over for a job because one is White or because one is a man seems to be an instance of the very sort of discrimination that would be deemed unjustified were it to happen to a woman, a racial minority, a disabled individual, or a gay or lesbian. The charge of ‘reverse discrimination’ thus provides a footing for oppression claims, just as the demonstration of discrimination against women, Blacks and minority groups is often the basis for establishing the oppression of such groups.

There are also certain movements concerned with the oppression of Whites within North American society. Groups such as the Canadian Heritage Alliance (CHA) and the Heritage Front (HF) claim that Whites in Canada are discriminated against by multicultural policies which favour non-white groups, threatening ‘white culture’ and encouraging Whites to be ashamed of their race. Self-proclaimed ‘racialists,’ the CHA and HF argue that they are concerned for the well-being of the White race and that multiculturalism and current immigration policies are a threat to Canada. The following are a small sampling of the kind of claims the CHA and the HF have published in newsletters and on their web sites.

Any race or people can be a racist if it takes pride in

itself. But the only group oppressed for expressing these natural feelings are Euro-Canadians. The double standard against whites in Canada is disgraceful.²⁰⁷

Whites must also champion the racial interests of non-whites. They must sacrifice their own future in the name of diversity and cooperate in their own dispossession. They are to encourage, even to subsidise the displacement of a European people and culture by alien peoples and cultures. To put it simply, White people are to slaughter their own society, to commit racial and cultural suicide. To refuse to do so would be racism.²⁰⁸

Today in the United States white people have no political representation. Whites have to struggle in the courts against government opposition to claim any resemblance to equal rights. Explicit government policies have made whites second class citizens. Whites are a dispossessed majority in their own country.²⁰⁹

We believe in equal rights for Whites and special privileges for none. Our motto is "Our Race is Our Nation."²¹⁰

The Heritage Fronts believes in the preservation, defence and promotion of white Canadians. We work towards white civil rights in Canada, where white Canadians are treated equally in employment, under the law and in the media. Employment "equity" must be scrapped. Whites should not be second class citizens in a country that they settled and built.²¹¹

²⁰⁷ Heritage Front, "Frequently Asked Questions,"
< <http://www.freedomsite.org/hf/faq/index.html>>, July 2004.

²⁰⁸Canadian Heritage Alliance, "Racism,"
<<http://www.canadian-heritagealliance.com>>, July 2004.

²⁰⁹Canadian Heritage Alliance, "Abolishing America,"
<<http://www.canadian-heritagealliance.com>> , July 2004.

²¹⁰Heritage Front, "Racism."

²¹¹Heritage Front, "Frequently."

Explicitly said in the first excerpt, and an underlying assumption of the latter claims, is that Whites are oppressed by attitudes and policies which encourage multiculturalism. Groups like the KKK in the United States make similar claims about the oppression of Whites. The use of the concept of oppression by the KKK to describe the experiences of Whites is aimed at evoking the normative and emotive responses which are part and parcel of the rhetoric which accompanies the notion of oppression.

The censoring of groups like the CHA and the HF, coupled with a negative perception of these groups in the media, has intensified the feelings of persecution. For example, the CHA had to relocate its website to a US based server, when it was forcibly shut down by Canadian authorities. In 2001, the HF was denied the opportunity to participate in a community highway maintenance project because it was perceived as racist and involved in the promotion of hatred.

Not only do such groups feel that Whites are being oppressed by multicultural policies, but they also take such limitations on their freedom of speech and public project participation as an indication of lack of support for the White race, spearheaded by the denial of freedom of speech to those who would criticize such policies. Affirmative action, immigration policies which are seen as lax, an emphasis on multiculturalism, and the silencing of their arguments are thus all conceived as elements of how Whites are oppressed.

It is very tempting to simply dismiss the claims of oppression of Whites and men as ‘backlash’ against women and minority racial groups. It is particularly tempting when it comes to the claims of groups such as the CHA and the HF – who rely more on rhetoric

than on substantiated argument – to dismiss such arguments as irrelevant and impotent.²¹² However, it is important to engage these arguments because they are attractive to many who feel cheated by the government and political policies which help minorities and women. ‘Equal’ is held by many to mean ‘same,’ and special policies and rights are seen as violating the value of equality. Special treatment in the form of affirmative action policies look like handouts to people who simply do not have to work as hard to get ahead in the job market. Answering claims of oppression by Whites and men is not a trivial matter, but rather requires taking such arguments seriously. Men’s groups are active in lobbying governments for changes to policies, and, as political forces, their arguments cannot be ignored. To ensure justice for truly oppressed groups requires attending to arguments which sound similar, but are mistaken. Fortunately, the task of responding to such arguments is made much easier by a comprehensive understanding of oppression.

2.2 Unjustified harms

I have noted that there are two ways in which Whites and men have argued that they are oppressed and both refer to the ways in which men are harmed. In the first instance, men claim to be harmed by the socialization they face. In the second instance, men and Whites argue that they are being treated unfairly by virtue of social policies such as affirmative action set out to rectify injustices towards other groups. I shall deal with

²¹²Dismissing the arguments of the CHA and the HF as simply racist and fallacious is much easier than dismissing the arguments of theorists such as New, for example. New not only provides a sustained argument for her position, but she is also operating within a clearly articulated theoretical structure which provides support for her argument, unlike the diatribes and rants that abound in the literature published by White supremacist groups, which ultimately lack both theory and scientific evidence.

these issues separately.

The first response to oppression claims is geared towards claims based on the socialization of men. Ultimately, when it comes to examining male socialization, MARS, Farrell and New seem correct to note that men are harmed by some norms of masculinity. Men are socialized to act within masculine ideals that require them to forgo significant aspects of human experience. Men are harmed in ways that women are not. For example, men are expected to engage in certain forms of violence that women are not, specifically in the context of war.²¹³ The issues raised by MARS, Farrell and New reduce to the following point: men are harmed by some aspects of their socialization and attitudes as well as the social institutions and actions which result from them, for example, sending men to war. I see no reason to deny this.

If the claim that men are oppressed were to succeed, it seems this would be the most logical way to proceed in defending the claim. It would be an argument analogous to feminists' arguments for the oppression of women through socialization.²¹⁴ However, this argument for men's oppression will fail because conceding that men are harmed and

²¹³This is not say that women do not experience violence in war. The rape of women has been well documented during and after armed conflicts. See Liz Philopose, "The Laws of War and Women's Human Rights," *Moral Issues in a Global Perspective*, ed. Christine Koggel (Peterborough: Broadview Press, 1999). Women are also part of the 'collateral damage' as it is now called, when civilians are affected by war.

²¹⁴For feminist arguments about the socialization of women and its oppressive nature see Bartky, Chapters 2 and 4; Catherine MacKinnon *Towards a Feminist Theory of the State* (Cambridge MA: Harvard University Press, 1989); Andrea Dworkin, *Right-Wing Women: The Politics of Domesticated Women* (London: The Women's Press, 1983); and Betty Friedan, "From The Feminine Mystique," *Feminist Theory: A Reader* (Toronto: Mayfield Publishing Company 2000), 164-168.

this harm is indeed unjust and systematic does not require conceding that men are oppressed by such socialization. As I have argued in Chapter 3, more than the demonstration of harm is needed for a claim of oppression.

In particular, what is missing from the accounts of oppression provided by MARS and New is reference to the group or groups which benefit from this form of socialization, and an analysis of the harms of socialization on men within a historical context. New explicitly denies the need for identifying a 'beneficiary' group, arguing that sometimes there will be such a group, at other times there will not. Her presumption that harm as a result of membership in a group is sufficient for oppression, leads her to the conclusion that oppression for men is possible, even if there is no group which oppresses them. On New's account, one need not identify women as the beneficiaries to identify men as oppressed. However, in Chapter 3, I argue that part of what makes the unjust harm experienced by some groups' oppression is that such harms benefit another group, even if the benefit is the psychological benefit of feeling that one is superior. The identification of a beneficiary as a result of the social conditioning of men is absent from the conception of oppression that is at work in the arguments of MARS and New.

Indeed, it seems that – overall – men benefit more than women from their socialization. Following masculine norms ensures privilege and benefit. Historically, our social systems have privileged 'masculinity' over 'femininity.' That such privilege is still present is unsurprising. The business community, for example, is built upon the notion of competitiveness which is seen as a masculine trait. The sorts of characteristics which are looked for in successful business people are masculine, not feminine traits.

Independence, forcefulness and powerfulness are traits championed within North American society, and these characteristics are associated with masculinity rather than femininity. When the historical processes which have created current social systems is ignored, the systems of privilege and disadvantage become less clear; historical analyses as part of understanding oppression.

There is a possible counter to this position. It could be argued that demonstrating that men benefit from their socialization is not an argument against the view that they are oppressed since oppressed groups often obtain benefits from submitting to oppressive norms.²¹⁵ For example, women benefit by gaining the physical protection of men (as women are seen as vulnerable and in need of protection) as well as the economic protection of men (as men are seen as the ones who should provide for the family while women raise the children).

The problem with this argument is that the analogy of men's oppression to women's oppression through socialization does not hold up under closer scrutiny. First, the *kind* of benefit which both groups gain is of importance, and ultimately, the kinds of benefits men experience enable them to exercise greater power and autonomy. The benefits which accrue to men as a result of masculinity norms result in many men obtaining important positions in businesses and governments. Such traits enable men to exercise power in ways that are closed to women who adhere to stereotypical feminine norms. Many men are awarded the possibility of changing economic, social and political policies for their benefit when they buy into masculine norms because the institutional

²¹⁵See Chapter 3.

structures reward such traits. The 'privilege' awarded to women for adopting traditional norms is a double edged sword, which ultimately determines their reduced status as agents (or their power). Moreover, being in such dependence relationships does not necessarily protect women from domestic abuse, and economic protection can be another way of describing economic dependence. When one changes the understanding of the 'benefits,' from protection to dependence, the 'benefits' which women receive from traditional, stereotyped arrangements are not seen as privileging women to the same degree that masculine socialization benefits men and leaves many women in the lurch.

Second, closer analysis of the way in which MARS phrases the alleged oppression of men reveals that the harms of men's socialization are reflections of the devaluation of women. On MARS analysis, when a man is called a 'girl' or a 'sissy' for not being 'man enough,' then this is symptomatic of men's oppression as they are not allowed to experience the same range of emotions women do.²¹⁶ However, another more plausible reading of this is that such responses are symptomatic of women's oppression, as women are considered the weaker sex and less capable. Being called a 'girl' is an insult to men because women are seen as less than men. When women are labelled 'masculine' it is understood that they have moved outside of the norm of femininity, but women are more easily accepted in behaving in masculine ways such as wearing pants or being aggressive

²¹⁶It is also interesting to note that the sorts of emotions women are not expected to experience/demonstrate, are very useful emotions, for example anger. Angry women are seen as irrational, or 'bitches'. Yet anger is a means of establishing one's moral high ground when faced with injustice. Anger is a useful emotion, for identifying wrongful behaviour on the part of others and for motivating actions for change. See Frye, Chapter 5.

in board rooms, then men are accepted wearing women's clothes or entering into female dominated professions such as nursing.

Similarly, the fact that more men have died in war is not an indication that men's lives are valued *less*, but rather that men's capacities are valued *more*. Women were, and in most countries still are, denied active participation in war. They are seen as the ones needing the protection or the ones who simply do not 'have what it takes' to participate in armed conflict. As a result there are fewer women than men in the military. Yet when more men than women are killed and injured in combat, theorists such as Farrell argue that this demonstrates that men's lives are devalued. For example, Farrell claims that women are not exposed to the same amount of risk in combat. If they were, he argues, there would be more representative numbers of women killed in combat. In the Gulf War, for example, where the ratio of men to women in the military was 9:1, the ratio of deaths of men to deaths of women resulting from combat was 35.5:1.²¹⁷ Based on this, Farrell concludes that if men and women assumed equal risk, the numbers of women who died would be vastly different, supposedly having a much closer ratio to the proportion of women in the military. Farrell notes elsewhere that women are restricted from entering into dangerous combat conditions.²¹⁸ Yet his use of statistics ignores the way in which the restrictions on women are not a matter of women failing to take on the same risk, but are results of the prohibitions on women taking the risk. Fewer women died as a result of

²¹⁷Farrell, 129-130.

²¹⁸Farrell notes: "Restricting women from even volunteering for the most dangerous combat positions is clearly discrimination against women. But it also discriminates against men who must fill these dangerous positions" Farrell, 126.

combat because they were not as likely to be placed in front line combat situations.

Again, what can be seen as the ‘forcing’ of men into the front lines, can also be read as another instance of women being cast as needing protection and incapable of performing as needed under such conditions.

What is crucial to note is that despite the misplaced conclusion of his work that men have traditionally lacked and currently lack power, Farrell is correct to point out the ways in which men are harmed. Those concerned for social justice should take note of the damaging effects of violence on men, both in the army and in other contexts such as police work and prison. But this by itself does not support the conclusion that MARS and New are trying to draw – that men are oppressed by such harms. The harms are indeed unjust. The rules which restrict women’s participation in dangerous combat situations are largely put in place by men, not by women, as a result of the devaluation of women’s capacities, not the devaluation of men’s lives. If combat is justified and necessary, women should be allowed to shoulder the burden of combat and danger as much as men. Of course this simple prescription ignores the further question of when war is justified and how approaches to national and international conflicts should be approached in the first place. The institutions and practice of war are the result of a history of men waging war against men, and equality may in fact require an exploration of alternatives to war as a means to global peace. The requirements of war fit the traits that have been valued in men (bravery, courage, physical strength, violence) and when women’s traditional traits are equally valued, perhaps alternate visions of how conflicts can be resolved can be created. In other words, equality may well demand a restructuring of the fundamental

institutions which have historically driven the practices which persist today.

While men's socialization and the norms put in place are indeed systemic and entrenched in many institutions, while the harms that result are group- based, and while those harms are indeed wrong, it would be wrong to conclude that they are thus oppressive. The benefits that accrue from masculine norms do not largely benefit women as the 'privileged group', but instead benefit men collectively (even at some cost to individual men). From social and psychological approval, to economic and material gains, the socialization of men benefits men, not women. It is men's (and women's) perceptions of women which have reinforced stereotypes, and this is part of the systematic oppression of women. That men are wrongly harmed in various ways by the oppression of women is clear, but to claim that they are oppressed as a result is a mistake.

2.3 Group intersection and the complexity of gender oppression

The story, however, is not as simply as I have laid it out. There is a level of complexity which I will now address, namely the complication which arises from recognizing the intersection of race and gender. One aspect of Farrell's troubling use of statistics is how he lumps all men together into a group and, based on their varied experiences, claims that men as a group are dis-empowered. What he fails to address is the way in which the dis-empowerment faced by many men does not rest solely on their gender, but also depends upon their race, their class, their sexual orientation, their disabilities or their ethnicities in conjunction with gender. For example, Farrell is quick to point out how Black men face more violence than women.²¹⁹ Yet he ignores how it is

²¹⁹Ibid, 216-217.

gender *and* race play the important part of this statistic. In other words, what is lacking from such an analysis is an understanding of group memberships that is fundamental to the definition of oppression. In my analysis of oppression, I stressed that group memberships overlap and this means that oppression for certain groups can be gendered, racialized, affected by class and so on.

I am not arguing, then, that men cannot be oppressed. Rather, it seems clear that certain men are oppressed, and experience that oppression in part due to their gender. For example, Black men are stereotyped as hyper-sexual, as having large penises, and as being inherently violent. To be an urban Black male is to have certain expectations foisted upon one on the basis of both race and gender. Many black women, on the other hand, are stereotyped as poor mothers, welfare 'queens', uneducated, and sexually promiscuous. These sorts of stereotypes are also based on race *and* gender. The experiences of oppression for Blacks will be inevitably gendered, since the differing stereotypes have roots in the perceptions of Blacks as men and women. In a similar way, gay men are harmed by the norms set out for their gender when they reject such norms *as men*. Their oppression is gendered insofar as they are being oppressed because they are men who fail to conform to important norms of masculinity. But again, it is not simply because they are men that they are oppressed. The account of oppression of gay men and Black men, as well as lesbians and Black women must be complex and must recognize that it is through the intersection of group memberships that oppression is experienced. Thus, the claims of men like Farrell are mistaken, insofar as men *as a group* are not oppressed in Canada, although certain men through the overlap of race or sexual orientation with

gender are legitimately oppressed by virtue of their socialization as males.

2.4 Justified harm

The critiques of social policies such as affirmative action require a different response from claims of oppressive socialization, for in this case we can see disadvantaged groups as beneficiaries of the policies in questions. Affirmative action policies are harmful to whites and men, insofar as passing over someone who is white and/or male deprives them of income. It would be hypocritical to argue that the denial of employment to women and racial minorities is harmful to them (as I have in Chapter 3), yet at the same time argue that such a denial to Whites or men is *not* harmful. However, affirmative action policies do not oppress Whites and men as groups and the answers lies in the sort of harm which is experienced by Whites and men as a result of such policies.

Ultimately, the limitations which are placed on Whites and men as a result of affirmative action are not based on assumptions of lesser worth and dehumanizing attitudes towards them. Rather the limitations are based on a desire to ameliorate the conditions of groups that *are* oppressed. Arguments in favour of affirmative action do not rest on the assumption that men and Whites are not capable of performing the job, or are better suited to work at jobs that are poorly paid. Rather, the arguments for affirmative action have rested on justifications rooted within theories of equality and social justice.

Some have argued that affirmative action is justified on the basis of restitution for past wrongs. Such arguments hold that white men have benefited from the structure of the work experience in the past and that they have excluded certain other groups, most notably Blacks and women. As a result, justice requires that restitution, in the form of

preferential hiring, be made.²²⁰ Other arguments for affirmative action question the ‘merit’ based system of hiring, claiming that the systems for hiring which are presently in place are biased against women and racial minorities. Because of this bias, affirmative action policies are seen as necessary to offset the embedded discrimination.²²¹ And finally, some argue that affirmative action policies are necessary to combat what is called ‘secondary’ discrimination. On this account, official hiring policies may not be biased, yet the attitudes and values of those doing the hiring are, resulting in discrimination in the hiring process. All of these arguments provide fairly convincing grounds for thinking that affirmative action may be required to offset the effects of such discrimination.

The point of listing the above arguments is that the limitations are not properly described as automatically wrongfully harmful, although they are indeed harmful to those who are passed over for jobs, just as any job selection will inevitably have a negative impact on *someone* who is passed over.²²² But as oppression is ultimately rooted in *unjust* harm, showing that affirmative action is limiting to men or Whites as groups does not enable these groups to claim oppression as a result of such limitation. Along similar lines, groups like the CHA and the HF have argued that the infringements of their free speech are indications of the way in which Whites are treated as second class citizens and

²²⁰ See Judith Jarvis Thomson, “Preferential Hiring,” *Philosophy and Public Affairs*, vol 2, no. 4, 1973. 364-384.

²²¹ See Young, *Justice*, Chapter 4.

²²² I say ‘automatically wrongfully harmful’ as there may well be certain kinds of affirmative action programs which are unjustified. But again, simply because something is unjust, does not automatically mean it is oppressive.

unable to voice their opinions. However, while I would agree that limiting someone's freedom of speech is harmful, the harm in question is justified. The justification lies in the goal of protecting oppressed groups from the harm caused by spreading racial hatred. Ultimately, it can be demonstrated that the material costs and limitations to Whites and males as a result of affirmative action policies are not unjust, and thus not oppressive.

Of course, one might respond and argue that the limitations of affirmative action are *unjustified*, and indeed there are many who argue against affirmative action for that reason. There are many arguments put forward that condemn affirmative action as an unjust approach to rectifying past social injustices. Some, for instance Lisa Newton, have argued that when one discriminates, one is engaged in injustice, no matter who is being discriminated against.²²³ Other rejections of affirmative action have involved pointing out that it is unjust because the individuals who benefit from affirmative action are often the ones who were not significantly disadvantaged by sexist/racist attitudes to begin with, but are those who are usually already in positions of privilege within the oppressed group. Some have argued that affirmative action is similarly unjust because it requires White males who have played no role in the oppression of others to bear the burden of rectifying past injustices.²²⁴

Ultimately, I believe, such arguments will fail to demonstrate that affirmative action policies are unjust to men, but I am willing – for the sake of argument – to entertain

²²³Lisa Newton, "Reverse Discrimination as Unjustified," *Ethics*, 83, 1973.

²²⁴See Narveson, Jan "Fair Hiring and Affirmative Action." *Contemporary Moral Issues*, ed. Wesley Cragg and Christine Koggel (Toronto: McGraw-Hill Ryerson, 1997) 313-26.

such conclusions. If such arguments were correct, then the argument I have constructed against the claims of those opposed to affirmative action might seem to flounder. Like the argument regarding socialization however, part of what is required for unjust harm to constitute oppression is missing: the structural and historical nature of oppression. The experiences of Whites and men under affirmative action, if accepted as unjustly harmful, are still not sufficient to label them 'oppressed' because of the nature of the harm.

One set of limitations alone does not constitute oppression. The sorts of limitations facing Whites and men *as groups* are not analogous to the sorts of limitations placed on other groups. Men are still dominant in areas such as business and politics. Whites are still a majority and hold more power than other racial groups. The cultural and moral harm that faces oppressed groups is lacking in the cases of Whites and many males. Simply put: Whites and men simply do not suffer enough on the sole basis of their group membership. This is not to deny that some men and some Whites do not suffer greatly. But they suffer as members of other oppressed groups in conjunction with their gender.

Whites and men fail to be oppressed within current social conditions because the current social institutions are created within historical contexts that do not contain attitudes and values which pervasively devalue Whites and men.²²⁵ The very institutions in which many men and Whites engage are the ones which have historically privileged them. The values which favour men and Whites are still present within many institutional structures. Indeed, this is why affirmative action policies are put into place. To be

²²⁵See Chapter 2.

oppressed requires mechanisms to facilitate that oppression. Given the current dominance of the historical institutions which have privileged men and Whites, it is not accurate to call the current experiences of Whites and men under affirmative action policies oppressive. It must be made clear that there may be certain forms of affirmative action which I would reject as unjust, for example quota hiring, but this does not mean that all forms of affirmative action are unjust.

The previous sections have been aimed at groups which have appropriated the concept of oppression to bolster their claims of discrimination and mistreatment in the face of feminist arguments about the oppression of women and the introduction of government policies aimed at protecting and aiding oppressed groups. I have argued that the use of oppression in these contexts is a mistake. A more comprehensive understanding of oppression illustrates how the claims of the KKK, the Heritage Front, The Canadian Heritage Alliance, and men such as Farrell are misguided. I shall now turn to examine how some feminist theories fail to recognize the nature of oppression by urging feminists to forgo talk of oppression in favour of talk of empowerment.

3. Power and Individualist Feminism: Rejecting Oppression and Affirming Power

Some feminists have come out strongly against grounding feminist theory (and political theory in general) on the oppression and/or victimization of women. That is, they focus on individual women, ignoring the role of culture, groups and social context, and claim that as long as the legal rights between men and women are equal, then the way to solve oppression (if it even still exists) is through the mobilization of women. And that mobilization can only occur when women put their oppression behind them and focus on

their power and ability to choose, rather than their victimization and the ways they have been restricted in the past. This move is largely the result of two movements within feminism: power feminism and individualist feminism.

Naomi Wolf is responsible for coining the term ‘power feminism’ and argues that “[w]omen should be free to exploit or save, give or take, destroy or build, to exactly the same extent that men are. This is the level of simple realization of women's will, whether we like the results or not.”²²⁶ In a recent anthology comprised of individualist feminists, Wendy McElroy writes “in the absence of coercion, pornography and prostitution are merely choices; the free market liberates women; and technology can be used for good or evil but tends toward the good because it empowers the individual.”²²⁷ These two movements are similar, insofar as they both reject the approaches of feminists that have preceded them, such as Catherine MacKinnon, Andrea Dworkin, Marilyn Frye, and bell hooks, who begin their analyses with a recognition that women are oppressed. Power and individualist feminism differ slightly, insofar as power feminism is aimed at uncovering ways in which women wield can power, while individualist feminism strives to emphasize the need of complete freedom for individual women.

As figureheads of the power and individualist feminist movements, both Wolf and McElroy have similar commitments which permeate their respective feminist ideologies. Both argue that women must have the same legal rights as men, which means having control over their lives. Both argue that ‘gender’ feminists, i.e., feminists who focus on

²²⁶Naomi Wolf, *Fire with Fire*, (New York: Random House, 1993), 139.

²²⁷McElroy, “Introduction,” 15.

the oppression of women through socialization, have done feminism a disservice by encouraging a 'victim' mentality amongst women. And both move away from talk of oppression to talk of liberty (McElroy) and power (Wolf).

These sentiments are not limited to Wolf and McElroy. They are echoed in the writers such as Katie Roiphe, Camille Paglia, and Christina Hoff Summers, all well known media voices for the ideology of power and individualist feminism, even if some do not explicitly give their allegiance to either doctrine. All of these writers urge women to focus on power, be it sexual, political, economical or other. All of them denounce feminists who argued against oppressive institutions, most commonly Catherine McKinnon and Andrea Dworkin, but other targets include Susan Brownmiller Adrienne Rich, and Carol Gilligan. All of them encourage a move away from a discourse of oppression to a discourse of liberty and freedom as the ultimate foundation for social justice.²²⁸

This is of concern for three reasons. First, they deny or ignore the systematic pattern of unjust harms that constitute oppression. Second, the ideological foundation of power and individualist feminism becomes centred along libertarian political lines in problematic ways. And third – although related intimately with the second – the move towards libertarianism impacts on the pragmatic strategies both groups espouse which I

²²⁸See Christina. Hoff-Sommers, *Who Stole Feminism: How Women have Betrayed Women* (New York: Simon and Schuster, 1994); Katie Rophie, *The Morning After: Sex, Fear and Feminism on Campus* (Boston: Little, Brown, 1994); Camille Paglia, *Sex, Art and American Culture: Essays* (New York: Vintage. 1992); and Camille Paglia, "Libertarian Feminism in the Twenty-first Century," *Liberty for Women: Freedom and Feminism in the Twenty-First Century*, ed. Wendy McElroy (Chicago: Ivan R. Dee Publisher, 2002).

think are deeply flawed. Power and individualist feminists tend, for example, to be in support of unlimited freedom of speech for all, and to reject policies such as affirmative action as favouring women who are not in need of such treatment. In favouring liberty and power as the basis for their feminism, power and individualist feminists reject the approach of those who argue in favour of selective measures such as special rights, special protections, and restricted liberty, i.e., efforts aimed at righting the group harms of the oppression of women.

I will argue that the ideological foundations of power feminism and individualist feminism are misguided for four reasons. The first two reasons are based on the misconception of oppression with which power and individualist feminists operate. Power and individualist feminists reject the notion that women are oppressed by social structures, understanding oppression in terms of the denial of legal rights and legal equality. They also understand women's empowerment and women's power relationships in ways which ignore the impact of oppression on women's lives through the restrictions on choices and the impact of some women's choices on other women. As such, the analysis of oppression in Chapter 3 provides a basis for highlighting the inadequacies of their ideologies.

The third and fourth objections to power and individualist feminism rest on two aspects of oppression-based analysis: the possibility of solidarity, and an understanding of women as victims. Both power and individualist feminists reject the possibility of solidarity amongst women and find the use of the concept of 'victim' offensive and demeaning to women. I shall argue that a comprehensive understanding of oppression

enables solidarity to be found between women and other social groups, and necessitates understanding those who are oppressed to be victims. Before turning to these criticisms, I shall briefly set out the arguments of power and individualist feminists in greater detail.

3.1. Power Feminism

In *Fire with Fire* Naomi Wolf posits two opposing traditions in the feminist movement: victim feminism and power feminism. The former, she argues “is when a woman seeks power through an identity of powerlessness.”²²⁹ According to Wolf, victim feminism:

Is sexually judgmental, even antisexual.
Idealizes women's childrearing capacity as proof that women are better than men.
Depends on influence or persuasion rather than on seeking clout in a straightforward way.
Believes women to be naturally noncompetitive, cooperative, and peace loving....
Puts community first, and self later, hence tends towards groupthink, as well as toward hostility toward individual achievement....
Wants all women to share its opinions.²³⁰

Wolf contends this means that victim feminists criticize other women for being sexual, successful and strong.

Power feminism,²³¹ on the other hand, is the more successful route to

²²⁹Wolf, 136.

²³⁰Ibid, 136-137.

²³¹Also called “Babe Feminism”, “Grrrl Power” or more sarcastically “The New Blather.” See Anna Quindlen, “And Now, Babe Feminism.” *Bad Girls, Good Girls: Women, Sex & Power in the Nineties*, eds. Nan Bauer Maglin and Donna Perry, (New Brunswick, NJ; Rutgers University, 1996), 3-5; Katha. Pollitt, “What did You Do in the Gender Wars?” *Bad Girls, Good Girls: Women, Sex & Power in the Nineties*. Eds. Nan

emancipation and equality, according to Wolf. Rather than taking women to be 'natural' victims, power feminism requires women to realize the sources of power they do have.

Furthermore, it encourages women to actually use that power to achieve their goals.

Wolf argues that power feminism:

Examines closely the forces arrayed against a woman so she can exert her power more effectively.

Knows that a woman's choices affect many people around her and can change the world.

Encourages a woman to claim her individual voice rather than merging her voice in a collective identity, for only strong individuals can create a just community....

Seeks power and uses it responsibly, both for women as individuals and to make the world more fair to others....

Seeks 'bilingualism' - the joining together of what is best about women's traditional knowledge and commitments with traditionally male resources.

Sees that neither women nor men have a monopoly on character flaws; does not attack men as a gender, but sees disproportionate male power, and the social valuation of maleness over femaleness, as being wrong.²³²

The core characteristics of power feminism are thus the respect for the individual choices of all women, an emphasis on freedom, and a focus on the power women have rather than the ways in which they are victimized. This is not to say that Wolf argues that talk of victimization is entirely wrong, for she correctly points out that we cannot talk about ways to change the experiences of women until the harms to women are brought out into the open. She recognizes that women are sometimes victims, but she argues that

Bauer Maglin and Donna Perry. New Brunswick, NJ; Rutgers University, 1996. 6-8.

²³²Wolf, 137-138.

women should not attempt to gain strength and a sense of identity from being a victim.²³³

Wolf argues that victim feminism “denies the full humanity of women and men. And it re-creates a new version of the old female stereotype that discourages women from appropriating power of the political and financial world to make power at last their own.”²³⁴ Rather than sitting about and begging for justice from those who occupy the positions of power, Wolf argues that women are better off seizing power in the form available to them. Then women should use that power, not to 'request' equal treatment, but to demand it.²³⁵

Wolf localizes women's potential power in politics and economics, where the voting power of women and their ability to purchase and exert force in the capitalist economy can work in their favour. Wolf points out how women constitute more than half of the population of the United States, which translates to immense voting and economic power. She argues

...[Women] must realize that democracy puts our fate squarely in our own hands...if we do not manage to...reach parity in the twenty-first century, it will be because women on some level have *chosen* not to exert the power that is our birthright. When we tell ourselves that we are, as women, helpless and at the mercy of events, we are telling ourselves a comfortable fable left behind from a world that is already gone. [her emphasis]²³⁶

²³³Ibid, 141.

²³⁴Ibid, 149.

²³⁵Ibid, 49-51.

²³⁶Ibid, 51.

As such, Wolf's solutions to women's inequality tend to be focussed on the mobilization of women for voting, getting women into corporate positions and political positions, and encouraging collective economic strikes against oppressive media and corporations through their buying power.

Wolf argues that women have to harness the 'bad girl' within them, recognize how they themselves bear responsibility for their oppression and act accordingly. For her, this means women must start embracing capitalism and money without fear and begin to lay claim to spaces such as political arenas that were traditionally male. It is this fear of money and power which power feminists understand as a reason for the continued oppression of women. To overcome this fear means being as competitive and aggressive as men.

Finally, power feminism encourages women to recognize the impact they have on others, yet at the same time is committed to the instruction that women cannot judge other women. They can have opinions about other women, but to judge other women's decisions is understood by power feminists as wrong. Wolf writes that feminists must "distinguish between the right to have an opinion about a woman's choices and the right to judge her."²³⁷ In other words, a woman's choices are her own, and even if other women don't like the choices she makes, they certainly do not have the right to judge her.

3.2.Individualist Feminists

According to McElroy "individualist and radical or gender feminism are mirror

²³⁷Ibid, 316.

images of each other.”²³⁸ While the labels differ, the targets of both power and individualist feminism are the same: any feminists who posit patriarchy and capitalism as the primary sources of women’s oppression. Individualist feminists take their approach to feminism as a response to radical feminism, which, in their view, has wrongly dominated the feminist movement. McElroy argues that despite the lack of affinity for radical feminism on the part of the majority of feminists, radical feminism has (wrongly) managed to garner the most influence when it comes to issues such as sexual harassment, rape and affirmative action.²³⁹ Radical feminists, as understood by individualist feminists, argue that the oppression of women can only be ended at the expense of men, who have stood in traditionally oppressive relationships with women. In other words, the liberation of women can only be achieved through the restriction of liberty for men (and those women who would choose to be involved in activities which are seen as oppressive by radical feminists, for example making pornography and engaging in prostitution).

Individualist feminists reject this stance. The only foundation at work in individualist feminism is that a woman must have the right to choose, and this means ensuring legal equality, but nothing more. Women must be free to pursue their lives, and not at the expense of men’s choices. McElroy argues that individualist feminism is a return to the early suffrage movement and the sorts of commitments to justice which feminists in the 19th Century fought for, namely the right to work and receive an education, fighting against “laws that crippled women in the business and financial

²³⁸McElroy, “Introduction,” 14.

²³⁹Ibid, “Introduction,” 15.

world.”²⁴⁰ When it comes to late 20th and 21st Century feminism, the social context is radically changed, however:

Today women are no longer legally disadvantaged in the marketplace. Rather they are advantaged by such policies as affirmative action. Yet being legally privileged is not more just than being oppressed and both constitute an enforced inequality between the sexes that leads to gender conflict. Moreover as long as women’s “rights” rest upon the favours of a paternalistic government, they can never be secure. Both as a matter of justice to men and respect for women’s equal rights, modern [individualist] feminists call for the repeal of all legal privileges based on sex.²⁴¹

Individualist feminists thus take the position that women need what is commonly called ‘formal’ equality: same treatment under the law. While early feminists were properly concerned with laws which discriminated, radical feminists pursue government policies that – on individualist feminists’ views – wrongly privilege women.

Like power feminists, individualist feminists stress the need for women to be seen as agents, not victims. They argue that radical feminism, with its emphasis on the overwhelming effects of patriarchy on women’s ability to choose, threatens to take away women’s agency. Women choose to make pornography, women choose to become prostitutes, and women choose to become housewives, but all three choices have been criticized at some level by radical feminists. For individualist feminists, women’s choices must be respected because those choices are part of what makes a woman an active agent. On their account, ‘blaming’ such choices on patriarchy and sexist institutions, as radical

²⁴⁰Ibid, “Introduction,” 21.

²⁴¹Ibid, “Introduction,” 21.

feminists are wont to do, devalues women's agency and results in paternalistic policies on the part of the government.

Even more explicitly than Wolf, individualist feminists are champions of the free market and the right of women and men to make autonomous choices within the market. In his article "Abortion and Liberty," Alexander Tabarrok argues that the freedom to have abortions must be placed within the context of the free market, as to do otherwise infringes on other individuals' rights to decide not to support abortion. In other words, "[individualist feminism] rejects all state funding of abortion. Pro-life advocates should not be forced to subsidize policies or practices which violate their conscience."²⁴² Tabarrok similarly claims that health care for women can best be provided by the provision of health care within a free market that is genuinely competitive.²⁴³ For individualist feminism, the free market provides the only context in which non-coercive choices can be made.

The emphasis on the free market is tied with the commitment of individualist feminists to the idea that the infringement of rights is the only basis on which the government has any reason for interfering with the personal and public interactions of individuals. As long as the choices people make are unforced (meaning lack of violence or threat of violence) then the government has no business interfering. McElroy sees the free market as a natural extension of the right to choose, where one's choices are indeed

²⁴²Alexander Tabarrok, "Abortion and Liberty," *Liberty for Women: Freedom and Feminism in the Twenty-First Century*, ed. Wendy McElroy (Chicago: Ivan R. Dee Publisher, 2002), 171.

²⁴³Ibid, 170.

one's own, and we must tolerate the choices of others, even when they are distasteful.

She writes:

Self ownership – a women's body, a woman's right – requires the right to discriminate...The right to freely choose your friends and your employees on the basis of your own standards and judgement. But freedom includes risk. One of them is that people may choose to deal with women in a biased and offensive manner. As long as this "discrimination" is peaceful – that is, it involves no physical injury or threat of harm – it is not a violation of rights....Both freedom of speech and freedom of association guarantee that people have the right to be wrong. To be offensive. To be prejudiced .²⁴⁴

Like power feminism, individualist feminism understands women to be free agents within a market system that will ultimately determine the structure of social relations through the nature of individual choices. If people are misogynist, this is their problem, and women can simply direct their attention elsewhere. Indeed McElroy goes so far as to say that "if a hefty percentage of society is misogynist, there will always be many others who want to profit by doing business with women. Any discrimination that is suffered will be random and escapable."²⁴⁵ The free market enables those who are committed to equality to engage with like-minded individuals, but this means allowing sexist and racist individuals to go about their business as they see fit. This means that women's choices should not be criticized as rooted in a 'false consciousness' that results from patriarchal institutions, but should be understood as the articulation of their real

²⁴⁴Wendy McElroy, "What Does Affirmative Action Affirm?" *Liberty for Women: Freedom and Feminism in the Twenty-First Century*, ed. Wendy McElroy (Chicago: Ivan R. Dee Publisher, 2002), 186.

²⁴⁵Ibid, 187.

desires and respected as such.

Individualist feminism thus resembles power feminism quite closely. Both stress agency rather than victimization, advocate for women's choice and insist that women's choices be free from moral admonishment on the part of men and other women. What matters when it comes to social justice is legal equality. Given legal equality, women (and presumably other oppressed groups) are able to harness their own power and achieve success in social and business life. I believe that both approaches lack a sufficient understanding of oppression and its effects on people within oppressive contexts. I shall now turn to critically evaluate these positions in light of my analysis of oppression.

3.3 The Structural and Institutional Element of Oppression

What is most obviously missing from the accounts of power feminism and individualist feminism is an understanding of the ways in which women's oppression is not the simple exercise of force and the denial of legal rights to women.²⁴⁶ Central to oppression is its structural and embedded nature. Power and individualist feminists fail to recognize the structural nature of oppression in their analysis of women's choices and in their endorsement of capitalism.

The central tenet of these brands of feminism is the right of women to choose.

²⁴⁶Other criticisms of such work can be made as well. For example, bell hooks argues correctly that Wolf's characterization of victim feminism is actually a mischaracterization of much of the work of second wave feminists, hooks herself included. See bell hooks, "Dissident Heat: Fire with Fire" *Bad Girls, Good Girls: Women, Sex & Power in the Nineties*, ed. Nan Bauer Maglin and Donna Perry (New Brunswick, NJ: Rutgers University, 1996), 57-64. I am more interested however, in the rejection of the concept of oppression rather than the way in which Wolf fails to properly understand the feminists she takes issue with.

However their formulation of women's choices ignores how choices are made within oppressive contexts. The presence of oppressive contexts means that women's choices may be unfairly limited, thus making the choice a forced one.

The understanding of free choice within these theories is far too simple.

Individualist feminists wrongly reject the analysis of gender feminists who have argued that sexist attitudes and values permeate the socialization of women, affecting their values and thus affecting their choices.²⁴⁷ Desires are not simply inherent in our being. They are formed in part by the surrounding context of society. The choices we make are informed by and affected by the culture that we live in. Since desires are not constructed within a vacuum, choices which follow from those desires must be recognized as flowing from the internalization of values and attitudes which can be attributed to the variety of social contexts in which people live. When the surrounding attitudes and values that women face are predominately sexist, then it cannot be denied that many women will develop desires which further their own oppression and aid in the oppression of other women. Simply supporting these decisions will not lead to greater equality.

In dismissing radical feminists such as McKinnon and Dworkin, power feminism and individualist feminism reject the fundamental revelation about oppression which such feminists have highlighted: the structural and institutional nature of oppression. The work

²⁴⁷It must be stressed that I do not believe that women do not know what they want, or that the choices that they make do not often reflect actual desires they might have, even when such choices end up oppressing them. Many feminists have noted the restrictive nature of women's choices within institutions which oppress; for example, Ann Cudd's analysis of the structure of work demonstrates that many women with young children choose to stay at home because it is the rational thing to do. But it is only rational because of the sexist structure of the economic system. See Cudd, "Strikes."

of feminists such as MacKinnon and Dworkin demonstrates the ways in which pornography is part of set of practices which together oppress women.²⁴⁸ Individualist feminists ignore the fact that systems of sexism are embedded within societal structures and interact with one another to oppress.

3.4 Women's Choices and Oppression

I have noted the ways in which power and individualist feminists wish to put women's choices beyond moral and political evaluation. But it certainly seems that there are some choices which feminists cannot endorse. Choices which have oppressive consequences and which are driven by oppressive attitudes seem to be the sort that should be vehemently opposed. The slogan 'the personal is political' is particularly apt for a feminism which recognizes the nature of oppression, as such a recognition entails the acknowledgement that one's personal choices have social consequences and that such choices are structured by existing power relations.

This means that there are choices which feminists should not endorse, for example, the choices of women who decide to support homophobic or racist causes. Such choices are morally repugnant when made by men, and should be no less morally repugnant when made by women. Feminists ought not to endorse the unqualified free choice of women to do with their money and power as they please. Yet, according to power and individualist feminists, these choices must be uncritically tolerated as long as the exercise of power is not coupled with threats of violence or coercion. Where the

²⁴⁸I will undertake a more detailed analysis of their work on pornography in Chapter 6.

choices of women oppress, then it seems reasonable to negatively evaluate such choices, and advocate that women not make such choices. Because oppression is structural and institutional, the choices of women can have oppressive effects for themselves and other women.²⁴⁹

Wolf exhorts us to recognize the difference between having an opinion about other women's choices and morally judging them. Yet it is not entirely clear what the difference is between having an opinion about a choice and judging that choice. If it means that we are to remain silent about our opinions and not voice the evaluations we make of other people's actions, then this seems misguided, stifling rather than encouraging debate in the public arena. If on the other hand it means admitting that our opinions are simply subjective affairs without any substance, then we are left with the uneasy position of never being able to make moral evaluations of other women – a position I reject.

There is a dramatic difference between not 'liking' someone's action/decision and having good arguments to suggest that the actions should not have been chosen. Wolf's comment that victim feminism "depends on influence or persuasion" is meant to demonstrate that when 'victim' feminists criticize or judge, what they present are merely opinions, rather than arguments. However, much of what she characterizes as prudish moralizing on the part of so-called 'victim feminists' is not the expression of merely subjective opinion, but rather an attempt to provide good reasons for thinking that some of the actions of women ought not to be endorsed because of their effects on other

²⁴⁹See Chapter 2.

women.

For example, one issue facing feminists *en mass* is the issue of violence against women. Wolf wants women to be 'proactive' about combatting violence.²⁵⁰ She urges the following as a possible strategy to dealing with such violence.

What is keeping us from selecting a hundred women from every community, taking them on a two-week course in effective self-defense, and then publicizing the fact widely? Our cities and towns can be plastered with announcements that read, "A hundred women in this town are trained in combat....The next woman to be assaulted might be one of these." Indeed, what keeps us from putting up those posters *without* doing the training?²⁵¹

This, for Wolf, is an example of how power feminists should respond to violence against women. Yet surely such a suggestion ignores the fact that many women are not attacked by anonymous rapists who lurk on the streets, but are attacked by partners, boyfriends, family. These forms of violence are the ones that have in the past been swept under the carpet and are the forms of violence that have been the most ignored and accepted by legal systems.

Such a suggestion ignores how such 'public announcements' may merely increase the level of violence and aggression against women who are attacked, given that those who do attack randomly (or otherwise) may presume that the victim will be able to resist less aggressive attacks. Rather than reducing violence against women, the effects of this strategy could be more aggressive violence towards women. Clearly, there are reasons for thinking that this is not a good suggestion, which implies that there is room to critically

²⁵⁰Wolf, 315.

²⁵¹Ibid, 315.

evaluate these kinds of choices on the part of women – indeed, even to judge them as dangerous and wrong-headed.

3.5 Power, Choice and Oppression of Other Social Groups.

The analyses of power and individualist feminists ignore the impact women's choices have, on other women, as well as on other oppressed groups. As such, they lack an understanding of the nature of power within contexts of oppression. Having power does not mean that one is not oppressed, and being oppressed does not mean that one cannot act oppressively towards other social groups. Women are in positions to be oppressor, as well as oppressed.²⁵² Oppression is not merely about gender, it is also about race, ethnicity, disability, heterosexuality/homosexuality, and class. To be a feminist committed to fighting oppression should mean resisting all forms that oppression may take. But this understanding of oppression as multidimensional is largely ignored by power and individualist feminists, particularly when they ignore how women's choices may oppress other women and other groups.

When women's choices end up oppressing other women or other groups, then this means those choices should not be condoned; sometimes, it even requires us to restrict individual women's choices. In their support of free market capitalism, power and individualist feminists fail to acknowledge the myriad ways in which individuals are prevented from fully participating in such a market. The oppressive impact of race, class, and disability, all of which are serious impediments to employment and success because of oppressive attitudes within the free market, is simply ignored.

²⁵²See Chapter 3.

One controversial example of the oppressive impact of women's choices is the use of various reproductive services such as prenatal testing, infertility treatments, surrogacy and abortion. From the power and individualist feminists' perspectives, it follows that women must be given the option to choose any of these services. However, what is missing from such an analysis is how the collective individual choices of women taken together can have an effect on others. As the use of selective abortion to 'weed out' undesirable fetuses is championed by proponents of freedom, disability groups have argued that such decisions have the effect of lessening the value of their lives and promoting negative perception of disability. Similarly, when reproductive technologies are placed within racist and classist contexts, certain questions will arise about the nature of access to such technologies when they are expensive and funded privately. Also, with technology aiding in the provision of surrogacy services, worry about the exploitation of already disadvantaged groups comes to the fore, raising questions about the value of such services. This is not to suggest that women should be denied the right to abort, or that infertile women should be denied the use of technology or that surrogacy is inherently bad. Rather, it is to point to the social complexity involved in such choices, noting that the seemingly personal choices of some women may have significant societal repercussions on others. When such choices have the effect of oppressing another group, whether or not the effect was intended, those choices should be questioned and examined with a comprehensive understanding of what oppression means and with the goal of looking to how it can be avoided.

To argue that women should not exploit others or reinforce the oppression of other women is not to seek to retrench women's oppression by allowing men to continue on as

they always have, while women seek other means of surviving in the world. Rather it is to say that women should not be allowed to exploit or destroy *any more than men should be allowed to*. If I do not endorse or encourage men's partaking in exploitive power structures, such an endorsement should not be given to women in the name of equality. Women's choices are subject to moral evaluation, and when those choices exploit, unjustly discriminate, or otherwise oppress women or other groups, then those choices should not be held to be simply private matters beyond the reach of moral judgement or political resistance. Ultimately, I see critical evaluation of such arguments as a means of asserting women's moral agency, while at the same time enabling the recognition that oppressive structures victimize disadvantaged groups. It is to the notion of victimization, and its rejection by many feminists, that I now turn.

3.6 Victimization and Agency in Oppressive Contexts

Power feminism is set up by Wolf to be the opposite of what she calls 'victim' feminism and individualist feminists are adamant in rejecting any characterization of women that might imply women are helpless or in need of protection by the government. Feminism has, in turn, both used and rejected the concept of victim. People who are oppressed are often described as victims. Women may be victims of rape, and victims of violence or sexism; Blacks are characterized as victims of racism, gays are victims of gay-bashings. And radical feminists characterize women as victims of patriarchy.

However not all feminists are comfortable using the term 'victim' in their analyses of women's experience. The response has been particularly negative within the field of social work and therapy. The term 'victim' was quickly replaced by 'survivor' to

describe women who had been in abusive relationships. In using terminology structured around the concept of survivor, the therapeutic community aims at “[connecting] women to inner strengths and [replacing] the victimization paradigm with something more respectful of a woman’s ability to cope and survive.”²⁵³ The goal was to empower women to understand themselves as individuals who had taken control of their lives, and who were no longer subject to the will and violence of another. In adopting the ‘survivor’ terminology, women were thus encouraged to adopt the position of agent, rather than the more submissive role the term ‘victim’ seemed to project.²⁵⁴

Anne McLeer gives a slightly different account of the rejection of ‘victim’ within trauma counselling. She locates the move towards talk of ‘survivor’ as rooted in the presence of two modes of thought: the use of victimology in criminal theory coupled with the presence of rape myths about women. Victimology is aimed at the study of the functional relationships between the criminal and the target of the crime, the victim. While victimology recognizes that victims do play a role in the commission of crimes, victimology does not seek to shift moral or criminal responsibility onto the victim.

²⁵³Laura Anderson and Karen Gold, “‘I Know What it Means But It’s Not How I Feel’: The Construction of Survivor Identity in Feminist Counselling Practice,” *Women and Therapy*, 15, no. 2, (1994), 6.

²⁵⁴It is important to note that this move towards the use of ‘survivor’ was not altogether championed by feminist counsellors, as it was found that many women do not understand themselves as survivors at all. Indeed, the act of labelling women ‘survivor’s has lead some women to feel as though they have failed in some way to adopt the proper identity for those recovering from abuse. One woman comments “The word survivor makes me feel like I AM the sexual abuse”. The terminology shift has thus not been entirely successful in describing women’s experiences and perceptions of identity after being abused, unsurprising given the wide range of experiences of abuse that women face. See Anderson and Gold.

images of each other.”²³⁸ While the labels differ, the targets of both power and individualist feminism are the same: any feminists who posit patriarchy and capitalism as the primary sources of women’s oppression. Individualist feminists take their approach to feminism as a response to radical feminism, which, in their view, has wrongly dominated the feminist movement. McElroy argues that despite the lack of affinity for radical feminism on the part of the majority of feminists, radical feminism has (wrongly) managed to garner the most influence when it comes to issues such as sexual harassment, rape and affirmative action.²³⁹ Radical feminists, as understood by individualist feminists, argue that the oppression of women can only be ended at the expense of men, who have stood in traditionally oppressive relationships with women. In other words, the liberation of women can only be achieved through the restriction of liberty for men (and those women who would choose to be involved in activities which are seen as oppressive by radical feminists, for example making pornography and engaging in prostitution).

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world.”²⁴⁰ When it comes to late 20th and 21st Century feminism, the social context is radically changed, however:

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3.3 The Structural and Institutional Element of Oppression

What is most obviously missing from the accounts of power feminism and individualist feminism is an understanding of the ways in which women's oppression is not the simple exercise of force and the denial of legal rights to women.²⁴⁶ Central to oppression is its structural and embedded nature. Power and individualist feminists fail to recognize the structural nature of oppression in their analysis of women's choices and in their endorsement of capitalism.

The central tenet of these brands of feminism is the right of women to choose.

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However their formulation of women's choices ignores how choices are made within oppressive contexts. The presence of oppressive contexts means that women's choices may be unfairly limited, thus making the choice a forced one.

The understanding of free choice within these theories is far too simple.

Individualist feminists wrongly reject the analysis of gender feminists who have argued that sexist attitudes and values permeate the socialization of women, affecting their values and thus affecting their choices.²⁴⁷ Desires are not simply inherent in our being. They are formed in part by the surrounding context of society. The choices we make are informed by and affected by the culture that we live in. Since desires are not constructed within a vacuum, choices which follow from those desires must be recognized as flowing from the internalization of values and attitudes which can be attributed to the variety of social contexts in which people live. When the surrounding attitudes and values that women face are predominately sexist, then it cannot be denied that many women will develop desires which further their own oppression and aid in the oppression of other women. Simply supporting these decisions will not lead to greater equality.

In dismissing radical feminists such as McKinnon and Dworkin, power feminism and individualist feminism reject the fundamental revelation about oppression which such feminists have highlighted: the structural and institutional nature of oppression. The work

²⁴⁷It must be stressed that I do not believe that women do not know what they want, or that the choices that they make do not often reflect actual desires they might have, even when such choices end up oppressing them. Many feminists have noted the restrictive nature of women's choices within institutions which oppress; for example, Ann Cudd's analysis of the structure of work demonstrates that many women with young children choose to stay at home because it is the rational thing to do. But it is only rational because of the sexist structure of the economic system. See Cudd, "Strikes."

of feminists such as MacKinnon and Dworkin demonstrates the ways in which pornography is part of set of practices which together oppress women.²⁴⁸ Individualist feminists ignore the fact that systems of sexism are embedded within societal structures and interact with one another to oppress.

3.4 Women's Choices and Oppression

I have noted the ways in which power and individualist feminists wish to put women's choices beyond moral and political evaluation. But it certainly seems that there are some choices which feminists cannot endorse. Choices which have oppressive consequences and which are driven by oppressive attitudes seem to be the sort that should be vehemently opposed. The slogan 'the personal is political' is particularly apt for a feminism which recognizes the nature of oppression, as such a recognition entails the acknowledgement that one's personal choices have social consequences and that such choices are structured by existing power relations.

This means that there are choices which feminists should not endorse, for example, the choices of women who decide to support homophobic or racist causes. Such choices are morally repugnant when made by men, and should be no less morally repugnant when made by women. Feminists ought not to endorse the unqualified free choice of women to do with their money and power as they please. Yet, according to power and individualist feminists, these choices must be uncritically tolerated as long as the exercise of power is not coupled with threats of violence or coercion. Where the

²⁴⁸I will undertake a more detailed analysis of their work on pornography in Chapter 6.

choices of women oppress, then it seems reasonable to negatively evaluate such choices, and advocate that women not make such choices. Because oppression is structural and institutional, the choices of women can have oppressive effects for themselves and other women.²⁴⁹

Wolf exhorts us to recognize the difference between having an opinion about other women's choices and morally judging them. Yet it is not entirely clear what the difference is between having an opinion about a choice and judging that choice. If it means that we are to remain silent about our opinions and not voice the evaluations we make of other people's actions, then this seems misguided, stifling rather than encouraging debate in the public arena. If on the other hand it means admitting that our opinions are simply subjective affairs without any substance, then we are left with the uneasy position of never being able to make moral evaluations of other women – a position I reject.

There is a dramatic difference between not 'liking' someone's action/decision and having good arguments to suggest that the actions should not have been chosen. Wolf's comment that victim feminism "depends on influence or persuasion" is meant to demonstrate that when 'victim' feminists criticize or judge, what they present are merely opinions, rather than arguments. However, much of what she characterizes as prudish moralizing on the part of so-called 'victim feminists' is not the expression of merely subjective opinion, but rather an attempt to provide good reasons for thinking that some of the actions of women ought not to be endorsed because of their effects on other

²⁴⁹See Chapter 2.

women.

For example, one issue facing feminists *en mass* is the issue of violence against women. Wolf wants women to be 'proactive' about combatting violence.²⁵⁰ She urges the following as a possible strategy to dealing with such violence.

What is keeping us from selecting a hundred women from every community, taking them on a two-week course in effective self-defense, and then publicizing the fact widely? Our cities and towns can be plastered with announcements that read, "A hundred women in this town are trained in combat....The next woman to be assaulted might be one of these." Indeed, what keeps us from putting up those posters *without* doing the training?²⁵¹

This, for Wolf, is an example of how power feminists should respond to violence against women. Yet surely such a suggestion ignores the fact that many women are not attacked by anonymous rapists who lurk on the streets, but are attacked by partners, boyfriends, family. These forms of violence are the ones that have in the past been swept under the carpet and are the forms of violence that have been the most ignored and accepted by legal systems.

Such a suggestion ignores how such 'public announcements' may merely increase the level of violence and aggression against women who are attacked, given that those who do attack randomly (or otherwise) may presume that the victim will be able to resist less aggressive attacks. Rather than reducing violence against women, the effects of this strategy could be more aggressive violence towards women. Clearly, there are reasons for thinking that this is not a good suggestion, which implies that there is room to critically

²⁵⁰Wolf, 315.

²⁵¹Ibid, 315.

evaluate these kinds of choices on the part of women – indeed, even to judge them as dangerous and wrong-headed.

3.5 Power, Choice and Oppression of Other Social Groups.

The analyses of power and individualist feminists ignore the impact women's choices have, on other women, as well as on other oppressed groups. As such, they lack an understanding of the nature of power within contexts of oppression. Having power does not mean that one is not oppressed, and being oppressed does not mean that one cannot act oppressively towards other social groups. Women are in positions to be oppressor, as well as oppressed.²⁵² Oppression is not merely about gender, it is also about race, ethnicity, disability, heterosexuality/homosexuality, and class. To be a feminist committed to fighting oppression should mean resisting all forms that oppression may take. But this understanding of oppression as multidimensional is largely ignored by power and individualist feminists, particularly when they ignore how women's choices may oppress other women and other groups.

When women's choices end up oppressing other women or other groups, then this means those choices should not be condoned; sometimes, it even requires us to restrict individual women's choices. In their support of free market capitalism, power and individualist feminists fail to acknowledge the myriad ways in which individuals are prevented from fully participating in such a market. The oppressive impact of race, class, and disability, all of which are serious impediments to employment and success because of oppressive attitudes within the free market, is simply ignored.

²⁵²See Chapter 3.

One controversial example of the oppressive impact of women's choices is the use of various reproductive services such as prenatal testing, infertility treatments, surrogacy and abortion. From the power and individualist feminists' perspectives, it follows that women must be given the option to choose any of these services. However, what is missing from such an analysis is how the collective individual choices of women taken together can have an effect on others. As the use of selective abortion to 'weed out' undesirable fetuses is championed by proponents of freedom, disability groups have argued that such decisions have the effect of lessening the value of their lives and promoting negative perception of disability. Similarly, when reproductive technologies are placed within racist and classist contexts, certain questions will arise about the nature of access to such technologies when they are expensive and funded privately. Also, with technology aiding in the provision of surrogacy services, worry about the exploitation of already disadvantaged groups comes to the fore, raising questions about the value of such services. This is not to suggest that women should be denied the right to abort, or that infertile women should be denied the use of technology or that surrogacy is inherently bad. Rather, it is to point to the social complexity involved in such choices, noting that the seemingly personal choices of some women may have significant societal repercussions on others. When such choices have the effect of oppressing another group, whether or not the effect was intended, those choices should be questioned and examined with a comprehensive understanding of what oppression means and with the goal of looking to how it can be avoided.

To argue that women should not exploit others or reinforce the oppression of other women is not to seek to retrench women's oppression by allowing men to continue on as

they always have, while women seek other means of surviving in the world. Rather it is to say that women should not be allowed to exploit or destroy *any more than men should be allowed to*. If I do not endorse or encourage men's partaking in exploitive power structures, such an endorsement should not be given to women in the name of equality. Women's choices are subject to moral evaluation, and when those choices exploit, unjustly discriminate, or otherwise oppress women or other groups, then those choices should not be held to be simply private matters beyond the reach of moral judgement or political resistance. Ultimately, I see critical evaluation of such arguments as a means of asserting women's moral agency, while at the same time enabling the recognition that oppressive structures victimize disadvantaged groups. It is to the notion of victimization, and its rejection by many feminists, that I now turn.

3.6 Victimization and Agency in Oppressive Contexts

Power feminism is set up by Wolf to be the opposite of what she calls 'victim' feminism and individualist feminists are adamant in rejecting any characterization of women that might imply women are helpless or in need of protection by the government. Feminism has, in turn, both used and rejected the concept of victim. People who are oppressed are often described as victims. Women may be victims of rape, and victims of violence or sexism; Blacks are characterized as victims of racism, gays are victims of gay-bashings. And radical feminists characterize women as victims of patriarchy.

However not all feminists are comfortable using the term 'victim' in their analyses of women's experience. The response has been particularly negative within the field of social work and therapy. The term 'victim' was quickly replaced by 'survivor' to

describe women who had been in abusive relationships. In using terminology structured around the concept of survivor, the therapeutic community aims at “[connecting] women to inner strengths and [replacing] the victimization paradigm with something more respectful of a woman’s ability to cope and survive.”²⁵³ The goal was to empower women to understand themselves as individuals who had taken control of their lives, and who were no longer subject to the will and violence of another. In adopting the ‘survivor’ terminology, women were thus encouraged to adopt the position of agent, rather than the more submissive role the term ‘victim’ seemed to project.²⁵⁴

Anne McLeer gives a slightly different account of the rejection of ‘victim’ within trauma counselling. She locates the move towards talk of ‘survivor’ as rooted in the presence of two modes of thought: the use of victimology in criminal theory coupled with the presence of rape myths about women. Victimology is aimed at the study of the functional relationships between the criminal and the target of the crime, the victim. While victimology recognizes that victims do play a role in the commission of crimes, victimology does not seek to shift moral or criminal responsibility onto the victim.

²⁵³Laura Anderson and Karen Gold, “‘I Know What it Means But It’s Not How I Feel’: The Construction of Survivor Identity in Feminist Counselling Practice,” *Women and Therapy*, 15, no. 2, (1994), 6.

²⁵⁴It is important to note that this move towards the use of ‘survivor’ was not altogether championed by feminist counsellors, as it was found that many women do not understand themselves as survivors at all. Indeed, the act of labelling women ‘survivor’s has lead some women to feel as though they have failed in some way to adopt the proper identity for those recovering from abuse. One woman comments “The word survivor makes me feel like I AM the sexual abuse”. The terminology shift has thus not been entirely successful in describing women’s experiences and perceptions of identity after being abused, unsurprising given the wide range of experiences of abuse that women face. See Anderson and Gold.

Rather, victimologists hold that complete understanding of crimes involve looking at the behaviours of both the perpetrator and the object of criminal activity.²⁵⁵ The difficulty with this acknowledgement of the victim's role in crime, is that *in sexist contexts*, it can be used even unintentionally to shift moral blame and responsibility to women who are victims of crime, such as rape. The existence of various rape myths, for example that women 'ask for it' by virtue of their dress, twists the study of the victim in such a way that women could thus be 'blamed' for their rape insofar as victims influence crimes.²⁵⁶

As power and individualist feminists encourage women to think about empowerment, the rejection of 'victim' terminology seems apt. Empowerment and agency are conceived in opposition to victimization. When one is a victim, this is often understood to logically exclude the possibility of agency. Martha Mahoney explains this dichotomy between 'victim' and 'agency' as resting on a conception of agency understood as "the functioning of an atomistic, mobile individual....agency is exercised by a self-determining individual."²⁵⁷ She explains that when women are abused by husbands, they are taken to be agents when they leave, and victims when they stay. Thus, leaving is symbolic of self-determination, while staying is indicative of being submissive to the threats and fears of abuse. Such a dichotomy however, ignores how staying in an abusive

²⁵⁵Anne McLeer, "Saving the Victim: Recuperating the Language of Victim and Reassessing Global Feminism," *Hypatia*.13, no. 1, (Winter 1998), 42.

²⁵⁶*Ibid*, 43-46.

²⁵⁷Martha Mahoney, "Victimization or Oppression? Women's Lives, Violence, and Agency," in *The Public Nature of Private Violence*, Martha Fineman and Roxanne Mykitiuk, ed. (New York: Routledge, 1994).

relationship can be an act of agency. Women stay with abusive husbands for various reasons, and to categorize such reasons as explanations for 'failure' to be self-determining undermines women's agency.²⁵⁸ Mahoney's point is that if we are forced to align ourselves on either a conception of women as agents or a conception of women as victims, we lose something in the analysis. Understanding oppression requires understanding how women are both agents *and* victims. And ultimately, I suggest that retaining the concept of victim within discussions of social justice is vital because such terminology highlights the structural and institutional nature of oppression as well as the varied power relations which are at work in oppressive contexts, and more importantly highlights the serious nature of the harms that occur. Identifying someone as a victim of oppression is not a denigration of that person's strength or agency, but rather identifies the harm they suffer as significant and requiring intervention.

Victim often evokes images of innocence. We rarely see the terms 'guilty' and 'victim' conjoined, whereas 'innocent victim' is often used to describe those who are harmed through the actions of others, *through no fault of their own*. Blaming the victim is especially notorious, as it seems to require holding someone responsible for something bad that was done *to* them, rather than something they *did*. Victims are identifiable as innocent sufferers of wrong. There is thus a normative element to the notion of victim. If one is a victim, one lacks moral responsibility for what happened, someone else carries

²⁵⁸Mahoney, 73-81.

the burden of responsibility and blame.²⁵⁹

But the idea of being a victim also carries with it the notion of being inherently vulnerable and needing protection by others. Abused children are the paradigms of innocent victims who need to be protected and saved from the evils that threaten them, lacking the power to help themselves and forced to rely on the beneficence of others for protection. When one applies the term in such a way to oppressed groups, the concept can bring with it a certain sinister connotation, that the oppressed are unable to liberate themselves from the oppressive contexts in which they live. They must rely on others, in essence the ones in positions of power, to release them from the oppression they face. Frye's birdcage analogy is similarly threatening in this way: a cage is something which traps and removes freedom. If this is symbolic of oppression, then the ones who are empowered to release the oppressed are not those within the cage, i.e., the oppressed, but are the ones outside the cage.

This vision of victims of oppression as trapped in inescapable oppressive circumstances is highlighted by Maria Lugones in her essay "Structure/Antistructure and Agency Under Oppression." Lugones claims that "the account of oppression itself leaves

²⁵⁹Katie Hoagan point out how white middle class women are often painted as 'innocent victims' of AIDS, while poor women, black women, Latino women and sex workers are not given this protected label. The implication being of course that women who are white and middle class did nothing to deserve the illness, while the behaviour of all other women makes them morally responsible, and hence, not victims. Katie Hoagan, "'Victim Feminism' and the Complexities of AIDS," *Bad Girls, Good Girls: Women, Sex & Power in the Nineties*, ed. Nan Bauer Maglin and Donna Perry (New Brunswick, NJ; Rutgers University, 1996) 68-89.

the subject trapped inescapably in the oppressive system.”²⁶⁰ She argues that the ‘logic of oppression’ requires that the oppressed are not able to transcend their situation because the options available to them are those which entrench their oppression.²⁶¹ In this way, an identification of oneself as a victim of oppression can make destroying the structures that surround and oppress one almost impossible.

Here, the notion of passivity and victimization come together as unpleasant implications for the oppressed. If oppression is victimization, and victimization is something over which we have little or no control, then the implication follows that resisting oppression on the part of the oppressed is a very difficult, if not impossible, task. If the concept of oppression includes seeing those who are oppressed as victims in this way, then many feminists resist taking on the identity of someone who is oppressed because that implies powerlessness and helplessness. Furthermore, if being a victim is something that is passive, not active, than such a conception eliminates the notion of human agency and possibility of empowerment for the oppressed.

Obviously, though, women are not innately helpless, nor purely innocent. Women do horrible, mean, spiteful and unjust things to other women and men, of all different social groups. Wolf argues that feminists are reluctant to acknowledge such behaviour because of the desire on the part of some feminists to understand women as innately

²⁶⁰Maria Lugones, “Structure/Antistructure and Agency Under Oppression,” *Journal of Philosophy*, (October 1990), 500.

²⁶¹But for Lugones, this is not a problem for these explanations of oppression, but is instead a positive aspect of their explanatory power. She argues that what is needed within oppression theories is ‘ontological pluralism’ which allows for the simultaneous existence of a commitment to the inescapability of oppression *and* the recognition on the part of the oppressed of the oppressive nature of their existence. See Lugones, 503-505.

caring and sensitive to others. Carol Gilligan is identified as one such feminist, who Wolf obliquely criticizes for her approach to relational ethics. Gilligan argues that women are more socialized to be concerned with others, cooperative rather than competitive and that women's ways of making moral judgments and decisions often involve these skills rather than more 'masculine' ones such as abstract laws and principles.

Wolf rejects attempts to understand women as innately caring. She desires to unlock the repressed 'bad girl' in all women, freeing their competitive spirit and desire for wealth, power and all of the things women have been told it is right to hate and be leery of. She argues that women have been characterized as innately caring, cooperative and sensitive and this has led them to mistrust power and hence be reticent in using it to their advantage to end inequalities, instead trying to gain power by focussing on their victim status.²⁶²

Clearly, she is correct to argue women should not be understood as innately caring, or innately helpless. But this does not entail rejecting the use of 'victim' to describe women and other oppressed groups. The language of victim is useful, and necessary, when it comes to oppression. First, the use of the term 'victim' points to the way that the roots of oppressive experiences are often beyond the control of the oppressed. Being a victim of oppression means that the institutions and attitudes of others that confront one through oppressive experiences are beyond change by one's personal actions and choices alone. To be a victim is to recognize one's limitations as an individual and not shoulder unjust moral responsibility for choices that are beyond one's

²⁶²Wolf, 251-251.

control and ability to change.²⁶³ Secondly, to identify someone as a victim of oppression is to point to the sorts of harm which they are experiencing. Being a victim requires that one is unjustly harmed, injured or disadvantaged.

Jean Harvey often uses the term 'victim' to describe the oppressed and her account of how oppressed individuals are victimized indicates understanding of systemic oppression which is lacking in the accounts of power and individualist feminists. Harvey notes, for example, that when individual acts of injustice are past and over with, oppression will remain.²⁶⁴ For example, when a lesbian couple is denied a marriage licence, the isolated act of denial is transient. It is over in a matter of minutes. Yet the oppression of lesbians continues via the existence of a system which denies gays and lesbians access to societal recognition of their partnership. When an oppressive act occurs, the person responsible often moves on and those individually affected are expected to get over the injustices they face and continue to live their lives as if nothing had happened. But this ignores the fact that the structures, the institutions, and the harmful impact of oppression endure. As Harvey notes "when the incident is over, the oppression remains if the oppressive relation remains."²⁶⁵

The structural nature of oppression also implies that people remain victims, even when they protest, take power and resist because much of the oppressive experiences they face are beyond the control of single individuals and their individual choices. Wolf

²⁶³I will discuss the nature of moral responsibility within oppressive contexts in more detail in Chapter 5.

²⁶⁴Harvey, *Civilized Oppression*, 62-63.

²⁶⁵Ibid, 62.

argues that women no longer have to ask for social equality, that they are able to simply seize their power and stop being victims.²⁶⁶ However such an approach ignores the fact that many oppressed social groups still find themselves needing to 'ask' for many things which are denied them. Gays and lesbians are still asking for the right to marry, and this is not a right which they can simply seize through their collective political power. While women may constitute a half (or more) of potential voters, the size of the gay and lesbian community is much smaller, and relies on the sense of justice and goodwill on the part of heterosexuals for any concessions. And attempts to seize power may result in more harm when those in privileged positions respond with backlash against such moves.

Underlying Wolf's disparagement of 'asking' for help lies a certain contempt for the ways in which we are often in positions of having to ask for help. Being dependent is seen as normatively wrong in a society which stresses autonomy and freedom, and given Wolf's emphasis on liberty and empowerment, it is unsurprising that she does not look upon dependence with much favour. From such a position, 'asking' is not enough to be liberated, one must 'take.' This ignores, however, those who are oppressed who simply cannot take but must ask and petition for recognition, respect and equality. Gays and lesbians, for example, have not been able to simply grab hold of the right to marry. Rather, it has taken years of 'asking' through demonstrations and campaigns, and repeated court challenges under the Charter for this right to be granted by the Canadian government.

A feminist account of oppression requires talk of both the victimization *and* the

²⁶⁶Wolf, 52.

empowerment that are possible and present in oppressive contexts. Challenging oppression is not possible without the ability to exercise power of some sort or another. Sometimes it may involve internal power, i.e., exerting control over one's desires and beliefs. At other times it may involve external power, i.e., the power the oppressed have in certain relationships with other people. But calls to power must be tempered with an understanding of oppression and the way in which it victimizes social groups. To be a victim of oppression is not to be helpless, as traditional understanding of the term suggests, but rather is to recognize two key things: first, that the harms one faces are unjust and second, that the situation that resulted in those harms is not completely within one's making. Any assumption to the contrary masks the nature of oppression and its impact on those who are oppressed.

3.7 Solidarity and Oppression

The final point I wish to make regarding the analysis of power and individualist feminists is the way in which such ideologies forsake the notion of solidarity. An increasing awareness of the feminist movement in the late 70's and throughout the 80's and 90's was that there was no uniquely female perspective on the world, and that the interests of women were deeply divided along racial, sexual, and class lines. Increasingly, Black women let their discontent with White-dominated modes of feminism be known. Writers such as bell hooks, Audre Lorde, Pauli Murray and Patricia Hill-Collins, along with organizations such as the Combahee River Collective explained that the feminism being done by White feminists simply did not speak to the lives and experiences of Black Women. The recognition that feminism did not provide an ideologically or

pragmatically unified front, however, is interpreted by some as a sign that solidarity (“sisterhood”) is something to which feminism should not aspire. Individualist feminists, with their emphasis on individual liberty, would reject the notion that women should unite in solidarity when it comes to social institutions and policies (unless such a uniting is for the purpose of simply expressing a commitment to equal rights).

In particular, Wolf is adamant about rejecting ‘sisterhood,’ pointing out the ways in which such claims to affinity have ignored the very real differences among women’s experiences. She notes that the notion of ‘sisterhood’ which was used in the first articulations of feminism was revived in the 1990’s and is prominent in the ways in which feminist organizations understand interpersonal relations with other women.²⁶⁷ For example, she notes with dismay the way in which committees were often run by consensus, and thus ran into the problem of what she calls ‘group think’ where all are expected to think along the same lines. In opposition to the notion of sisterhood, she notes that “[women] are too diverse, our numbers too great, and our relationships with one another, properly, too complex and impersonal now for this model of female connectedness to do its job.”²⁶⁸ Here, Wolf shows an understanding of the variety of women’s experiences and is certainly correct that calls to ‘sisterhood’ on the basis of some kind of appeal to a universal experience of all women are a mistake.

People who are oppressed will choose very different means of countering that oppression depending on the kind of oppression they face and the context in which they

²⁶⁷Wolf, 249.

²⁶⁸Ibid, 249.

must operate. What the possibilities for action are, when it comes to empowerment and resistance, will be a matter of the resources at the individual's disposal, as well as the amount of risk which resistance entails. For example, a Native single mother may have fewer resources, and face more risk than a middle-class married lesbian who is a university professor, when it comes to finding ways to fight oppression, not only of herself but of others.²⁶⁹

But this does not mean that unity cannot be found in the desire to end oppression. For surely that is something on which all feminists can agree. Despite her recognition that the diversity amongst women "calls into question the notion of a fundamentally common female experience which has been seen as the prerequisite for our coming together for political unity,"²⁷⁰ bell hooks argues that feminism itself provides the basis for solidarity. She defines feminism as a movement based on the goal of ending sexist oppression.²⁷¹ This is what I see as the benefit of the analysis of oppression I provide. Understanding oppression as a single concept encompassing many different kinds of oppressive experiences and oppressive mechanisms, provides the basis for recognizing the similar (yet diverse) experiences which members of oppressed groups face.

Solidarity for ending oppression can be found when social groups recognize that

²⁶⁹For a discussion of the various modes of resistance women have used against domestic violence, see Mahoney 68-87. I will argue in Chapter 5 that moral responsibility for resistance and empowerment in oppressive contexts can be mitigated by recognizing the way in which those contexts limit choice by their very nature.

²⁷⁰bell hooks, "Feminism: A Transformational Politic," *Feminist Theory: A Reader*, (Toronto: Mayfield Publishing Company 2000), 434.

²⁷¹Ibid, 434.

oppression means significant unjust harm, based on group membership, institutionally and structurally mediated within a historical context, which benefits another group. What is diverse and group dependent is the nature of the harms involved and the precise mechanisms of the oppression. But such diversity can be overcome with an understanding of solidarity based on the existence of oppression, rather than focussing on the differences of the groups.²⁷² Not only does this enable a more comprehensive understanding of oppression, but this more easily enables intersections of oppression to be recognized. Women who are black, should not be forced to choose between an allegiance to ending racism or one ending sexism. Rather, people who encounter intersecting oppressions are in a unique position to provide insight into the ways in which oppressive experiences can unify ideologies and strategies aimed at equality. Thus, the claim by power feminists that sisterhood is a lost cause is mistaken, insofar as solidarity can be found, not only with other women, but with other oppressed groups, of which women are often members.²⁷³

4. Conclusion

Identifying oppressed groups is an important project for those who are concerned with social justice. And it is equally important to have the means of responding to claims

²⁷²Roberts, 46.

²⁷³I do not claim that there will not be genuine interests which may conflict. Take for example, the case of a male to female transsexual, who after having sex reassignment surgery wanted to work in a woman's rape recovery centre which had a no men policy. She was fired when it was discovered she used to be a man and sued the centre for discrimination. This case is complex, for there do seem to be many interests at stake, and there is no clear answer. But I do not believe this implies solidarity is impossible, rather that it will require complex approaches to solving the dilemmas which we are confronted with when such issues arise.

of oppression which are mistaken. The analysis I provide in Chapter 3 gives the basis for responding to the claims of oppression by certain social groups which lack the elements of oppressive experience. Men are not oppressed as men, and Whites are not oppressed as Whites. Arguments in support of such positions are dangerous as they potentially undermine strategies aimed at ameliorating the harm to groups which are indeed oppressed. This does not imply that the harms experienced by the groups are not real, but rather it is to say that they are of a different nature than oppressive harms. I have argued that while some harms may be unjust, the other elements of oppression are found to be lacking in the experiences of the group and societal institutions of society. And some of the harms are indeed justified, which eliminates oppression as a proper description for the nature of those experiences.

When it comes to feminist uses of the concept of oppression, power feminists and individualist feminists have urged the replacement of a discourse of oppression with a ideology rooted in empowerment and choice. I have argued that the foundations of these movements are misguided, insofar as they are based on an insufficient account of oppression. The structural nature of oppression, the intricate power relations at work within contexts of oppression, and the possibilities for solidarity based on an understanding of oppression as a unified concept, are vital as elements of feminist discourse, yet are missing from the analysis provided by power and individualist feminists. This means that the political strategies which are put forward by such movements are often marred by a superficial understanding of the experiences of many women, as well as many other oppressed groups.

Ultimately, power and individualist feminists are adamant that women must be autonomous and left to their own devices when it comes to making choices, both personal and political. When it comes to understanding our moral responsibilities within oppressive contexts, however, their simplistic understanding of oppression runs the danger of wrongly placing moral responsibility and blame for oppression on the oppressed. In the next chapter, I look more closely at how moral responsibility ought to be understood within oppressive contexts, in light of the analysis of oppression I have given.

Chapter 5: Oppression and Moral Responsibility

If oppression is morally wrong but is not only the result of deliberate individual acts of oppression, instead being mediated as well through social institutions, then a number of important questions arise: Who is morally responsible for oppression? Should people be blamed when they do not deliberately oppress others? What is the moral responsibility of the oppressed when they are involved in perpetuating their own oppression? In this chapter, my goal is to explore the moral ramifications of my analysis of oppression. I will begin by reviewing a view that seems natural to take, but which I will ultimately reject. This is the position of Raymond Pfeiffer, who argues that it is wrong to hold a privileged group, as a whole, morally responsible for the oppression of an oppressed group. I will argue that this position is mistaken because it does not begin with an adequate understanding of oppression. I will examine the role that blame ought to play when examining moral responsibility for oppressive behaviour, given my analysis of oppression. And finally I shall argue that considerations of moral responsibility must not merely look at deliberate actions of oppression but must also take into consideration the privileges that result from oppressive structures.

1. Avoiding Blame for Groups

In his article “Men’s Responsibility for Women’s Oppression,” Raymond Pfeiffer argues that men as a group cannot be held responsible for women’s oppression.²⁷⁵ He admits that there are individual men who deliberately oppress women, but he is

²⁷⁵Richard Pfeiffer, “The Responsibility of Men for the Oppression of Women,” *Journal of Applied Philosophy*, vol. 2, no. 2, 1985, 224.

concerned with what he identifies as feminist ‘hostility’ towards men *as a group*, which, according to him, unfairly categorizes all men as responsible for oppression. He denies that men as a group can be described in such a way when it comes to the oppression of women. This view is not uncommon and is a frequent response on the part of both men and women when faced with feminist claims about oppression. In this chapter, I will examine how to understand moral responsibility in the context of oppression given the prevalence of views similar to Pfeiffer’s.

On Pfeiffer’s account, the causal role of men in women’s oppression must be a significant criterion in order to assign moral responsibility. He argues that in the case of women’s oppression, men’s activities are neither necessary nor sufficient for the oppression to occur. That is, he neither sees women’s oppression as being automatically established by men’s activities, nor sees such oppression necessarily going away if men’s sexist activities were to stop. He writes “...the oppressive condition of women might well continue even in the absence of male reinforcement.”²⁷⁶ For Pfeiffer, men cannot be held collectively responsible because they are not the sole cause of women’s oppression.

Secondly, he argues that men as a group are unlike other groups, for example Whites in the South during slavery, to which we can assign moral responsibility for oppression. In comparing men and Whites, Pfeiffer claims that what makes the Whites responsible for the oppression of Blacks were two facts: the fact that they were clearly causally responsible for the oppression of Blacks, and the fact that they were aware of other ways of life and more or less consciously chose not to end slavery. Men, on the

²⁷⁶Ibid, 224.

other hand, “are better described as having lived in ways which came naturally, just following social customs.”²⁷⁷ In other words, men as a group do not intentionally choose the structure of society which results in women’s oppression, rather they are simply indoctrinated with the attitudes and values through which they may, unknowingly and unintentionally, continue the oppression of women.

Finally, he argues that holding men collectively responsible means holding certain men both responsible and not responsible at the same time, which he find absurd. On his account, if he – as a male feminist – has not deliberately oppressed women, then clearly he is not responsible as an individual for their oppression. And clearly, there exist men who fit this description. Yet, if we hold men as a group accountable, then we must include these men in our pronouncement, making them both responsible (as part of the group) and not responsible (as individuals). Thus, for Pfeiffer, part of the problem with ascribing collective responsibility is the inevitable conflict such ascriptions encounter with regard to individual responsibility.

Many men –and women – agree with Pfeiffer’s analysis. And at first glance, given that there are many men who do not deliberately oppress women, and given that many women may further their own oppression, it seems unfair to hold all men responsible for the oppressive experiences of women. And it is likely that many would carry his analysis over to other groups. All whites cannot, it seems, be held responsible for the oppression of Blacks. It stands to reason that Pfeiffer would make similar claims about Whites as a group in the present day South. For it seems only fair to say that not all

²⁷⁷Ibid, 224.

Whites are responsible for the racism facing Blacks today. And if that is the case, then the attribution of collective responsibility to Whites would also be wrong. It also applies to other groups: all heterosexuals cannot be held responsible for the oppression of gays and lesbians, and so on.

Pfeiffer's argument is motivated by his response to hostile feminists. He wants to be able to deny that he is in any way responsible for women's oppression. But what is the basis for his denial? There are two ways in which one can interpret his stance. On the one hand, one could understand him to mean that he does not want to be blamed for the oppression of women. On the other, one could understand him as not wanting to give up the privilege he has as the result of sexist practices in the past, since it wasn't his fault that he inherited such privilege. I shall take each of these in turn and will argue that in each case, Pfeiffer is mistaken in his arguments, and that in the second case in particular, he is operating with a mistaken understanding of the nature of oppression. The view that men as a group should not be held morally responsible for women's oppression is one that does not stand up under closer examination when one operates from my analysis of oppression.

2. Blame and Oppression

Pfeiffer argues that we must assign blame for oppression on the basis of one's active role in oppressing others. Here, he is invoking the concept of oppression found in the OED, where oppression only occurs through the active role of individual oppressors.²⁷⁸ Pfeiffer argues that men are responsible for oppression and can be properly

²⁷⁸See Chapter 2.

blamed when they deliberately seek to oppress women through their actions (willful oppressors), when they are aware of the oppressive effects of their actions and continue to oppress (reluctant oppressors), when they advocate equality but also continue to support sexist societal practices as part of their conception of a better society (rational oppressors) and finally, when they have deliberated upon their lifestyle, are perfectly aware of the oppressive nature of that lifestyle and are willing to accept the consequences of that lifestyle,(responsible rational oppressors).

On his account, men who are not responsible and should not be blamed for the oppression of women are those who, while agreeing with willful oppressors, do not actively participate in the oppression of women (sympathetic bystanders), those who support equality for women and are genuinely ignorant of the oppressive effects of their actions (unknowing offenders) and those who prefer sexist institutions but are genuinely ignorant about why this is bad (ironic offenders).

Pfeiffer is correct in his analysis of those to whom he assigns blame for oppression. But blame is actually a very messy terrain to navigate in oppressive circumstances, given the understanding of oppression I provide in Chapter 3. In this section, I will argue that Pfeiffer is incorrect in certain elements of his analysis, in particular his analysis of who is *not* responsible. There are some who are clearly to be blamed for their oppressive choices, for example those who deliberately oppress. In other cases, the answer is not so clear, such as the case of men who agree sexism is wrong but act oppressively either from ignorance or from a sincere belief that they are unable to change the oppression of women. I believe that in such instances, a case can be made

that blame is appropriate, drawing on the role that blaming plays in moral responses.

2.1 Clearly Blameworthy Oppressors

People who actively and deliberately harm others based on group membership are clearly morally blameworthy for the suffering they cause. Examples include Whites who lynch Blacks, men who rape women, and heterosexuals who beat, kill or rape gays and lesbians. These courses of action are unambiguously morally wrong. When people deliberately oppress, blame is an appropriate response. They have failed to consider the oppressed as part of the moral community and have visited harm on them in ways that should not be excused. Such people are involved in actions and practices which assail the moral sensibilities of most reasonable people.²⁷⁹

Infliction of severe physical harm is not the only basis for assigning blame in unproblematic ways. Politicians and judges who actively supported the continuance of segregated schooling are clearly partially responsible for the on-going oppression of blacks during the 1940s and 1950s. Groups that lobby in favour of 'family values' in attempts to criminalize homosexual behaviour or prevent gays and lesbians from marrying are also clearly responsible for the oppressive effects they have. These clear cases include the willful oppressors, the rational and responsible rational oppressors that

²⁷⁹I am assuming that the social normative context in which such judgements are made is the current Canadian/United States context. I recognize that in some societies, killing, raping and beating others may seem acceptable under certain circumstances (for example to protect family honour). But I shall, for the purposes of my argument, confine myself to North American centred moral values.

Pfeiffer analyses.²⁸⁰

However, as correct as Pfeiffer is with regard to deliberate oppressors, he seems equally wrong in his assessment of sympathetic bystanders. These agents do not deliberately and actively oppress (understood as beating their wives, for example) but instead simply silently 'agree' with such treatment when others partake in it.²⁸¹ That is, they hold beliefs which condone the behaviour. For example, a man who believes women to be inferior, sees a woman being raped and does nothing to stop it, would be a sympathetic bystander. Sympathetic bystanders are not limited to the privileged groups. Some of them are members of the oppressed group who agree with the choice or behaviour. A woman who supports the right of men to beat their wives and does not attempt to rectify the abuse of a friend is a complicit moral agent in the oppression of women in this sense.

One could argue that I have made a mistake in understanding sympathetic bystanders as engaging in immoral behaviour. One might hold that morality is a matter of action, not omissions. This seems to be Pfeiffer's position. He argues that sympathetic bystanders are not culpable when it comes to assigning blame for oppression. He claims that "as detestable as they may be to feminists, those who fall squarely within

²⁸⁰Indeed, it seems as though there is little point in differentiating between these groups as Pfeiffer does. Very little seems to differentiate them, insofar as all members of the group a) take deliberate actions which oppress b) are aware of the oppressive effects and c) continue to engage in that activity. Drawing such fine distinctions between men within these groups merely clouds the issue of what is really at stake.

²⁸¹Pfeiffer, 220.

this group would not appear to be responsible for any oppressive actions.”²⁸² This is rooted in his conception of morally significant acts as requiring explicit action, rather than inaction.²⁸³ On his account, if someone watches someone assault another person and does nothing to stop or prevent it, the observer is not morally responsible.

Pfeiffer is correct in one sense that sympathetic bystanders are not responsible for oppressive *actions*. If I could save a person from drowning but decide not to, when indeed it would have taken very little or no effort and risk on my part to do so, then clearly I am not responsible for drowning the person in any *active* sense. I did not hold the person underwater. However, Pfeiffer ignores another sense of how one could be responsible in such cases. My intuition tells me that if I allowed the person to drown I would have made a morally wrong decision, one worthy of moral judgement.

When one decides not to take a course of action, we can morally evaluate this decision, just as if one decided to take a certain action. My lack of outward action in the drowning of the person does not mean I can forgo moral responsibility for the result of my omission. Likewise, if someone is beating his wife and I do nothing to stop it then I am taking a stance as a moral agent. My response can be blameworthy (if I do nothing) or praiseworthy (if I intervened) but in *both* cases there is a moral judgement on my decision to act, or not to act, whatever the case might be. I thus assume that moral judgements can be passed on acts of omission and acts of commission. If this assumption is correct, then certainly people who do not act to stop oppressive harms when they could

²⁸²Ibid, 220.

²⁸³Ibid, 220.

are blameworthy. Sympathetic bystanders are deserving of blame, just as deliberative moral agents are. Sympathetic bystanders are blameworthy for their lack of action, and their implicit support of oppressive practices. What is odd, is that the last sentence of the essay by Pfeiffer – contrary to what he argues earlier – seems to support this. He writes: “... one is responsible for what one does *and does not do*, ... [my emphasis]”²⁸⁴ But this surely implicates the sympathetic bystanders, if we understand their silence and lack of action to be something for which they could be held accountable. Sympathetic bystanders tacitly support the oppressive attitudes contained within them. They thus play a role in sustaining the oppression of others, enabling others to act deliberately to oppress.

Furthermore, Pfeiffer is mistaken in his position that sympathetic bystanders do not *act* in ways that oppress. One of the central components of oppression is its institutional and structural nature. Sympathetic bystanders participate in oppressive structures, and thus play a role in sustaining those institutions and the oppression of others. Their moral responsibility does not lie purely in their acts of omission. When it comes to deliberate oppressors and sympathetic bystanders, then, blame is clearly the required response. The sort of societal response may differ depending on the severity of the oppressive harms which occur. Some sanctions may include legal punishment, such as jail time, or legally required financial compensation. Others may be less formal, including public shaming, shunning or rebuke from those who recognize the acts or omissions as oppressive. And in such cases, the goal of blame is not just to show moral

²⁸⁴Ibid, 228.

disapprobation, but is also to punish and deter the behavior.²⁸⁵

2.2 Ignorance and the Blaming Response

While there are clear cases of men who are responsible for women's oppression, there are also cases where the very nature of oppression clouds the issue of who ought to be blamed for oppression. There are a number of factors which *prima facie* cast doubt on the blameworthiness of individuals, even when they participate in oppressive practices. In particular, ignorance and the risks of challenging oppression can impact on how we ought to respond morally to those who act oppressively and are not aware that they do, in contrast with sympathetic bystanders and deliberate oppressors.

In this regard, Pfeiffer is correct that those who are genuinely ignorant do not seem responsible for the oppression of women, at least at first glance. Holding them responsible would be tantamount to holding people legally responsible for actions that are against the law when they have no way of knowing it was illegal. One of the problems with oppression is that we unknowingly may act in oppressive ways at two levels.

At one level, people may lack the ability to form proper normative judgements about their activities. A man probably knows that murder is wrong because it is a principle and value which guides the moral actions of most people within the society and is commonly shared by most moral agents within the moral community. But he may not realize that telling sexist jokes helps perpetuate the oppression of women, given that

²⁸⁵Young, *Justice*, 151.

societal values continue to exist that support the objectification of women.²⁸⁶ Our ability to form normative evaluations can be compromised as a result of our uncritical acceptance of practices, institutions and beliefs that are foundations of oppressive contexts. These presumptions can form barriers in our moral evaluations, preventing us from seeing morally relevant details about the situations that confront us, since, as Cheshire Calhoun notes, “oppressive wrongdoing often occurs at the level of social practice, where social acceptance of a practice impedes the individual’s awareness of wrongdoing.”²⁸⁷

We can also unknowingly oppress, not because of uncritically accepted values and beliefs, but due to the unconscious behaviors we adopt as a result of those values. Iris Marion Young argues that it is often our unconscious, habitual, non-voluntary activities that cause oppression. She writes:

Group oppressions are enacted in...society not primarily in official laws and policies but often in the informal, often unnoticed and unreflective speech, bodily reactions to others, conventional practices of everyday interaction and evaluation, aesthetic judgments and jokes, images, and stereotypes pervading the mass media.²⁸⁸

For example, if I, as a White woman, suddenly become nervous when a group of young

²⁸⁶Caution is needed, however, for genuine ignorance about certain aspects of oppressive behaviour can only be construed as being willfully ignorant. Holding the belief that women are not equal in North America, for example, is not a value which one could plead ignorance about given the prevailing commitments to equality within wider social parameters.

²⁸⁷Cheshire Calhoun, “Responsibility and Reproach, *Ethics* 99, (January 1989), 389.

²⁸⁸Young, *Justice*, 133.

Black men is drawing near on the sidewalk at night, being uneasy about the situation is not something I actively choose. But given the racial stereotypes of young black men that are promoted in racist societies, such as the media characterizations of Black men as violent and dangerous, the nervous reaction and subsequent action I take – crossing the road, for example – could constitute part of how blacks are oppressed in society. This is because the impact of my actions on the young men when they see my reaction and feel judged on the basis of their race can become part of the range of oppressive experiences they may face. I certainly do not want the men to feel as if they are inferior. If I actually reflect on my reactions, I might pass them off as based on the vulnerability I feel as a woman walking alone. However, if I understand my unease solely in terms of gender, I have missed part of the analysis and will have ignored how I may have acted in a way that added to the oppressive experiences of the Black men.²⁸⁹

On the one hand, it seems that in such instances, if one genuinely does not comprehend that one is acting oppressively then blame is inappropriate.²⁹⁰ On the other hand, blame is seen as inappropriate in these cases when we only conceive of blame as a concept rooted solely in retribution. If we can understand blame as fulfilling other moral roles, then it is not necessarily the case that blame should be discarded altogether. Aside from its retributive function, blame is also a means of situating people within the moral

²⁸⁹I use ‘may’ because the men may not even notice me, may not even wonder why I crossed the street, or may simply assume it was because they were men.

²⁹⁰This example can also illustrate the double bind people face when they belong to both oppressed and privileged groups. If there had been a number of attacks on women in that neighborhood, then I can be caught between my fear of attack and my desire to challenge my racial preconceptions.

community. Blaming others can help establish their status in the moral community.

When we do not blame people for the un-excused wrongs they have done, then we are, in effect, placing them outside of the moral community. We deny them their role as moral agents, as we do with children when they act badly by saying ‘They simply did not know any better.’

When we blame others we are taking them to be moral agents, deserving of respect and appropriate moral responses, and having the capacity to make moral judgements. In blaming people for the harm they cause to others, we also place the victims within the moral community. We acknowledge that the victim has been wronged by another. If we fail to blame, then this can be taken as a sign that we do not care about the victims, or that their suffering is not morally significant. To blame the perpetrator is thus to affirm the moral status, not only of the perpetrators but of the victims, placing them in a relationship within the moral community.

A blaming response can also function as a means of educating people about the wrongness of their behaviour. Blaming is part of the way we let others know that they have failed to meet their moral obligations in some way. In fact, failure to blame in these gray areas of oppression may indeed be a more problematic response, since a refusal to blame could be understood as sanctioning the behaviour in question. People who unknowingly act oppressively may not come to understand their activities as wrong unless they are called on their behaviour in a blaming way. Blame may be the only way to get such individuals to take seriously the calls for change in their behaviour. In the same vein, assigning blame within contexts of oppression also calls for the recognition

that people are actually hurt by actions which oppress and that this hurt is a significant injustice. In blaming we educate others about the harm that is caused, emphasizing the moral nature of that harm.

There is a case for blaming those who act oppressively, even when they are not aware of how it is that their values are the basis of oppressive actions or that their actions are oppressive, despite a commitment to equality. The moral response of blame reaffirms memberships in our moral community and performs an educational role in helping people understand and change their behavior in relation to those who are oppressed. And understanding blame as appropriate addresses the social and systemic nature of oppression

2.3 Complacency and Responsibility

While there is thus a plausible reason for blaming those who unknowingly oppress, the situation is more complicated when one looks at the situations of those who are aware of how their actions oppress, yet are uncertain how to change their behavior or remove themselves from the institutions that oppress. There are those who are faced with the choice of on the one hand acting oppressively insofar as they participate in oppressive institutions, or on the other hand, being punished if they protest or try to remove themselves from the institutions. This is the double bind facing those who are oppressed and many others who are participants within oppressive institutions, even if they are in a position of privilege.

Take for example, a woman who works as a prostitute. For the sake of argument, suppose that she realizes that in engaging in the practice, she is helping sustain values

that sexualize and objectify women and that she does not want to be a prostitute.²⁹¹ She does not, however, stop her practice of sex work. She may have a pimp who threatens her with violence. She may have dependents and not see other options for making money. When it comes to moral responsibility, it seems as though she bears some responsibility for engaging in an oppressive practice that affects other women, not merely herself. Yet, we can clearly see that there are serious constraints on her moral choices.

Is blame appropriate in such a circumstance? In this particular case, the educational component would seem unnecessary insofar as she is quite aware of how the practice continues sexist behavior. She shares some similar features with rational oppressors, insofar as she recognizes that the practice is oppressive, yet chooses it from seemingly rational motives. If these other offenders are blameworthy, then why should she not be held blameworthy? The answer lies in the analysis of the benefits and losses that one faces within moral circumstances. It seems that a fair moral judgement requires recognizing that her options are limited in ways which mitigate her moral responsibility here.

Compare this with the case of a wealthy couple who are members of a country club that discriminates against Blacks: Blacks are not granted membership in the club, and are only employed in low-paying jobs such as janitorial staff. The couple disagrees with the policy and are ideologically opposed to racial discrimination. However, they know that they will likely lose their membership should they voice their disagreement

²⁹¹I specify these conditions as there are many sex workers who do not understand their work to exemplify sexism, and there are likewise many sex workers who insist that they enjoy and prefer being prostitutes, strippers, porn actresses and so on.

with the policy. With membership comes privileges that the couple enjoy: the chance to network with other business people, access to a golf course, tennis courts, exercise gyms and so on. They decide not to raise their voices against the policy because they do not want to lose the benefits that attach to their membership in the club. This sort of reasoning does not mitigate the moral responsibility of the couple for participating in the deliberate racism of the club.

In the case of the prostitute, the choices that she faces are bounded by the harms and limitations of oppressive experiences that she already has. She faces physical harm from her pimp, a danger existing in part because of the illegal and devalued status of sex workers.²⁹² She faces financial limitation that could be the result of gender inequality in the workplace. These choices are fundamentally different from those of the White couple.²⁹³ The *kind* of risks involved are important to the degree of moral responsibility one assigns.

Consider the case of a male professor who recognizes that the university he works for underpays female professors in comparison with male professors. He may recognize this is unfair, and he may feel compelled to challenge the administration. Yet there may be many pressures which can act as motivation *not* to challenge the status quo. For example, he could be up for tenure consideration and he could have a family to support.

²⁹²We can imagine a scenario, for example, where women sex workers are valued, and are thus protected against pimps in law (as is arguably the case in the Netherlands where prostitution is legal and regulated).

²⁹³It is important to note that I am not claiming that all prostitutes face such choices, and are thus relieved of their moral responsibility. In some cases, blame might be an appropriate response.

To retain his job, he would have to work in and to some degree support, through his lack of protest, a sexist and oppressive institution. Like the prostitute, the dangers of resistance are not just loss of privilege in the same way the White couple face loss. While the male professor is certainly privileged in his job, the sorts of losses that may be inflicted upon him are of a different sort than those experienced by the White couple who have to give up relatively little in support of equality.

It is not only risk to oneself that is relevant for consideration in our moral judgements. We must also consider the risk to others. For instance, if someone is being assaulted or raped, then not taking any action whatsoever is cowardly and does not mitigate responsibility.²⁹⁴ I am much more likely to consider a person more blameworthy for failing to intervene in these sorts of cases, than if someone does not take issue with a racist joke. I would still hold the person who did not respond appropriately to the racist joke blameworthy, but the degree of blame is much different than for someone who allows severe harm to be inflicted on another person. And again, in certain circumstances, the blame may be completely mitigated for the person who fails to respond to the racist joke if the dangers of doing so are significant. For example, if the person telling the joke is likely to respond to any objections with violence, then blaming someone for not objecting seems inappropriate.

But the case of the male professor raises one other way in which blame can be a powerful tool. Blame is not just a retributive or a educational tool, it is coupled with a

²⁹⁴Of course if physically becoming involved could result in serious injury or death, then the appropriate kind of intervention might be calling the police. What is morally at stake, however, is that one take some sort of meaningful action.

moral emotional response. Barbara Houston points out that blame is not independent of other emotive moral responses such as anger or resentment. Blame is logically connected to these feelings.²⁹⁵ In saying that blame is inappropriate in the case of the male professor, one is cutting off certain moral responses which are indeed appropriate, say on the part of the women faculty who are treated unequally. If the women at the university are no longer able to blame the male professors for perpetuating sexism, then their anger for the harm inflicted can have no target and is impotent and meaningless. In rendering such anger useless, the women are deprived of an important moral response which affirms their place as members of the moral community who deserve respect. Moral anger is an emotion that involves a sense of righteousness.²⁹⁶ In blaming others, one often draws on the righteous anger that attends the perception of injustice to oneself or others.

It seems, then, that Pfeiffer's denial of the blameworthiness of men comes much too quickly. While it is understandable that he wants to avoid blame, as it makes people uncomfortable, there is a plausible case for retaining a blaming response, even when the people engaged in oppressive activities are unaware of the nature of such activities, or when they are aware and find themselves experiencing a double bind. Analysis of the kinds of risks that are at stake when stepping in to resist oppression must be used to determine the level of moral blame in those contexts where social pressures inflict the double bind on the moral choices of people. There may be instances where the risk

²⁹⁵Barbara Houston, "In Praise of Blame," *Hypatia*, vol. 7, no. 4, 1992, 136.

²⁹⁶Frye, 86.

assessment is such that blame is inappropriate and the morally right thing to do is try to address one's role in oppression in other aspects of one's life. But one cannot say with certainty that the blaming response is never inappropriate.

3. Privilege and Moral Responsibility for Oppression

One of the risks which I have mentioned that influences the actions of people in oppressive institutions is the potential loss of privilege that they now have by virtue of membership in a particular group. The White couple does not want to give up their privilege, and the male professor does not want to lose the financial benefits which come from his job. In this section, I will argue that men are morally responsible for the oppression of women, insofar as they participate within sexist institutions which benefit them. And furthermore, this moral responsibility stands despite the fact that current men are not the ones who originally designed the institutions.

Here is where my analysis of oppression becomes particularly relevant. I have placed great emphasis on history as a key aspect of the concept of oppression. And it is this attention to history that provides the basis for an assignment of moral responsibility to those who unfairly benefit from the limitation of and harm to others. The historical basis of moral responsibility comes into play when one understands oppressive activity, not as isolated individual actions, as is Pfeiffer's focus, but rather as part of a social practice developed through history. Pfeiffer does not think that one can be responsible for the actions of one's ancestors because one is only responsible for what one does. The actions of our ancestors, however, are significant measures of what can be at stake when it comes to oppression.

In this section I will examine two aspects of moral responsibility in relation to oppressive practices that are set within specific historical contexts. First, I will look at how actions incur moral responsibility when viewed within oppressive practices, where practice must be understood as a group activity. And in doing so, I will argue that men can be seen as responsible for women's oppression, insofar as men generally benefit from sexist practices. Thus, while it might be that Pfeiffer wants to be excused from moral responsibility due to his feminist leanings, it seems that there may very well be good reason to say that as a man he does have some moral responsibility for women's oppression. This responsibility is due to his participation in sexist institutions and the privilege he and other men continue to experience as a result of the institutions and social structures of society. Secondly, I will suggest that in addition to a blaming response, Iris Marion Young's conception of forward looking moral responsibility, as well as blame, may be appropriate in certain circumstances.

2.1 Social Practices and Moral Responsibility

One explanation for why Pfeiffer does not see many men as responsible for oppression is that there are many cases in which oppressive actions lack any sign of wrongdoing *per se*. That is, taken as an instance of individual action, there is nothing in the action in and of itself which informs the person performing the action that it is wrong. For example, it is difficult to morally judge an individual plastic surgeon providing breast implants to a woman as oppressive *in isolation*. If the woman wants the surgery, is able to pay for it, and the surgeon is willing to provide the service, than nothing seems out of the ordinary or harmful to anyone else. It is only when this exchange is put into the

context of the other societal attitudes and institutions which reinforce the objectification of women's bodies and ideals of beauty that the choices to obtain and to provide breast augmentation can be understood as contributing to the oppression of women as a matter of *societal practice*. If we limit our moral judgements of actions to the act itself, isolated from the context, then I would have to agree with Pfeiffer. Many men would not be responsible for the oppression of women under such an analysis.

The harms of oppression, however, are not located solely in individual acts which are clearly wrong, such as assault or murder. Frye's bird cage analogy is vital for understanding this point. The individual bars are not the source of the oppression, it is only when taken together that the bars on the cage are able to trap and limit the bird's freedom. One of the defining features of oppression is the institutional nature of the harms involved. Looking at moral responsibility for oppression must take this feature into consideration. There are two ways people are morally responsible within oppressive institutions. First, they can recognize the wrongdoing of the institution, and fail to do anything about it. These cases would be within the scope of my discussion in Section 1. But additionally, people can benefit from the structures in question. And it is this benefit that can add to the moral responsibility which one bears for oppressive situations.

In oppressive contexts, the harm to the oppressed is not the only part of oppression for which people ought to be held responsible. That is, to accept responsibility for the oppression of others, is not just to recognize that one's actions have harmed, or have been part of practices which harm others, but also requires recognizing the privilege that has been granted or assumed by virtue of one's membership in a

particular group. If one continues to uncritically accept the privilege which has been granted, then one remains complacent about the oppression one enables. And as I have argued in Section 1.3, complacency can require a blaming moral response.

Even if the majority of Whites in the South in the present do not deliberately act to harm Blacks (which is debatable), they are still responsible for the oppression of Blacks. They benefit in the present from the historical mistreatment of Blacks *in the past*, and they do not recognize this privilege. The benefit of this historically rooted racism can be as subtle as the belief that they are superior to Blacks, or as blatant as not encountering difficulties in obtaining jobs. For example, Whites do not feel the need to ask themselves if they were arrested on the basis of their race.²⁹⁷ The apparent lack of social significance of race for Whites means that they, as a group, will not face the same constraints Blacks will and this is a benefit which may or may not be consciously pursued.²⁹⁸ Whites benefit from societal practices when those societal practices are rooted in a racist history.

In Canada and the United States, settlers oppressed the Aboriginals, resulting in the displacement of Aboriginals from their land and in some instances the extinction of certain tribes, such as the Beothuk. While it is indisputable that Aboriginals suffered, the

²⁹⁷For a longer list of questions which Whites do not have to ask, but which Blacks may feel the need to ask based on their race, see McIntosh.

²⁹⁸Some Whites may wonder if they did not get a job because of their race, if a member of another racial group is hired instead of them in an institution that has affirmative action policies. However, this racial awareness is not motivated by a feeling of being held inferior by those hiring. Indeed, it is quite likely that such awareness is raised in response to a feeling of entitlement, i.e., that the person was hired on the basis of their race and was not deserving of the job.

displacement and attempts at cultural imperialism on the part of the settlers have benefited the descendants of European settlers and all subsequent immigrants. The dominance of Western attitudes and values not only harmed Aboriginals, but has also privileged non-Aboriginals. Non-aboriginal ownership of what once was Aboriginal territory means that non-Aboriginals today use the land and resources on it to their advantage, without having to consult, or share profits, with Aboriginal Communities. Whites enjoy the cultural benefit of being the dominant culture, having their beliefs reaffirmed in most areas of their lives, while reaping the benefits of land ownership and resource use.

Similar accounts can be given for all oppressed groups. While the harm of oppression is central, the benefit gained by the privileged cannot be ignored as an element of what constitutes oppression. Pfeiffer argues that he is a male feminist and has not acted to oppress women. He explicitly states that moral responsibility cannot be assigned on group membership alone, excusing himself from responsibility. But given the nature of oppression, his gender is precisely why he can be held responsible. As a man he benefits from the ways in which society is structured in favor of his gender. If he is White, then he benefits from the ways in which society has privileged his race. The history of the groups and institutions becomes crucial here. If he is heterosexual, he is privileged in relation to gays and lesbians. If one does not look at how the institutions develop and how the benefits in the past continue to be conferred on certain groups in the present, then one will fail to grasp how belonging to a group does mean that one can be held accountable.

It must be noted that my analysis of oppression also provides reason for thinking that some members of oppressed groups can also be held partly responsible for the oppression of their own social group. For example, many women do benefit from sexism. Female models as well as female television and movie stars are examples of women who benefit from the sexism prevalent in the media industry. Their work reproduces sexist ideas about how women should appear, work, and act towards men and these women are paid well for the work that they do. Many women work within the beauty industry, promoting unrealistic ideals about women's bodies. They benefit from these ideals. In the same vein, there are Blacks who benefit from racist stereotypes, particularly those in the music industry. Rap music often reinforces the stereotypes of Black men as violent and hyper-sexualized and the musicians benefit in numerous ways from buying into those stereotypes. The choices of people within oppressed groups are not always going to be constrained by the harms they face, but are sometimes going to be motivated by the benefits they receive by using sexist or racist values to their own benefit. And they must be held morally responsible for their part in perpetuating those values.

In holding people morally responsible, there is an expectation that they will accept the moral responsibility at some level, by submitting to the punishment, feeling guilty, or changing their behavior. It is easy to see why there is a reluctance to accept moral responsibility for oppression on the basis of one's privilege alone. People do not want to feel guilty about their privilege, or even to be challenged to think of their status as one that is based on privilege. There is a sense in which acceptance of such

responsibility entails the acceptance that one must give up the privilege to which one is accustomed. If one has taken deliberate action to oppress, then one can understand the removal of privilege as punitive. But to demand a removal of this privilege when there has been no direct action seems like an undeserved punishment. This is neither pleasant to consider, nor easy to put into practice, as many are reluctant to give up benefits they are accustomed to having. But we must not see the demand that people accept moral responsibility for oppression in such circumstances as punishment. Punishment implies that one has acted wrongly and deserves to experience a wrong in return for a wrong committed. Accepting that one's privilege is unearned and that one should give it up is in some sense analogous to being told you must pay back an employer when it is discovered that the employer paid you twice what your salary is. One is being asked to return something to which one is not entitled. While it may feel like a burden, it is certainly not meant as punishment. In a similar way, the privilege gained through historical oppression is not an entitlement. In *not* trying to rectify the disparities that result from one's privilege, one is keeping something to which one is not entitled and one is not acting morally.²⁹⁹

This approach, however, generates a significant amount of blame. One response is to accept this as a natural part of deeply oppressive societies. Another, more useful,

²⁹⁹Peggy McIntosh draws a useful distinction between privileges which are unearned, such as the expectation of being treated well by society, and privileges which are conferred, which provide the ability to dominate others. She argues that we must spread around unearned privilege, as they are simply entitlements we have by virtue of being human and members of society. Conferred privileged, on the other hand, are ones that must be given up by those in privileged groups. See McIntosh

response is to note that there can be other ways to hold people morally responsible, without resorting to a blaming response where restitution and punishment are part and parcel of the moral reply to oppression. In her discussion of moral responsibility for oppression, Iris Marion Young argues that blame is not the most useful response. Rather, we need an account of moral responsibility that looks to the future and the actions one undertakes should be informed by the understanding that one's previous actions involved participating in oppression. I now turn to look at how this forward-looking sense of moral responsibility can be invoked in contexts where what is at stake are the privileges to dominant groups.

2.2 Forward looking Moral Responsibility

Young argues that when it comes to oppressive contexts the notions of moral responsibility and blame become distinct. That is, we can hold people morally responsible, yet *not* blame them. She invokes this distinction largely to deal with the problem of people acting oppressively in unconscious ways, as I describe in the previous section. This distinction is helpful for clarifying the moral responsibility people have to respond to the privilege or benefit they receive from the oppression of others.

Young argues that in assigning moral responsibility without blame, we can encourage and require individuals to 'take' moral responsibility for their actions. Taking moral responsibility, as opposed to being blamed, means that groups are willing to engage in reflection on societal practices and work to change those practices in the future, in other words, consider how it is that they can renounce the unearned privileges they have. Furthermore, it places the ones in privilege within an active role, *taking*

responsibility, rather than a passive role, *being assigned* responsibility.

Young argues that “Calling on agents to take responsibility for their actions, habits, feelings attitudes, images and associations...is forward-looking; it asks the person ‘from here on out’ to submit such unconscious behaviour to reflection, to work to change habits and attitudes.”³⁰⁰ This approach enables one to recognize that people may not act in ways that deliberately oppress, and may not make choices that are clearly oppressive at all, and yet still have moral responsibility for oppression. A forward-looking sense of moral responsibility is a call upon the members of privileged groups to act for change and to resist and repudiate the institutions that have granted them privileges.

Those that benefit from oppression, either as members of privileged groups or oppressed groups, must thus take steps to recognize that benefit for what it is, and to understand that it is unjustly gained through the oppression of others.³⁰¹ This is a crucial point. It is not just any benefit which is at stake. It is benefit gained through oppressive institutions and values. To hold people morally responsible for their part in oppression is to recognize that benefitting from oppression is a moral wrong. Our social institutions are not mere accidents that leave some groups with privileges that are denied others.³⁰²

Pfeiffer denies that moral responsibility can be assigned on the basis of the benefit

³⁰⁰Young, *Justice* 26.

³⁰¹See Chapter 3

³⁰²Does this emphasis on a forward looking concept of moral responsibility mean that we ought not to blame those who are privileged? Certainly not, as the discussion of blame I gave earlier still stands. When people recognize that they benefit from oppression and fail to act on that recognition they are complacent in the oppression of others and blame can be appropriate.

that one gains from one's actions. He argues where men harm women and benefit directly from this harm that the benefit they receive has no moral bearing in such cases. He argues that they are logically independent issues. In a sense he is correct, insofar as we can conceive of actions for which we are responsible, but from which we did not benefit. But the connection I am trying to draw is not one of logical necessity. It is grounded in the recognition that the privileges certain groups have are unjust, undeserved and are part of oppressive structures. If oppression is a significantly morally wrong state of affairs, then benefitting from that state of affairs carries with it a moral responsibility to recognize that one has unjustly received the benefits and to try to change the institutions that result in that benefit to the best of one's ability.

Furthermore, Pfeiffer's account is rooted in an interpretation of oppression that is bounded in time. He does not consider the historical context that has led to the privileges he, as a man, can expect to have. It is not largely the actions of men in the present that have formed the institutions within which gender privileges are distributed unequally. But men certainly benefit from the decisions and actions of men in the past. And those who benefit from the actions of those in the past bear some responsibility for putting those wrongs right *in the present*.

Some might argue, that it is unfair to hold people morally responsible today for what people in the past have done. Michael McDonald labels this sort of argument the 'Forefathers Argument,' whereby "we are only responsible for our sins and not for the

sins of our [parents]....How can anyone do more than be just in [one's] own time?"³⁰³

But certainly this ignores how people in the present benefit from the sins of their ancestors. Indeed, McDonald notes that this is not a convincing argument. If one were to steal a watch, then pass it on to one's children, there is a responsibility on the part of children to return the watch, or make compensation if the watch is not returnable.³⁰⁴ One can make an analogous argument with respect to the privileged. If a group benefits from oppressive social practices that existed in the past, then they are in some sense responsible. This does not mean that they must be blamed. But rather, as Young suggests, they must consider how it is that they can act in ways to change institutions through their choices in the future. History confers on us a certain amount of responsibility with regard to our future decisions. The institutions which we support, explicitly or through our complacency, will have an impact on the future. In oppressive contexts, this requires us to very closely examine the basis of our privilege and whether or not such privilege was fairly or unjustly earned.

I am not suggesting that in accepting moral responsibility for oppression that non-Aboriginals give up their houses and savings to Aboriginal communities, or that men resign from their job positions so that women can take their place. But this does not mean that there is no moral responsibility on the part of members of privileged groups to address the oppression they knowingly or unknowingly support. Rather I am arguing that

³⁰³Michael McDonald, "Aboriginal Rights," *Contemporary Moral Issues*, ed. Wesley Cragg and Christine Koggel (Toronto: McGraw-Hill Ryerson, 1997) 375.

³⁰⁴McDonald, 376.

those in privileged groups have a responsibility to act in ways which counterbalance their privilege. This can mean supporting government policies that provide meaningful support for Aboriginal communities, or advocating for the implementation of affirmative actions policies. And more importantly, it requires collective, rather than individual actions to be entirely successful. In order for oppression to be fully addressed, it is necessary that many people accept their role in oppressive structures and do what is possible, within the constraints they face, to change their behavior and the institutions in which they participate.

3. Conclusion

I have argued that Pfeiffer is mistaken in a number of his arguments regarding men's responsibility for the oppression of women. While he denies that many men are responsible, I argue that his motivations for doing so can be interpreted as a reluctance to accept blame, or a reluctance to give up unearned privilege. I argued that blaming people for oppression is a complex matter, requiring attention to the context of the actions, assessment of the risks involved and the level of knowledge of the people involved. However even in grayer cases, such as those where ignorance is a mitigating factor, blame can still be an appropriate response. I drew on Iris Marion Young's account of forward looking responsibility as an alternative response to the problem of privilege in oppressive contexts.

In the following chapter I continue with the analysis begun in this one, looking to a practical issue which raises questions of moral and legal responsibility: free speech and its connection with pornography. Given that such practices are often seen as part of the

societal practices of sexism, and as of benefit to men while harming women, the issue of free speech will illustrate the complexity of identifying moral responsibility in oppressive contexts, the complexity facing theorists in applying the concept of oppression to practical issues, and the complexity of finding solutions that are necessary to address oppression in North American societies.

Chapter 6: Oppression and Pornography

In this chapter, I return to my original argument regarding the absence of an adequate conceptualization of oppression within liberal theory. My goal is to show that the analyses of social justice change substantially when the concept of oppression is central to them. I have chosen as my focus the debate surrounding pornography.

The reason for this choice is twofold. First, there is substantial debate amongst liberals about what the proper response to pornography ought to be. Traditional liberal analyses of free expression are paradigmatic of approaches to social justice which lack adequate conceptions of oppression. Secondly, pornography is an issue for which I see the substantial beginning of an oppression based analysis already in place in the work of feminists writing on pornography.

I will begin by examining recent work within liberal theory regarding pornography and will then proceed to demonstrate how incorporating the concept of oppression would fundamentally change the pornography debate. Finally, I will examine what sort of responses to pornography would be indicated by an oppression-based analysis. It must be made clear that I do not intend to resolve the debate. Rather, my goal is to show how an oppression based analysis permits the proper approach to a very complex social issue that liberalism wrongfully simplifies.

1. Setting the Context: Defining pornography

Before examining how my analysis of oppression applies to pornography, it is necessary to identify the boundaries of my argument with respect to the materials that I am discussing. In other words, what exactly do I mean by ‘pornography’? Is *Playboy*

pornography? Much of debate surrounding pornography and the correct moral response to it centers on how it ought to be defined. It is generally assumed that unless we can define exactly what we mean when we use the term, no progress can be made with regard to the question of whether such material should be permitted.

In his liberal defence of pornography, Fred Berger defines pornography as “art or literature which explicitly depicts sexual activity or arousal in a manner having little or no artistic or literary value.”³⁰⁴ Central to his definition is the content of the material in question, i.e, what it depicts, namely explicit sexual activity that has no artistic value. On the other hand, L.W Sumner, in his recent work on pornography – also within liberal theory – argues that pornography ought to be defined functionally, that is, in terms of the goal of the material rather than the content.³⁰⁵ For Sumner, pornography is explicit material whose purpose is the sexual arousal of its audience by means of the presentation of content broadly construed. Sumner allows for some attention to content, insofar as he is talking about sexually explicit material, but he focuses much more on the purpose of the material. While these definition are thus different in emphasis, there is a significant similarity: Both of these definitions set the boundaries of pornography very widely with no discussion of the various kinds of content that may exist within the general category of sexually explicit material beyond that of ‘having no artistic value’ in the case of Berger.

Feminists’ definitions of pornography, on the other hand, tend to focus much

³⁰⁴Fred Berger, *Freedom Rights and Pornography; A Collection of Papers by Fred R. Berger* (Dordrecht ; Boston : Kluwer Academic Publishers, 1991), 133.

³⁰⁵L.W. Sumner, *The Hateful and the Obscene* (Toronto: University of Toronto Press, 2004), 14.

more on the varied kinds of content which explicit material may have, largely in terms of the type of sexual acts depicted and the power relations portrayed. For example, in her article “Erotica and Pornography: a Clear and Present Difference,” Gloria Steinem argues that ‘erotica’ should be understood as material that depicts mutual pleasure and people who have the ability to choose to be involved in the sexual acts depicted, and it is ultimately about sexuality. ‘Pornography,’ on the other hand, is a term describing material which is about violence and power, not sexuality.³⁰⁶ Watching pornography, according to Steinem, requires that the viewer choose either to identify with the conqueror or the conquered, i.e, the man or woman.³⁰⁷ She draws a parallel between pornography and rape, where neither are about sex, and both are about power.

Steinem’s definition fails, however, to draw important distinctions such as that between materials that simply depict rape but that do not endorse it and those which depict and endorse the actions shown. Furthermore, it is a mistake to say that pornography is not about sex. I will argue later in the chapter that pornography has a great deal to do with sex, particularly when it comes to social norms and values regarding sexual behavior and relations.

A more contextualized account of pornography can be found in Helen Longino’s definition of pornography. In “Pornography, Oppression and Freedom: A Closer Look,” she claims that pornography is sexual material that (a) contains degrading or abusive

³⁰⁶Gloria Steinem, “Erotica and Pornography: A Clear and Present Difference,” *The Problem of Pornography*, Susan Dwyer, ed. (New York: Wadsworth Publishing Company, 1995), 31.

³⁰⁷*Ibid*, 31.

depictions and (b) endorses the subordination depicted.³⁰⁸ For Longino, endorsement only need involve showing the sexual mistreatment of someone bringing another pleasure with no indication that this behavior is inappropriate.³⁰⁹ There are two difficulties with such a definition. The first is that it is by no means clear what will count as endorsement of content. Must the endorsement be explicit? Implicit? Conscious? Unconscious? These are significant questions that are not easily answered. The second problem is that it places the boundaries of pornography within the context of attitudes of the producer rather than the consumer of pornography. It is the attitude of the person creating the material which defines it as pornography as opposed to those who consume it. Yet, it is by no means clear that the attitudes of the producer towards what constitutes proper sexual conduct is definitional of pornography.

Dworkin and MacKinnon provide a similar, although much more complex, definition of pornography in their construction of the Minneapolis and Indianapolis Anti-Pornography/Civil Rights Ordinance.³¹⁰ They propose the following definition: "Pornography is the graphic sexually explicit subordination of women, whether in pictures or in words."³¹¹ They then go on to list a number of examples of material which

³⁰⁸Helen Longino, "Pornography, Oppression and Freedom: A Closer Look," in *The Problem of Pornography*, Susan Dwyer, ed. (New York: Wadsworth Publishing Company, 1995), 35-38.

³⁰⁹*Ibid*, 37.

³¹⁰After being instituted this ordinance was challenged and was ultimately struck down by the United States Federal Court in 1986 as unconstitutional.

³¹¹Andrea Dworkin and Catherine MacKinnon, "The Minneapolis and Indianapolis Anti-Pornography/Civil Rights Ordinance," in *Do The Right Thing*, Francis

would be included within this definition, such as material in which women are tied up, are seen to enjoy pain, rape, and humiliation, are mutilated or bruised, or are degraded. This definition precludes materials that are explicit but lack violence, thus maintaining the difference between pornography and erotica proposed by Longino. Yet, it does not place any intentionality upon the producer in terms of endorsement.

There is clearly tension amongst theorists about how to define pornography. The definitions by liberals seem overly broad by feminist standards, while the feminist definitions seem to incorporate normative judgements, setting aside the term 'pornography' for those materials that are already deemed to be problematic within feminist thought. What must also be noted is that the term 'pornography' is used colloquially to refer to material in the broad, liberal sense of the term. So by standards of common parlance, neither Berger nor Sumner are inherently wrong in painting the term 'pornography' with a broad brush.

One possible way to characterize pornography is to argue that it is effectively hate speech. This line of argument takes the following form. Pornography, as a form of expression, degrades women. Degrading women is hateful. Thus, pornography is hate speech towards women.³¹² I do not find this argument convincing for two reasons. First, it is not automatically apparent that pornography is degrading in all its forms. Sexually explicit material that depicts women and men in equal relationships or that depicts gays

J. Beckwith, ed., 2nd Edition, (Scarborough: Wadsworth, 2002), 529.

³¹²Lorenne Clark, "Sexual Equality and the Problem of an Adequate Moral Theory: the Poverty of Liberalism," *Contemporary Moral Problems*, ed. Wesley Cragg and Christine Koggel (Toronto: McGraw-Hill Ryerson, 1997), 210.

or lesbians are examples of pornography that need not be degrading. Secondly, I shall argue later in the chapter that it is a mistake to understand pornography as an issue of free speech. In some ways it is curious that the pornography debate is cashed out in terms of freedom of speech when much of the issue seems to be about the freedom to *consume* pornography rather than the expressive activity of pornography producers. Ronald Dworkin, for instance, focuses instead on the ‘right to moral independence’ which, he argues, consumers of pornography have.³¹³ I shall argue that pornography is more appropriately understood as an issue of *practice* than of speech.

I propose a middle ground between the competing definitions of liberals and feminists. It is important that common use of the term be preserved, so I am led to think that ‘pornography’ should be construed broadly, to cover sexually explicit material. Unlike Berger, I am unwilling to claim that pornography must be defined by appeal to the lack of its artistic value, as it seems that there is nothing precluding pornography from being considered ‘art’ in a wide sense. Instead, I will side with Sumner and consider the broad category of pornography to be a matter of function. Thus, I shall take ‘pornography’ to refer to the entire class of material that is created with the goal of producing arousal.

One possible objection to this functional definition is that I am committing the same mistake that Longino commits. I objected to Longino on the grounds that a definition of pornography should not rest on the attitudes to the producer. What

³¹³See Ronald Dworkin, *Taking Rights Seriously* (Cambridge: Harvard University Press; 2005).

differentiates my functional definition from Longino is that I am not resting my definition about presumptions about the attitudes that the producer may have about appropriate sexual behavior. My definition remains neutral with regard to such attitudes. The only relevant attitude is that the material is meant to arouse. Such a goal can remain independent of whether the person approves or disapproves of the material in question, and instead depends upon the beliefs the producer has about what the audience wants to see.

There are also divisions within the broad category of pornography based on its content that are relevant for my discussion. I shall employ three terms – ‘erotica,’ ‘soft-core,’ and ‘hard-core’ – to describe the various kinds of pornography I am talking about. ‘Erotica’ will refer to materials that are meant to arouse, but do not show explicit sexual acts.³¹⁴ This would cover materials such as *Playboy* and other magazines which only show nudity in various degrees. The term ‘soft core pornography’ will apply to material which is sexually explicit, i.e., shows sexual acts – either simulated or actual, but does so without any connection to violence or dehumanizing actions. I shall use the term ‘hard core pornography’ to refer to material that is sexually explicit and that links sex acts with violence and/or degradation. In using ‘pornography’ to describe all of these materials, I am in keeping with colloquial usage while at the same time providing categories based on the content of materials.

³¹⁴While pornography is largely visual, I do not want to exclude from my discussion text-oriented materials, such as novels or short stories which can describe different kinds of content. ‘Show’ should thus not be taken as only implying visual pictures or movies of nudity or sexual activity.

The reason for distinguishing different *kinds* of pornography rests on the notion that arguments about restrictions on pornography should take different content into consideration. In refusing to take more detailed content under consideration, Sumner and Berger ignore the possibility that some materials (for example hard-core pornography) might be appropriately regulated by law, while other kinds (such as erotica) might not. Dividing pornography into these categories does not solve all issues. The question still remains about whether one can regulate any of these materials. The subdivisions of pornography themselves do not automatically provide the normative force for arguments about regulation. Rather, they provide the basis for allowing content-based decisions to be made, if appropriate. Different kinds of material, i.e., different content, may – or may not – warrant different responses on the part of society and the government, but they will require more than the simple identification of content. A moral argument for restriction must still be made, and I will be arguing such an argument may be possible in the case of hard core pornography.

2. Liberalism and Pornography.

The issue of pornography within a liberal context are framed as an issue involving the right to free speech. That is, the issue is conceived as dealing with the proper boundaries of such a right. Fred Berger argues that the case for limiting speech must meet three criteria regarding the harm involved. First, there must be evidence of likely and severe harm. Second, the harm must be directly linked with the speech. And finally, further speech must be incapable of combatting the harm in question.³¹⁵ For Berger, and

³¹⁵Berger, 170.

many liberals, speech is generally protected from interference by others because it is an important freedom to protect and it fails to meet the main criterion for intervention, namely, that of harm. Liberal arguments dealing with pornography begin with the assumption of the value of the right to free speech and then ask whether pornography is harmful enough to warrant a limiting of the right.

One recent liberal examination of the limits of free speech is L. W. Sumner's argument in *The Hateful and the Obscene: Studies in the Limits of Free Expression*. Sumner examines hate speech and pornography within an explicitly Canadian context and argues for a response to such kinds of expression utilizing the arguments by John Stuart Mill. I shall criticize Sumner's arguments about pornography as an example of the sort of liberal with whom I am taking issue for two reasons. First, he uses the core commitments of liberalism to ground his arguments, and, second, he is looking at the Canadian legal responses to pornography which I will be examining in Section 4.

Following Mill, Sumner argues that any restriction to freedom of speech must meet the requirements of the harm principle. That is, the only relevant harm which one must consider is the physical harm to another individual. A person's own good or another person's moral good is not a sufficient reasons to limit a person's freedom.³¹⁶ The second principle is what Sumner calls the 'consequentialist principle' which states that if it is established that harm is created by an activity, Mill's commitment to utilitarianism requires that anyone proposing an infringement of freedom meant to curtail

³¹⁶John Stuart Mill, *On Liberty and Other Essays*, John Gray, ed., (Oxford: Oxford University Press, 1991), 14.

the harm in question would have to show that the consequences of the limitation would bring about more benefit than the costs incurred without such a limitation.³¹⁷

Armed with these two principles, Sumner sets out to argue that there is no justification for restricting the content of pornography, understood in the broadest sense. Sumner spends most of his discussion examining the claims that pornography is harmful and looks at two possible categories of harm that have been argued to follow from pornography: physical harm and moral harm.

Sumner rejects arguments based on the moral harm said to follow from pornography. He identifies five claims in particular which are made: a) those who are exposed to pornography are made morally worse off in terms of their moral character b) women who make pornography are degraded, c) women in general are degraded by the presence of pornography, d) women are defamed by pornography and finally, e) women are subordinated by pornography. He considers these arguments as dealing with moral harm, because the harm is not described objectively but instead refers to how one is made worse off in a distinctively normative sense. According to Sumner, arguments which refer to harms to character must be dismissed because these sorts of harms are excluded by a liberal framework. Furthermore, the voluntary nature of the exchange of labour in the industry on the part of women means that women are not degraded either individually or collectively, particularly when some women claim to enjoy making and watching pornography. He argues that in order for women to be subordinated by pornography, pornography must have the authority to do so. He notes, however,

³¹⁷Sumner, 31-33.

It is difficult to see how this condition could be satisfied.. .. pornographers do not have the legal, or normative authority to determine rank or status of women; they have, as we might say, no jurisdiction over this matter. Their portrayal of women in a degrading or subordinating fashion might, or course contribute to or reinforce women's actual, social subordination, but that would be a perlocutionary effect which could be established only by providing evidence of subordination as a causal consequence.³¹⁸

And it is the establishment of causal evidence which plays a central role in his arguments. He rejects arguments claiming pornography subordinates women because there is a lack of any evidence supporting such claims, and it is for these same reasons that he rejects claims about the physical harm caused by pornography, to which I now turn.

Sumner argues that there are two kinds of physical harm which could be said to follow from pornography; harm to those producing it ('participant' harms), and harm caused to others by those who consume it ('third-party' harms).³¹⁹ He dismisses the arguments of Catherine MacKinnon who argues that women are physically harmed in the production of pornography. He argues that to draw the conclusion that rapes and beatings occur from the mere depiction of rape and beatings is to commit a fallacy:

A female character....can be depicted as being beaten, tortured, or killed without really being beaten, tortured or killed. To say this is merely to point out the obvious: even hard-core pornography involves some *acting*, some simulation. When women are depicted in a hard-core video as being brutalized in some way, we should not – must not – conclude from that fact alone that women really were

³¹⁸Ibid, 153.

³¹⁹Ibid, 127-128.

brutalized in the making of the video.³²⁰ [his emphasis]

He goes on to argue that evidence of any actual brutality in the making of pornography must be given, and in particular that MacKinnon's claims about snuff films (films in which women are actually killed in the process) lack any such evidentiary support. He argues that allegations of mistreatment within the porn industry in North America must be treated with suspicion given the increased 'respectability' of the pornography industry and the subsequent self-regulation found within the business.³²¹ He points out that much of the pornography made in North America does not contain violence and thus it is unlikely that physical harm is caused to those in the production process.

The other category of physical harm, that of third party harm, is one for which the evidence is highly contested. There are two ways in which physical harm is claimed to be linked with pornography. First is the claim that pornography increases tendencies in men and sexual offenders to commit sexual violence *in general*. Scientific evidence for this, however, has been widely contested and there does not seem to be any significant agreement amongst scientists as to what causal relationship, if any, actually exists. Some studies have attempted to draw correlations between the consumption of pornography and increased tendencies of violence towards women,³²² but these have been severely

³²⁰Ibid, 128-129.

³²¹Ibid, 130.

³²²See Diana Russell, "Research on How Women Experience the Impact of Pornography," *Pornography and Censorship*, ed. David Copp and Susan Wendell (Buffalo: Prometheus, 1983); Edward Donnerstein, "Pornography and Violence Against Women: Experimental Studies," *Pornography and Censorship*, ed. David Copp and Susan Wendell (Buffalo: Prometheus, 1983); Edward Donnerstein and Leonard

criticized and ultimately have not been successful in convincing those involved in the debate, even supporters of censorship, of an undeniable causal connection between pornography and violence against women.³²³

The second claim, however, is that pornography is causally relevant to individual acts of sexual violence. In their attempts to legislate anti-pornography ordinances in various cities in the United States, Andrea Dworkin and Catherine McKinnon did not rely on abstract arguments about the harm individual women have faced as a result of pornography. Instead they relied on concrete, first person testimonials about the ways in which pornography is used to harm women. Women gave accounts of how their husbands had forced pornography on them and tried to coerce them, sometimes successfully, into performing the acts depicted in pornography. Women told of how they had been raped where pornography played a significant role in the motivation and inspiration for the men

Berkowitz, "Victim Reactions in Aggressive Erotic Films as a Factor in Violence Against Women," *Pornography and Censorship*, ed. David Copp and Susan Wendell (Buffalo: Prometheus, 1983); Neil M. Malamouth, and James V. Check, "Penile Tumescence and Perceptual Responses to Rape as a Function of Victim's Perceived Reactions," *Pornography and Censorship*, ed. David Copp and Susan Wendell (Buffalo: Prometheus, 1983)

³²³In Canada, for example, while the courts have supported bans on violent pornography, the courts acknowledge that the evidence of a direct causal link between pornography and violence is lacking. Pornography research is often criticized as unreliable because of the very nature of the research: reliance on self reporting of participants in the studies, the contrived setup of the experiments, and the difficulty of drawing inferences from experimental studies to 'real life,' David Copp, "Introduction," *Pornography and Censorship*, ed. David Copp and Susan Wendell (Buffalo: Prometheus, 1983)

involved.³²⁴

Sumner argues, however, that we cannot identify pornography as the *cause* of such violence without much more evidence. That is, the violence might have happened anyway. He argues that “...from the fact that a woman suffers a particular injury in which pornography is implicated we cannot conclude that she would not have been injured in the absence of pornography; she might just have been injured in a different way.”³²⁵ For Sumner, in order for pornography to be attributed as a cause of sexual violence in particular cases, it must be shown that the person committing the violence is more likely to engage in such violence as a result of the pornography, as opposed to their simply being abusive men. While he acknowledges that some cases may truly exist, using such cases as an argument for censorship is dangerous given that other forms of media (novels, non-sexual movies) can also be linked to specific acts of violence, for example copy-cat murderers who get their inspiration from movies, books, newspapers or television, or even the Bible.³²⁶

3. Pornography, Hate Speech and Oppression

I find Sumner’s analysis problematic on a number of grounds. The ones which I shall focus on are the ones which I find arising from what I perceive to be a lack of understanding of the notion of oppression within Sumner’s liberal theory. Because

³²⁴Catherine MacKinnon “The Roar on the Other Side of the Silence,” *Feminism and Pornography* (Oxford: Oxford University Press, 2000), 130.

³²⁵Sumner, 141.

³²⁶Ibid, 141.

Sumner's analysis is, as I see it, true of much of the liberal analysis of hate speech and pornography, I shall take his theoretical and societal assumptions as mostly representative of general liberal thinking regarding these issues.

To demonstrate that pornography is part of the oppressive structures that affect women, I turn to my analysis of oppression from Chapter 3. I define oppression as a state of affairs resulting in unjust harm that is done to people on the basis of social group membership that benefits another group (or groups) that is perpetuated and rooted in institutions and societal structures, and that and is located within a historical context. I will begin with the element of harm, as that plays such a significant role within liberal analyses. As I have noted, Sumner rejects claims that women are physically harmed in the making of pornography. The basis for this claim is the increasing 'respectability' of the industry, coupled with the claim that most pornography is not violent. He points out that there are many women who enjoy making pornography and are not harmed at all.

While I do not contest the point that there are indeed women out there who are not physically harmed, Sumner seems to dismiss the accounts of women in the industry who are adamant that they themselves were physically harmed and that the women they worked with were also physically harmed. Women have come forward and have given reports of the harms that they have experienced in the making of pornography. They have been physically and emotionally abused and often report such harm as continuing even after leaving the industry because their images are still distributed.³²⁷

³²⁷Ann Simmonton and Carol Smith, "Who are women in pornography? A conversation," *Not for Sale: Feminists Resisting Prostitution and Pornography*, ed. Christine Stark and Rebecca Whisnant (North Melbourne: Spinifex Press, 2004), 345.

To settle the question of whether women are harmed in the production of pornography, one must ultimately ask: who should be taken to be an authority and what counts as evidence? Sumner takes the self reporting of the pornography industry, i.e, the producers, to be a source of authority. According to Sumner, the makers of pornography claim that they have self-regulation, thus indicating that harm to women is absent.³²⁸ However, it seems evident to me that those who have the authority to speak about the harms caused in the making of pornography are those who have experienced the harms in question. For Sumner to say we should approach such accounts with suspicion is to deny that the women in questions are the authorities of their experience. I take the reports of women in the industry as authoritative as to some of the practices which exist within the industry. Their accounts can be taken as evidence showing that production of *some* pornography does indeed harm *some* women. Not all pornography is produced in ways that harm women: most erotica would probably not result in harm. However, some hard-core pornography has been produced in ways that directly harm the women who make it. To claim that women are not harmed in the production of pornography, as Sumner does, devalues the reported experiences of those women in the industry who have been harmed.

The attempt to link pornography with violence to women outside of the production process is much more difficult, as the scientific evidence is inconclusive. However, it is unclear what scientific evidence could ever be provided to show that the consumption of pornography is the cause of physical harm to women. As Sumner notes, the men who are violent towards women may be violent even without the presence of

³²⁸Sumner, 130-131.

pornography. He requires that condition A (pornography) be necessary for condition B (violence against women) before it can be implicated in violent harm to women. Given that pornography does not seem to be a necessary condition for the sexual violence women experience, insofar as it could happen without the presence of pornography, Sumner concludes that pornography is not causally connected.

This argument only works, however, if one starts with the assumption that pornography must be a necessary condition for sexual violence in order to be part of how women are harmed. This is problematic when one considers how exactly it is that pornography operates in connection to sexual violence. Here, the structural and institutional nature of women's oppression becomes relevant. Feminists do not argue that pornography is the sole cause of harm to women. Pornography is implicated as *part* of the set of conditions which cause violence and other oppressive harms to women.

Men benefit from this harm in many ways. They are able to achieve physical sexual pleasure through the use of pornography. They are largely the ones who benefit economically from the making of pornography. Carol Smith, a former pornography actress now dedicated to helping women who want to leave the pornography business, notes that she was paid \$200 to \$300 per scene. She adds, however, that while it may seem like a significant amount of money for one scene, those producing the movie made much more. Furthermore, Smith notes that most of the women with whom she worked, herself included, had very expensive addictions to drugs such as cocaine. Two hundred dollars does not go far with such habits, which she claims the producers exploited. She notes that when it comes to exploitation of women's labor, the pornography industry is

terrible: "It should be illegal for pornographers to only pay women 0.02% of the profits made from the woman's image."³²⁹ Even Sumner notes that the sale of pornography netted the pornographic movie industry \$4.2 billion dollars in 1997, most of which is funneled into the pockets of the producers, not the actors. Also, it is not only the pornographers who benefit, but major businesses such as cable distributors, hotel chains, and telephone companies, all of which profit from the sale of pornography.³³⁰

Beyond the physical and economic benefits, men also benefit from the ways in which pornography is part of how sex and gender conceptualizations are constructed and reproduced. When women are subordinated, then men benefit from this subordination. What is necessary then, is to show that contrary to Sumner's claims, pornography does indeed play a part in the subordination of women. If one understands pornography, not primarily as an act of expression, i.e., part of free speech, but to be a form of practice, then the understanding of how pornography subordinates will follow.

The notion of pornography as an embodied, subordinating practice is developed by Jean Mason-Grant. In her book *Pornography Embodied*, she analyses the traditional debates surrounding pornography and finds them problematic because they start from the position that pornography is properly characterized as a form of expression. She argues that criticisms against MacKinnon and Dworkin misconstrue their arguments, framing

³²⁹Simmonton and Smith, 359.

³³⁰This is not to say that women do not benefit from the making of pornography. There are women who profit by acting in pornography and those who benefit by produce pornography. Some women may also be major shareholders in businesses such as hotel chains and cable companies and will benefit from pornography through such businesses.

them as arguments about speech acts. Even feminists fall into this trap, according to Mason-Grant. Rae Langton, for example, argues that speech act theory can be used to show how pornography subordinates.³³¹ Mason Grant objects to this characterization of pornography and instead claims that pornography is better understood as a practice. And as a practice, pornography *does* have the normative authority to dictate men and women's sexuality and sexual relationships. Pornography plays a role in determining how people ought to act within sexual relationships.

Mason-Grant argues that we cannot understand this normative force unless we understand it within other contextualized practices. It is pornography's "reiteration, its repetition, of prevailing social norms" that help constitute the normative authority of pornography as a sexual practice.³³² Part of this authority comes from the way in which pornography is formative of sexual agency. Mason-Grant gives four reasons why pornography can be plausibly said to be formative of one's sexual agency in ways that other sexist materials (television ads, for example) are not.

First, pornography's explicit character sets it apart from other sexual materials. What is unique about pornography is that it intimately presents the sexuality of those portrayed in it. Mason-Grant notes that "the world of pornographic images and narratives thus provides a special occasion for experiencing the (*specifically structured and*

³³¹Rae Langton, "Speech Acts and Unspeakable Acts," *Philosophy and Public Affairs*, vol. 22, no. 4 (1993).

³³²Joan Mason-Grant, *Embodying Pornography: From Speech to Sexual Practice*, (Toronto: Rowman and Littlefield Publishers, Inc., 2004), 124.

presented) sexuality of another or others up close and in vivid detail.”³³³ [my emphasis]

Here, she points to one of the central features of pornography that is of interests for my purposes, the way in which sexuality is constructed and presented. How it is constructed is not within a sexual vacuum, but rather draws from the paradigms of sexual activity which are created by the sexual repertoire of pornography of the past as well as the perceived expectations of viewers.

Secondly, unlike other sexist representations, pornography is obviously and directly linked with sex. The use of pornography is largely masturbatory. Viewers use pornography as part of their sexual experiences. The use of pornography is thus not only constructed within a social context, but also becomes part of sexual practices that are part of the development of further practice. Pornography is an embodied practice because of this intimate connection to the physical body and immediate sexual pleasure.

Thirdly, pornography is two dimensional. It does not require the viewer to know anything about the actors within the piece beyond their physical form, and in particular their genitalia. Indeed such knowledge is forbidden. Mason-Grant likens pornography to prostitution, in that it “provides a kind of ease of access to sex objects that are otherwise, in the three-dimensional world of human beings, either off limits or more complicated to access...”³³⁴ With pornography one engages in a sexual experience with the actors, without having to ask for permission, without being accountable to them and without having to have direct contact with them. Sex becomes mediated through pornography.

³³³Ibid, 125.

³³⁴Ibid, 125.

And this mediation is part of what makes pornography a practice. Sexual desires become realized through watching pornography and become repeated in other viewing of pornography and even in actual sexual encounters without the presence of pornography.

Finally, Mason-Grant notes that pornography, in contrast with other media, is transgressive, insofar as there is a certain conservative moral disapprobation against watching such material. Pornography has a certain taboo associated with it. This repressive atmosphere intensifies the experience of pornography because one feels like one is releasing “natural, but bottled up, sexual desires” that society represses.³³⁵ The characterization of pornography as arising from ‘natural’ desires helps the status of pornography gain authority as providing the range of possible sexualities to the viewer.

According to Mason-Grant, these four ways in which pornography gains authority are given more credence when coupled with the fact that pornography is the way in which many young people first get exposure to intimate sexual experiences, be it their first sexual experience of nudity in erotic magazines, or first exposure to explicit sexual activity in soft and hard core materials. Sexual experiences become the intersection point of many different influences, all of which reproduce sexual attitudes and desires which occur in other areas. Mason-Grant correctly notes that:

those who first come to use pornography as part of their explicit explorations of sexuality are already more or less familiar with the social relations that are graphically reiterated/exemplified there...Whatever the prevailing norms that structure use of pornography for sex, it seems plausible to claim that the *experience* of using pornography for sex serves to consolidate those regulatory norms in a

³³⁵Ibid, 126.

personally powerful way.³³⁶

The use of pornography as a sexual experience requires some level of endorsement of the materials in question. That is, when pornography depicts women as objects of men's desire, where the woman's desires are not acknowledged or relevant, then arousal at such depictions means that one is finding them attractive and worthy of sexual appeal.

I reject that this endorsement springs from purely 'natural' desires. Sexual desires are partially biological, but are also significantly socially created. Desires, sexual and otherwise, are rooted in portrayals and understandings of women and men found in other areas of society (such as television, movies, and even religion) and may even be formed in some instances from one's previous experiences of pornography.

When one's first encounter with sexuality is through pornography, this can reasonably be said to affect how one understands sexual encounters and forms one's understanding of appropriate sexual behavior and desire. But the authority of pornography in the creation of sexual desire is not the only way in which one must understand the oppressive nature of pornography. To fully grasp how pornography is oppressive, one must attend to the historical context in which it occurs.

Central to my account of oppression is the importance of historical context. History becomes relevant in two ways, first, when one recognizes that oppressive attitudes and values are transmitted through institutions which evolve throughout time and, second, when one considers the oppressed response to seemingly innocuous behavior, what I call the 'weight of history. When it comes to an analysis of oppression

³³⁶Ibid, 127.

with regard to pornography, attention to the historical situation of pornography and its connection with women's lives is thus vital. For example, in a society where women have had relatively equal status to men, the existence of pornography may not be subordinating. Thus, there is probably nothing inherently wrong in showcasing nude women in magazines in ways which show them as sexually available for men. Where women have the respect of men as sexual beings, and as equals in other areas of social life, soft core pornography and erotica become simply part of many ways in which people engage in sexual relations together and in private. Hard core pornography, however, still may present a problem insofar as it directly connects violence with women as acceptable, but the worry that such material will reinforce already existing norms will be significantly reduced.

In a society where women have historically been the legal property of men, however, and in a society which has historically held women to be unequal to men in all areas of life, devalued for their work, marginalized in politics, and limited by standards of femininity, erotica and soft core pornography are not morally unproblematic. Within the context of a society where historically women have been – and continue to be – raped, and abused, hard-core pornography takes on much more social significance.

Erotica, soft-core pornography and hard-core pornography all carry a historical weight because they are mediums through which oppressive values – not necessarily explicitly depicted – can be transmitted. A depiction of a woman posing nude, as a sexual object for men, is inevitably interpreted through the attitudes and values that form the understandings of gender, which are still rooted in oppressive values. Portrayals of

women as enjoying rape or women enjoying being beaten and humiliated must be taken within the violent historical context that existed and continues to exist within North American society. And when men, women and children are bombarded with pornography depicting women as objects for the sexual pleasure, in conjunction with an oppressive historical context, such images become the means for the continued transmission of sexist attitudes and values.

This historical weight also informs women's responses to pornography. Many women may feel liberated by pornography and support women's right to view and create pornography. However, many women find pornography to be viscerally disturbing. This reaction is often dismissed by people who support pornography as the result of sexual frigidity, religious conservatism, or feminine 'prudishness.'³³⁷ Certainly some responses may very well be attributed to these sources. However, to claim that all women who object to pornography do so because they are sexually repressed ignores the significance of historical context. Other sources of the repugnance women feel towards pornography could include the sexual violence a woman has encountered as a child or as an adult, the sexual harassment a woman faces at work, the knowledge that her husband watches this material and wants her to engage in such practices, or simply the recognition that materials are reiterating depictions of real historical values. Pornography, like other social practices, does not occur within a historical vacuum and it makes little sense to talk about the effect pornography is having in the here-and-now without attending to how the here-and-now is affected by the past and how the here-and-now will affect the future.

³³⁷Sallie Tisdale, *Talk Dirty To Me* (Nelson, NZ: Anchor, 1995).

Many liberals argue that pornography is no worse than other media, such as television and movies, and indeed that pornography may be less problematic because of the more prevalent forms of other media.³³⁸ If these other forms are unproblematic for feminists, then pornography is unfairly targeted, so the argument goes. But this is not what an oppression-based analysis claims. It is not that the other forms of media are less problematic, rather it is partly because television, magazines and other cultural representations of women are oppressive that pornography forms part of sexual practice for many people, and in particular many men. The point is to note how pornography reinforces attitudes and values which are present in these other forms of media, and does so in the distinct way Mason-Grant identifies, namely the intimate connection pornography has with sexual encounters. This distinctive feature of pornography marks it off as different and perhaps subject to a different social response than other materials which are not directly linked to sexual behavior in the same way.

The characterization of pornography as an embodied practice within a historical context leads to the recognition that pornography does indeed have the sexual authority and power to affect significantly the attitudes of men and women, insofar as it is a influential part of how sexual identities and relations are formed. If one only understands 'authority' in the legal sense, then certainly no power has been given to the pornographic industry to subordinate women. But it is similarly clear that given the sexual experience which is bound up with watching pornography, the depictions of women are not merely speech acts, but are repetitions of a kind within a practice as a whole, one which is rooted

³³⁸See Sumner 141; Dworkin, *Taking Rights Seriously*.

within specific societal histories and one that has a profound impact on sexuality. This analysis demonstrates that pornography is part of the oppressive experiences of women. It is clearly not the only part, nor a necessary part, but it does have a major role to play in the oppression of women in North American culture.

3.1 A Note on Child Pornography

Before turning to examine the possible responses to pornography that an oppression-based analysis provides, I must make a short digression. One issue which I have not yet discussed is the status of child pornography and how Sumner approaches the issue of whether the government should regulate it. Sumner's argument with regard to child pornography is in one way consistent with his analysis of 'regular' pornography, but in another way seems inconsistent.

As in his discussion of adult pornography, he divides the possible harm that can result from child pornography into two kinds: participant harms and third party harms. He notes that one primary difference between child pornography and adult pornography is that the participant harms with child pornography are easily apparent. Whenever a child participates in the creation of child pornography, that child is abused because they cannot be meaningfully said to consent. Women, on the other hand, do meaningfully consent as they are old enough to make their own decisions. The making of child pornography with real children, as opposed to graphical representations (such as computer generated models, drawing or cartoons or textual child pornography), essentially constitutes a "visual record of the sexual abuse of children who are being exploited or manipulated for

the sexual purposes of adults.”³³⁹ Here, his argument is consistent with his previous discussion of women’s participation in the creation of pornography insofar as he sees women, unlike children, as *consenting* to the creation of such material. Thus, adult pornography cannot be said to be sexual abuse, while child pornography harms the participants because it is sexual abuse.³⁴⁰

When it comes to third party harms, Sumner’s argument becomes inconsistent.

He argues that the third party harm of child pornography

stems from the use of pornography to groom further victims by ‘normalizing’ sexual activity for children, thereby overcoming prior inhibitions against involvement. In this way the abuse of earlier victims can contribute to the abuse of new recruits.³⁴¹

It is unclear why the potential use of child pornography in the abuse of children suddenly becomes relevant, when the use of pornography to abuse women is considered unproven. If pornography must be shown to be a necessary condition for the sexual abuse of women before it is considered harmful to women, then surely a similar claim should be made regarding the use of child pornography. As I have noted, Sumner argues that the abuse of women would still likely occur, even without the presence of pornography. But surely a similar claim could be made with regards to the sexual abuse of children. Sumner claims

³³⁹Sumner, 157.

³⁴⁰This of course ignores the question of what ‘meaningful’ consent means in the context of women who are pressured into making pornography. An oppression-based analysis is attentive to the ways in which autonomy can be significantly affected by oppressive institutions and values.

³⁴¹Sumner, 157.

that the links between the use of child pornography and third party harms are much more reliable and verified than the links between harm to women and sexual violence, but as I have argued, his reasons for rejecting claims of harm to women are problematic.

Furthermore, Sumner argues that the harm stems from the use of child pornography to 'normalize' sexual activity. But certainly adult pornography is used to normalize the sexual acts portrayed when it comes to women. Sumner wants to maintain the moral disapprobation that seems required for child pornography, yet is unwilling to acknowledge that an analogous argument can be made in the case of adult pornography. Indeed, the preceding section was aimed at making such an argument.

One way in which I would see Sumner trying to respond to this criticism is for him to say that women are able to consent to sex in ways which children cannot, making the normalization of sexual acts unproblematic, insofar as women are in a position to resist the sexual suggestions of men who use pornography. However such a response runs into the problem of those women who point out that men who have sexually assaulted them have used pornography as inspiration, in other words, women are often coerced into sexual practices with men that they do not want. If one objects to child pornography because it normalizes sex with children and this is wrong because there are certain sexual relations which are inappropriate, then certainly a similar argument can be made with regards to adult pornography. And if child pornography is reasonably limited by law, as Sumner claims, then perhaps a legal response to pornography is not as inappropriate as he claims.

4. Responding to Pornography

Having established that pornography is oppressive and that there are parallels between adult pornography and child pornography does little to lead to the conclusion that it should be illegal, however. For there are many activities which are oppressive to women that are still perfectly legal and that would strain our sense of justice to the limit. For example, the collective decisions of women to remain at home and take care of children have oppressive effects on the employment conditions of women, yet it would be an injustice to require that women *not* take care of their children. Rather, a more appropriate response is to argue that the structure of labour should change to accommodate child rearing or that education should be used to show young girls that they are not, by virtue of their gender, the only ones capable of providing care to their children.

Similarly, when it comes to pornography, one can ask the question: given its oppressive nature, what is the proper response of society towards pornography. Sumner's conclusion of his book states that the Canadian Government's response to pornography in making certain materials illegal is inappropriate given the lack of harm that results. However, I think that a *prima facie* case can be made that the decision of the Supreme Court of Canada in the cases of *R versus Butler*, which Sumner rejects, is a reasonable start to responding to the issue of pornography, while at the same time recognizing that it is incomplete and far from perfect.³⁴²

³⁴²R. vs. Butler
<http://www.lexum.umontreal.ca/csc-scc/en/pub/1992/vol1/html/1992scr1_0452.html>, 1992.

First, I shall briefly detail the Court's decision, showing how its analysis can be seen as applicable within an analysis of oppression, even if the Court itself does not use the term 'oppression.' I shall respond to some objections to my position that these cases are moving us in the right direction. And finally, I shall point out how it is that such responses cannot be seen as the only solution to the problem of oppression, but rather that additional responses on the societal, cultural and individual levels are required.

4.1 Legal Responses to Pornography

In 1992, Donald Butler brought a constitutional challenge related to freedom of speech and pornography to the Supreme Court. He had been charged with selling obscene material and possessing obscene material with the intent to sell after a raid on his adult video store. He argued that Section 163 of the Criminal Code violated his constitutional right to free speech.

Section 163 of the Canadian Criminal Code states that it is illegal to produce and distribute materials which are deemed obscene. Possession of obscene materials alone is not illegal and only is criminal when connected with an intent to sell or distribute the materials. Subsection 8 of Section 163 explicitly defines 'obscene' as those publications which unduly exploit sex or have sex connected with crime, horror, violence and cruelty.³⁴³ The Supreme Court, in a unanimous vote of 9-0, disagreed with Butler. It judged that the law was indeed constitutional and that any limits to his freedom of expression were justified in accordance with Section 1 of the Charter.

Section 1 of the Charter states that the Charter "guarantees the rights and

³⁴³See Appendix for the complete law.

freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.”³⁴⁴ What this means is that our rights as Canadian citizens, such as the right to freedom of speech, are not absolute. We have these rights as *prima facie* rights, but they can be limited when other principles of justice demand it. Through Section 1 of the Charter, The Supreme Court recognizes that liberty, in the form of freedom and rights, is not the only value in a just society.

The reasoning of the Court is based on the idea that pornography is harmful, and namely that groups – in the case of pornography, women – are harmed when their equality is threatened. The decision references the 1990 Supreme Court decision in *R vs Keegstra*, which deals with hate speech. In that decision, the Court recognized two forms of harm as the result of hate propaganda. The first harm rests on the notion of dignity of members of the group, and the second was the way in which hate propaganda can affect social values. “The threat to self dignity of target group members is thus matched by the possibility that prejudiced messages will gain some credence, with the attendant result of discrimination, and perhaps even violence, against minority groups in Canadian society.”³⁴⁵ The Court thus argues that the importance of equality and the Canadian commitment to multiculturalism, coupled with the harms caused by hate speech are significant enough to justify overriding the right to free speech. Similar reasoning is

³⁴⁴Charter of Rights and Freedoms,
<<http://lois.justice.gc.ca/en/charter/index.html>> 1982.

³⁴⁵*R. vs. Keegstra*,
<http://www.lexum.umontreal.ca/csc-scc/en/pub/1995/vol2/html/1995scr2_0381.html>
1995.

present in the Butler case with regards to pornography.

In examining the dangers of pornography, Judge Sopinka argues that a distinction must be made between pornography which is merely sexual, and that which is sexual as well as violent and/or degrading. He argues that the former is not properly restricted, while the latter is justifiably limited, in keeping with the definition of obscenity found in the legislation. His target is thus explicitly the kinds of pornography which feminists have been so adamant to suppress, the violent and degrading kind.

Sopinka references the Keegstra decision, reinforcing the notion that the danger of such material is to the perceptions of the group as a whole, not just to instances of individual violence. When it comes to pornography, proving that pornography will increase instances of rape and violence against women, which has been so highly contested by both feminists and non-feminists, thus becomes moot. Indeed the courts acknowledge that proving scientifically such connections is highly unlikely. Thus Sopinka writes: "While a direct link between obscenity and harm to society may be difficult, if not impossible, to establish it is reasonable to presume that exposure to images bears a causal relationship to changes in attitudes and beliefs."³⁴⁶ The danger is to the perception of women as a group, namely the perception of women as sexual objects to be degraded, rather than sexual subjects, to be respected.

The courts accept *The Report on Pornography by the Standing Committee on Justice and Legal Affairs*, which states that when societies value equality as basic to human interaction, sexual or otherwise, they are justified in limiting material which

³⁴⁶R vs Butler.

violates the principle of equality.³⁴⁷ And when it comes to pornography, the material in question does just that. Pornography normalizes sexist attitudes and behaviours.

Such an analysis is compatible with the oppression-based analysis of pornography I provided. The court's decisions are grounded in an understanding that pornography affects perceptions of women and is damaging to equality, even if the language of oppression is notably absent. The understanding of pornography as significant in the formation of oppressive values and attitudes is the very understanding that is missing in Sumner's analysis.

Sumner states that his analysis "has eventuated in a blueprint for a society that strikes an appropriate balance between the potentially conflicting values of liberty and equality."³⁴⁸ What is missing from his analysis is an understanding of how equality must be understood in oppressive societies. By conceiving pornography as a form of speech he has effectively weighted the scales in favour of liberty. But this balance is challenged when one realizes that these activities are oppressive. This casts the issue in a different light. The issue is no longer about presupposed value of freedom of speech and is now about how far society should tolerate oppressive activities. The Court's analysis is much more receptive to the arguments of an oppression-based analysis than Sumner's liberal framework.

I have argued in Chapter 5 that when oppressive activities are identified, responsibility is generated, requiring a response where possible. It seems in the case of

³⁴⁷R vs Butler

³⁴⁸Sumner, 203.

pornography some kind of government response would be appropriate. But is the legal response of the Courts a proper one? I believe that there is reason to think so.

Some forms of pornography are still available. Most of the pornographic industry, soft core pornography and erotica remains untouched by obscenity laws as they stand in Canada. What has been made illegal is hard core pornography. As Sumner himself notes, most of the pornography produced in the US and Canada is not violent and degrading, so the extent of the limitation on pornographer's free speech is not substantial. Furthermore, in targeting hard core pornography, the courts are targeting material which is most clearly linked with sexist attitudes and values.

The justification for drawing a distinction between hard core pornography on the one hand and soft core pornography and erotica on the other, can be drawn from Mason-Grant's analysis, which identifies the immediacy of pornography's sexual influence as of importance. Violent and degrading pornography can be targeted for government interference because of the more explicit connection of sex and inequality in violent and degrading pornography. This does not mean that such pornography plays any greater causal role, but rather means that the state has more justification for interfering when the connection between oppressive attitudes and sexually formative materials is much clearer.

Because Sumner fails to distinguish different kinds of pornography based on content, he does not allow for the possibility that some pornography, namely hard core pornography, can be justifiably limited, while other pornography need not be subject to state interference. For these reasons, I think that the Courts have done a fairly

commendable job at balancing the freedoms of the Charter with the need for equality and are moving towards a proper analysis of the issue of pornography.

4.2 A Cautionary Note

One aspect of concern which will be raised within my analysis of oppression is the worry about the context in which censorship occurs. Censorship will occur within the pre-existing institutions which themselves are imbued with oppressive attitudes and values. Recognizing this makes it important to note how an oppression based analysis also urges a significant amount of caution. An oppression-based analysis will thus also be concerned with identifying how responses may inadvertently oppress the groups that are ostensibly being helped, as well as identifying possible intersections of oppression.

Wendy McElroy, for example, argues that feminists who advocate censorship are reinforcing the image of women as victims who need protecting.³⁴⁹ On this view, censorship is understood as a paternalistic approach to women's oppression, where women are seen as vulnerable and in need of protecting, invoking the sense of victim which implies powerlessness and a negative image of women. In particular McElroy is concerned with the perception of those women who participate in the production of pornography. She argues that radical feminists such as Catherine MacKinnon and Andrea Dworkin draw a comparison between women and children that is insulting, degrading and ultimately may serve to backfire against women.

This attitude of 'I'm a helpless victim' could easily backfire on women who may be required to prove they are

³⁴⁹Wendy McElroy, *XXX: A Woman's Right to Pornography*, (New York: St. Martin's Press, 1995).

able to manage their own finances, or to handle custody of their own children. Moreover, the idea of men 'emotionally or verbally coercing' women reinforces the concept of men as intellectually and psychologically stronger than women."³⁵⁰

From this perspective, censorship means paternalistic protection of women, who are not understood be autonomous enough to make their own choices, either because they lack the ability to make choices (based on oppressive understandings about the nature of women), or because they've been 'brainwashed' (based on radical feminists understandings of patriarchy). In either case, women are denied spaces as autonomous beings who are capable of governing their own lives. Mariana Valverde claims that

[Catherine] McKinnon's approach intends to empower women; however its actual effect is to portray women as victims....This results, at the level of political practice, in choosing strategies...that emphasize the protection of women against sexual danger to the detriment of all other strategies for our social and sexual liberation."³⁵¹

On such views, censorship of pornography actually reinforces the sexist attitudes towards women. Indeed, a significant criticism raised against MacKinnon and Dworkin is that they are effectively giving weight to right-wing conservative religious groups who also campaign against pornography, but do so with sexist and oppressive attitudes towards women.

In practice the use of the law does not always coincide with the justification and

³⁵⁰Ibid, 217.

³⁵¹Mariana Valverde, "Beyond Gender Dangers and Private Pleasures: theory and Ethics in the Sex Debates," *The Problem of Pornography*, ed. Susan Dwyer, (New York: Wadsworth Publishing Company, 1995), 183.

intent of the law. This misuse of the law was most clearly demonstrated when a small independent book store, *Little Sister's* tried to import pornographic books from the United States. Canadian Customs agents seized, detained and eventually destroyed many books and magazines, labelling them as obscene. Included with the seizures and the subsequent destruction were numerous books that were not even close to being obscene under the definition set out by the Criminal Code, but had been targeted simply because they were ordered by the bookstore which sold gay and lesbian fiction and sexual material. The bookstore took Canadian Customs to court, and, despite the Court's decision in their favour, continued to face problems as books continued to be held up at Customs, and publishers became loathe to send books to them. This sort of case is a paradigm case of how the use of law to censor has led to oppression, namely the oppression of gays and lesbians. This case is often used as proof that the Butler decision, far from protecting women, is a way in which the government legalized the moralizing of sexuality.³⁵²

There is an element of the obscenity law which I am against, for the same reasons as Sumner, namely the aspect of the definition of 'obscene' as the 'undue' exploitation of sex. 'Undue' is taken in the Court's reasoning as appealing to community standards.³⁵³ Sumner find this problematic because of the very uncertain task of establishing community standards. The appropriateness of such standards is cast into doubt when one considers, for example, the widely held disapprobation of homosexuality. It was this very

³⁵²See the collection of essays in Strossen (2002).

³⁵³R vs Bulter

sort of reasoning which lead to the problems *Little Sister's* had with Canadian Customs.

I am sympathetic to the worries of those who identify the potential for the oppressive effects of censorship. And I agree with Sumner that appeals to community standards are problematic at best. An oppression based analysis must recognize and try to address such dangers. It will encourage the need for open debate about what constitutes degrading and violent sexual material. But it will do so with an understanding that what is at stake is more than the freedom of speech of some individuals to sell pornography and express hatred. It will recognize that what is also at stake is the way in which society is willing to respond to oppression. It will also note that some women participate in their own oppression and that to argue that women should be free to make hard core pornography and any restrictions on that freedom oppress those women ignores how the choices of women to make hard-core pornography contribute to the transmission of oppressive values. And as I argue in Chapter 5, members of oppressed groups are not exempt from being held morally responsible for the oppression they cause to members of their own social group. Thus, while I realize that oppressive legal structures may make regulation of pornography difficult, a *prima facie* case can be made in favour of the legal regulation of certain kinds of pornography, namely hard-core pornography.

4.3 Moving Beyond the Law

In the Butler case, Sopinka divides the category of pornography into three kinds and says that the first kind is not a source of inequality for women. I disagree. The sort of pornography to which he is referring falls under my category of erotica. It is vital on an oppression-based analysis to recognize that erotica can be a part of the sexual practices

which oppress women. To say that such pornography is unproblematic because it fails to be explicitly violent or degrading is to ignore the ways in which men and women's sexuality are created, not only within pornography but from other media such as television, magazines and movies. In claiming that soft-core pornography and erotica play no part in the oppression of women, the arguments of Sopinka manifest a significant lack of understanding of the ways in which the oppression of women occurs.

However, a legal response banning all forms of pornography on such a broad level would encounter many problems: significant social backlash, problems of enforcement, and disagreement about what constitutes sexist representation, to name simply a few. This is why societal responses to oppression are necessary outside of the legal framework as well as within. Censorship of hard core pornography must be accompanied by the recognition that such pornography is not the only cause of women's oppression but works in tandem with other kinds of pornography and other sources of inequality to create oppressive experiences for women.

In some cases, policies have been adopted to incorporate acknowledgement of sexism and other forms of oppression. The Canadian Radio-television and Telecommunications Commission, for example, has developed guidelines for advertising standards which the advertising industry in Canada has adopted. The guidelines include emphasis on the kinds of depictions which are permissible. Section 14 of the code reads:

Advertisements shall not:
(a) condone any form of personal discrimination, including that based upon race, national origin, religion, sex or age;
(b) appear to exploit, condone or incite violence; nor directly encourage, or exhibit indifference to, unlawful or reprehensible behaviour;

(c) demean, denigrate or disparage any identifiable person, group of persons, firm, organization, industrial or commercial activity, profession, product or service or attempt to bring it or them into public contempt or ridicule;
(d) undermine human dignity, or appear to encourage or be indifferent to conduct or attitudes that offend the standards of public decency prevailing among a significant segment of the population.³⁵⁴

These standards are quite encouraging.³⁵⁵ An oppression based analysis would suggest that these kinds of standards are vital not only in the advertising industry, but in all media industries at large, including television programming, news programmes, music videos, movies and other entertainment mediums such as video games. Education in schools with regard to sex and sexuality could also be a means of forestalling the appeal of pornography, replacing it with more equitable forms of sexual interactions. An oppression-based analysis requires that social responses to oppression not be myopic with regard to the sources of oppression. It would be misguided to focus solely on pornography while ignoring other media.

It is vital for those who are not members of oppressed groups to stand in moral solidarity with those who are victims of oppressive sexual relations. Rebecca Whisnant says quite bluntly:

³⁵⁴Advertising Standards Canada, "Canadian Code of Advertising Standards" <<http://www.adstandards.com/en/Standards/canCodeOfAdStandards.asp#unacceptableDepictions>> 2004.

³⁵⁵One problem with these guidelines is that they only cover Canadian advertisements. Any advertisements contained within American media that are seen in Canada are exempt. Also, these guidelines have no bearing on media forms which are not advertisements. International cooperation would be necessary to successfully deal with sexist media, given the lack of control over non-Canadian material.

Men: don't use pornography. Throw it away and start dreaming your own dreams about sex, women, mean and joy....Don't let your friends use pornography without challenging them....Women: don't lie to yourself and say that this issue has nothing to do with you or your friends."³⁵⁶

Whisnant picks up on an integral part of oppression-based analysis: individual actions help contribute to oppression even when the person whose actions are in question may not hold oppressive attitudes and beliefs. Part of the problem of oppression is the silence on the part of other groups when the protests of oppressed groups are raised, either collectively or individually. As I argued in Chapter 5, silence is compliance, often signalling agreement, and is an essential component of ongoing oppression.

5. Conclusion

One might argue that an oppression analysis has not solved anything, insofar as the questions about the appropriate balance of legal intervention and the demands of equality are not entirely answered; the question of what constitutes degrading and hateful expressions still remains. I do not intend for my analysis to resolve the debate. Rather, I intend the conceptual analysis to play a central role in the characterization of social justice issues. There is still much that is up for debate with regard to the issue of pornography. However, what my analysis has done is raised significant issues about the role of such materials in the creation of oppressive experiences in ways which a traditional liberal analysis such as Sumner's fails to do: it provides some reason to think

³⁵⁶Rebecca Whisnat, "Confronting Pornography: Some Conceptual Basics," *Not for Sale: Feminists Resisting Prostitution and Pornography*, Christine Stark and Rebecca Whisnat, ed. (North Melbourne: Spinifex Press, 2004), 27.

that a certain amount of legal intervention is not completely unwarranted.

A society with a sincere commitment to equality must take these issues into consideration. To simply characterize pornography as an issue about free speech, the harm of which must be physical before regulation is justified, is to operate from a position which does not take oppression into account. It must be clear, however, that an endorsement of the Court's decision must also come with a recognition that the law has sometimes been used wrongly, has been interpreted too broadly, and operates within sexist and racist institutions. While I believe that an oppression-based analysis lends support to the sort of reasoning provided by the courts, I do not believe the reasoning is unproblematic or that it could not bear some refinement.

This does not mean that no action is the proper response. Rather it simply shows that any response must be examined critically, and must be coupled with social responses that move beyond a legal response to oppression. An oppression-based analysis will complicate the issue of pornography. It does not lead clearly to any particular response, on its own, but rather sets the framework for developing responses that recognize and attempt to solve the problems of oppression such an issue raises. To that end, it is vital to incorporate an adequate understanding of oppression within the theoretical and practical discussion of justice.

Chapter 7: Conclusion

Analysing social injustices requires that one begin with a framework which will adequately describe and explain the complete array of details encountered by those who suffer the injustice. In Chapter 2, I argued that the liberal frameworks of both traditional liberalism and multicultural liberalism lack central pieces of analysis that are necessary to understanding injustices encountered by groups in liberal societies such as Canada and the United States. These accounts do not take into account the nature of oppression and its effect on the types of harm people experience, the ways in which people make choices within oppressive contexts, and, in particular, the weight of history that accompanies the experiences of the oppressed.

In Chapter 3, I provided an analysis of oppression rooted in the vast array of unjust harms which arise from institutional and cultural barriers that limit certain groups. Oppression must thus be seen as consisting of fundamentally group-based harm, insofar as it is one's membership in a social group that causes one to be harmed in oppressive ways. While some feminists, for example, Marilyn Frye, have placed an emphasis on the privilege others gain from the oppression of others, I place harm at the centre of my analysis because it is only through the harm to others that such privilege becomes problematic. My analysis draws heavily on the work of Ann Cudd, Iris Marion Young, Marilyn Frye and Jean Harvey, all feminist theorists who have recently addressed the question of what constitutes oppression.

What makes my analysis different from previous feminist approaches is the importance I place on history. While unjustified, systematic harm is the central core of

my approach to oppression, that harm can only be understood within a specific historical context. I argued that history is important for two reasons. First, oppressive attitudes and values are transmitted through societal institutions. The institutions of a society are not formed within a historical vacuum, but rather draw heavily on the traditions and values that have been present in society throughout history. And second, those who are oppressed often are aware of the way in which members of their group have been treated historically. This knowledge of history informs how they react to practices and interactions in their lives, often transforming otherwise innocuous events into oppressive experiences.

There has been significant resistance to an oppression based analysis on the part of certain feminists whom I call ‘power’ and ‘individualist’ feminists. They urge feminists to stress the independence and the power of women, but I argue in Chapter 4 that in doing so they ignore the real consequences of oppression on women’s lives. Furthermore, their accounts gloss over the intersections of race and gender when it comes to differences in experiences of oppression for women who are not White. Far from victimizing women, an oppression based analysis holds the power of recognizing how history and social institutions structure women’s choices. I argued that an oppression-based analysis enables feminists to recognize more clearly how women’s choices are often constrained by oppressive social institutions and how some choices on the part of women can be oppressive, not only to other women but to other social groups.

While feminists like Wendy McElroy and Naomi Wolf have been quick to reject the concept of oppression, some men have been quick to pick up the concept to describe

the situation of men as a group. I have argued that, while men can certainly be oppressed by virtue of certain group memberships, oppression based solely on the male gender is not an accurate way to describe the situation of men in societies such as Canada and the United States. Rather, the experiences of oppression for men will be inevitably bound up in race, sexual orientation, disability and other social groups. The attempts to describe men as oppressed have failed because they rest on wrongful interpretations of the central components of the concept oppression, namely, 'unjust harm' and 'benefit.' Thus, while men may experience injustice, and while they may experience oppression as a result of their membership in other groups, it would be a mistake to describe men's experiences as oppressive.

The analysis of oppression I provided raises some difficult questions with regard to assigning moral responsibility. If oppression is as complex as I have argued, then figuring out who is morally responsible for its existence becomes a difficult matter. In Chapter 5, I examine the position, exemplified by the arguments of Raymond Pfeiffer that moral responsibility for oppression cannot be assigned to groups, but must rather be placed on the shoulders of those who deliberately oppress. He argues that because the oppression of women could plausibly continue without men's active involvement, i.e., without their deliberate oppressive behaviour, and furthermore, because there are clearly men who do not act oppressively, moral responsibility cannot be assigned to men collectively. Men, as a group, thus escape blame. This argument illuminates why an adequate understanding of oppression is necessary. People often reject claims that other social groups are oppressed because of the implication that they will have to shoulder the

moral, and sometimes legal, consequences of recognizing the other groups to be oppressed. I have argued that examining moral responsibility within oppressive contexts must take into account the ways in which benefits and privileges of the oppression of certain social groups attach to other social groups, not just individuals. Moral responsibility for oppression cannot be seen to apply only to cases of direct actions, but must also be seen to be applicable in cases of omission and where groups continue to experience the privileges that endure as a result of past and present oppressive institutions.

My goal is to situate oppression as an important concept within theoretical and practical arguments regarding social justice. In the final chapter I bring my analysis of oppression and its implications on moral responsibility to the practical issue of how to respond to pornography. My aim was not to resolve the debate, for attempting to answer that question could be the project of an entire dissertation. Rather, my purpose in raising the issue was twofold. First, I demonstrated how contemporary liberal arguments often fail to incorporate an understanding of how pornography is connected to the oppression of women. Secondly, I argued that there is a *prima facie* reason for thinking that legal responses to oppression are justified when the issue is approached with an oppression-based analysis, while recognizing that focussing solely on pornography as the source of women's oppression would be misguided.

Oppression is a significant social injustice. It is not the only one, by far, but it is one that often goes unnoticed and unaddressed in contemporary liberal societies, such as Canada and the United States. In understanding the nature of oppression and what makes

social groups oppressed, injustices that may previously have been hidden can be revealed. And revealing and recognizing the injustice is the first step in addressing it. Feminists have long rooted their analysis in a discourse based on the oppression of women. My goal has been to illuminate and build upon important feminist work on conceptualizing oppression and to reclaim a space for the concept within traditional liberal frameworks.

Appendix: Canadian Criminal Code on Obscenity.

SEXUAL OFFENCES, PUBLIC MORALS AND DISORDERLY CONDUCT

163. (1) Every one commits an offence who

- (a) makes, prints, publishes, distributes, circulates, or has in his possession for the purpose of publication, distribution or circulation any obscene written matter, picture, model, phonograph record or other thing whatever; or
- (b) makes, prints, publishes, distributes, sells or has in his possession for the purpose of publication, distribution or circulation a crime comic.

(2) Every one commits an offence who knowingly, without lawful justification or excuse,
(a) sells, exposes to public view or has in his possession for such a purpose any obscene written matter, picture, model, phonograph record or other thing whatever;

(b) publicly exhibits a disgusting object or an indecent show;

(c) offers to sell, advertises or publishes an advertisement of, or has for sale or disposal, any means, instructions, medicine, drug or article intended or represented as a method of causing abortion or miscarriage; or

(d) advertises or publishes an advertisement of any means, instructions, medicine, drug or article intended or represented as a method for restoring sexual virility or curing venereal diseases or diseases of the generative organs.

(3) No person shall be convicted of an offence under this section if the public good was served by the acts that are alleged to constitute the offence and if the acts alleged did not extend beyond what served the public good.

(4) For the purposes of this section, it is a question of law whether an act served the public good and whether there is evidence that the act alleged went beyond what served the public good, but it is a question of fact whether the acts did or did not extend beyond what served the public good.

(5) For the purposes of this section, the motives of an accused are irrelevant.

(6) [Repealed, 1993, c. 46, s. 1]

(7) In this section, "crime comic" means a magazine, periodical or book that exclusively or substantially comprises matter depicting pictorially

(a) the commission of crimes, real or fictitious; or

(b) events connected with the commission of crimes, real or fictitious, whether occurring before or after the commission of the crime.

- (8) For the purposes of this Act, any publication a dominant characteristic of which is the undue exploitation of sex, or of sex and any one or more of the following subjects, namely, crime, horror, cruelty and violence, shall be deemed to be obscene.

Source: <http://laws.justice.gc.ca/en/C-46/42053.html>
Updated April 30, 2004

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